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2           An act relating to Martin County; providing for  
3           the relief of Margaret B. Helm for injuries and  
4           damages sustained as a result of the negligence  
5           of the Martin County Volunteer Fire Department;  
6           specifying the use of funds appropriated;  
7           providing for reimbursement of Medicaid Brain  
8           and Spinal Cord Injury Program, and Vocational  
9           Rehabilitation Services expenditures; providing  
10          an effective date.

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12           WHEREAS, on March 21, 1999, Veronica Pochopin was  
13          driving at or near County Road 707 (Dixie Highway) at Jensen  
14          Beach in Martin County, Florida, when an intoxicated bicyclist  
15          rode into the path of her motor vehicle and was struck by Mrs.  
16          Pochopin, and

17           WHEREAS, Margaret B. Helm, a passing motorist, stopped  
18          to assist Mrs. Pochopin, and

19           WHEREAS, Margaret B. Helm, Veronica Pochopin, and Mrs.  
20          Pochopin's husband, who was a passenger in the vehicle, were  
21          sitting behind the damaged vehicle while Margaret B. Helm was  
22          attempting to care for Mrs. Pochopin, and

23           WHEREAS, while the Martin County volunteer firefighters  
24          were attempting to extricate the body of the intoxicated  
25          bicyclist from the front seat of the damaged vehicle, where it  
26          had landed after coming through the windshield, the vehicle  
27          went into reverse running over Margaret B. Helm, and

28           WHEREAS, as a result of this incident, Margaret B. Helm  
29          is now a paraplegic and is expected to remain so for the rest  
30          of her life, and

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1           WHEREAS, Margaret B. Helm and Martin County have  
2 entered into a settlement agreement that requires Martin  
3 County to pay, pursuant to a claim bill enacted by the  
4 Legislature, the sum of \$2,250,000, with \$500,000 of this sum  
5 to be paid in the form of an annuity, in addition to the  
6 \$100,000 already paid pursuant to the statutory cap on  
7 liability in section 768.28, Florida Statutes, and

8           WHEREAS, the payment will not involve any tax increase  
9 in Martin County for the sole purpose of paying the amounts  
10 agreed to in the settlement agreement, NOW, THEREFORE,

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. The facts stated in the preamble of this  
15 act are found and declared to be true.

16           Section 2. Martin County is authorized and directed to  
17 draw a warrant in the sum of \$1,750,000, less amounts payable  
18 pursuant to section 3, payable to Margaret Helm as  
19 compensation for injuries and damages caused by the negligence  
20 of the Martin County Volunteer Fire Department. After payment  
21 of any outstanding liens not specified in section 3, statutory  
22 attorney's fees, and costs, the remaining proceeds shall be  
23 paid to Margaret Helm. In addition to the \$1,750,000 lump-sum  
24 payment, Martin County is also directed to pay an additional  
25 \$500,000 to Margaret Helm in the form of an annuity.

26           Section 3. The governmental entity responsible for  
27 payment of the warrant shall pay to the Florida Agency for  
28 Health Care Administration the amount due under section  
29 409.910, Florida Statutes, prior to disbursing any funds to  
30 the claimant. The amount due the agency shall be equal to all  
31 unreimbursed medical payments paid by Medicaid up to the date

1 upon which this act takes effect. The governmental entity  
2 responsible for payment of the warrant shall also pay to the  
3 Florida Department of Health the amount due to the department  
4 prior to disbursing any funds to the claimant. The amount due  
5 to the department shall be equal to all unreimbursed payments  
6 paid by the Brain and Spinal Cord Injury Program up to the  
7 date upon which this act takes effect. The governmental entity  
8 shall also pay to the Department of Education the amount, if  
9 any, due to the department prior to disbursing any funds to  
10 the claimant. The amount due to the department shall be equal  
11 to all unreimbursed payments paid by the department's  
12 Vocational Rehabilitation Services Program up to the date upon  
13 which this act takes effect.

14           Section 4. This act shall take effect upon becoming a  
15 law.

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