1   A bill to be entitled

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 and

8   Brain and Spinal Cord Injury Program

9   expenditures; providing an effective date.

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11   WHEREAS, on March 21, 1999, Veronica Pochopin was

12   driving at or near County Road 707 (Dixie Highway) at Jensen

13   Beach in Martin County, Florida, when an intoxicated bicyclist

14   rode into the path of her motor vehicle and was struck by Mrs.

15   Pochopin, and

16   WHEREAS, Margaret B. Helm, a passing motorist, stopped

17   to assist Mrs. Pochopin, and

18   WHEREAS, Margaret B. Helm, Veronica Pochopin, and Mrs.

19   Pochopin's husband, who was a passenger in the vehicle, were

20   sitting behind the damaged vehicle while Margaret B. Helm was

21   attempting to care for Mrs. Pochopin, and

22   WHEREAS, while the Martin County volunteer firefighters

23   were attempting to extricate the body of the intoxicated

24   bicyclist from the front seat of the damaged vehicle, where

25   the bicyclist's body had landed after coming through the

26   windshield, the vehicle went into reverse running over

27   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 to 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 the department
4 prior to disbursing any funds to the claimant. The amount due
5 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.
8   Section 4. This act shall take effect upon becoming a
9 law.
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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.