

Senate Bill No. 46

An act relating to Metropolitan Dade County; providing for the relief of Martha Sosa; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of Metropolitan Dade County; providing for reimbursement of all unreimbursed medical payments made by Medicaid up to the date that this bill becomes a law; providing an effective date.

WHEREAS, on October 27, 1995, Martha Sosa was on her way home from work on a Route 11 Metropolitan Dade County bus, and

WHEREAS, she disembarked from the bus, walked to the bus bench to tie her shoe, and lost her balance and fell into the street under the bus in front of the rear wheels on the passenger side, and

WHEREAS, Ms. Sosa was able to move most of her body out from under the bus, but was unable to remove her right arm before the bus drove over it, and

WHEREAS, Martha Sosa suffered a degloving injury to her right arm, which involved the skin, flesh, and muscle tissue being stripped away from the bone beginning at the top of her shoulder and continuing down to her wrist, and

WHEREAS, Ms. Sosa underwent six surgeries to repair her arm, was in the hospital for approximately 1 month following the injury, underwent 5 months of occupational therapy, and has remaining disabilities with her arm, and

WHEREAS, Ms. Sosa was out of work for approximately 9 months, and

WHEREAS, Martha Sosa filed suit against Metropolitan Dade County on May 31, 1996, and

WHEREAS, on July 23, 1998, the jury returned a verdict finding the defendant sixty-five percent liable for Ms. Sosa's injuries and finding Ms. Sosa thirty-five percent comparatively negligent for her own injuries, and

WHEREAS, a trial on damages immediately followed with the jury returning a verdict in the total amount of \$2,576,000 on July 24, 1998, and

WHEREAS, after a reduction for the comparative negligence assigned to Ms. Sosa, the total recovery due her from Metropolitan Dade County was \$1,674,000, and

WHEREAS, after the jury verdict, the parties entered into mediation and settled the case for the total amount of \$1,000,000 on September 14, 1998, and

WHEREAS, Metropolitan Dade County has paid the limit of \$100,000 under section 768.28, Florida Statutes, and

WHEREAS, Metropolitan Dade County has agreed to support a claim bill for the remaining amount of \$900,000, under the settlement agreement, NOW, THEREFORE,

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

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

Section 2. Metropolitan Dade County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$900,000 payable to Martha Sosa for injuries and damages sustained as a result of the negligence of Metropolitan Dade County.

Section 3. The governmental entity responsible for payment of the warrant shall pay to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to disbursing any funds to the claimant. The amount due to the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date that this bill becomes a law.

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

Became a law without the Governor's approval April 6, 1999.

Filed in Office Secretary of State April 5, 1999.