

Committee Substitute for Senate Bill No. 24

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

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

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

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

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

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

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

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

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

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

Section 2. Martin County is authorized and directed to draw a warrant in the sum of \$1,750,000, less amounts payable pursuant to section 3, payable to Margaret Helm as compensation for injuries and damages caused by the negligence of the Martin County Volunteer Fire Department. After payment of any outstanding liens not specified in section 3, statutory attorney's

fees, and costs, the remaining proceeds shall be paid to Margaret Helm. In addition to the \$1,750,000 lump-sum payment, Martin County is also directed to pay an additional \$500,000 to Margaret Helm in the form of an annuity.

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 the agency shall be equal to all unreimbursed medical payments paid by Medicaid up to the date upon which this act takes effect. The governmental entity responsible for payment of the warrant shall also pay to the Florida Department of Health the amount due to the department prior to disbursing any funds to the claimant. The amount due to the department shall be equal to all unreimbursed payments paid by the Brain and Spinal Cord Injury Program up to the date upon which this act takes effect. The governmental entity shall also pay to the Department of Education the amount, if any, due to the department prior to disbursing any funds to the claimant. The amount due to the department shall be equal to all unreimbursed payments paid by the department's Vocational Rehabilitation Services Program up to the date upon which this act takes effect.

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

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.