

By Senator Rossin

35-54A-01

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for the relief of Kharmilia Ferguson, a minor,
4 and for the relief of Angela Jones and Raymond
5 Ferguson, individually and as the natural
6 parents and guardians of Kharmilia Ferguson;
7 authorizing and directing the Palm Beach County
8 Sheriff's Office to compensate them for
9 injuries they suffered as a result of the
10 negligence of an employee of the sheriff's
11 office; providing an effective date.
12
13 WHEREAS, on August 23, 1996, 16-year-old Kharmilia N.
14 Ferguson was operating a motor vehicle on Gramercy Drive at
15 the intersection of Gramercy Drive and 45th Street in a
16 suburban residential community located within Palm Beach
17 County, and
18 WHEREAS, an off-duty Palm Beach County sheriff's
19 deputy, who was operating a motor vehicle owned by the Palm
20 Beach County Sheriff's Office, approached the intersection at
21 78 mph in a 45-mph speed zone, and the sheriff's vehicle
22 violently struck Kharmilia Ferguson's vehicle, and
23 WHEREAS, as a result of the collision, Kharmilia
24 Ferguson sustained a severe brain injury that resulted in a
25 permanent vegetative state and permanent hospitalization
26 requiring lifetime attendant care, and
27 WHEREAS, in addition to a claim being brought on behalf
28 of Kharmilia Ferguson for her injuries, a claim was brought on
29 behalf of her mother, Angela Jones, and her father, Raymond
30 Ferguson, for past and future medical expenses and other
31 expenses, as well as for the loss of their daughter's

1 services, comfort, companionship, society, love, affection,
2 and solace, and

3 WHEREAS, after protracted litigation relating to this
4 matter, on February 3, 2000, the parties entered into a
5 settlement agreement in the amount of \$2 million, and

6 WHEREAS, pursuant to the settlement agreement, the Palm
7 Beach County Sheriff's Office paid \$200,000, which is the
8 maximum payment allowable under section 768.28, Florida
9 Statutes, and

10 WHEREAS, the sheriff's office does not oppose or
11 contest a claim bill in the amount of \$1.8 million for the
12 remaining amount owed under the settlement agreement, NOW,
13 THEREFORE,

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. The facts stated in the preamble to this
18 act are found and declared to be true.

19 Section 2. The Palm Beach County Sheriff's Office is
20 authorized and directed to compensate Kharmilia Ferguson, a
21 minor, and to compensate Angela Jones and Raymond Ferguson,
22 individually and as the natural parents and guardians of
23 Kharmilia Ferguson, out of funds of the Palm Beach County
24 Sheriff's Office not otherwise appropriated, for injuries and
25 damages they sustained as a result of the negligence of an
26 employee of the sheriff's office.

27 Section 3. This act shall take effect upon becoming a
28 law.

29
30
31