

STORAGE NAME: h0349.cla  
DATE: November 28, 2001

Florida House of Representatives  
Committee on Claims  
Summary Claim Bill Report

Bill #: HB 349  
Sponsor: Rep. Atwater  
Companion Bill: SB 24 by Sen. Campbell  
Special Master: Stephanie Birtman

**A. Basic Information:**

1. **Claimants:** Margaret Helm
2. **Respondent:** Martin County
3. **Amount Requested:** \$2,250,000, which has been set aside in the County's general operating budget.
4. **Type of Claim:** Equitable – based on a settlement agreement.
5. **Respondent's Position:** None.
6. **Collateral Sources:** \$10,000 from car owner's insurance; \$10,000 from claimant's insurance, less \$2,000 deductible.
7. **Prior Legislative History:** HB 881(2001) passed unanimously from the Claims Committee and died in the Procedural Council. SB 76(2001) unanimously passed all committees of reference in the Senate, and died on the Senate calendar.

**B. Procedural Summary:** The claimant filed a lawsuit against Martin County for the negligent acts of volunteer firefighters who responded to an accident on March 21, 1999. Prior to trial, the parties reached a settlement agreement, wherein the County has already paid \$100,000 pursuant to the sovereign immunity cap, and has agreed to pay \$2,250,000, of which \$1,750,000 shall be paid to the claimant and the remaining \$500,000 will be used to purchase an annuity payable to the claimant.

**C. Facts of Case:** Margaret Helm, a 43 year old woman, stopped to render assistance to victims of an accident between a car and an intoxicated bicyclist. While rendering assistance to the driver of the car, Ms. Helm was seated on the ground behind the vehicle. Volunteer firefighters mistakenly put the car in reverse and ran over Ms. Helm. As a result of the accident, Ms. Helm suffered a fractured spine, punctured lung, and various fractures. She has a rod in her back, a neurogenic bowel and bladder, and is wheelchair bound.

Updated information supplied for the 2002 session reveals that Ms. Helm volunteers her time for two spinal cord injury support groups which she originally founded. She is also enrolled as a part-time student at Indian River Community College. Both the Florida Department of Health and the Department of Education have asserted rights to liens should this claim bill become law.

SM: \_\_\_\_\_ SD: \_\_\_\_\_ Date: \_\_\_\_\_  
Stephanie O. Birtman Stephanie O. Birtman