

By Representative Mahon

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 for reversion of funds;
12 providing for reimbursement of all unreimbursed
13 medical payments made by Medicaid up to the
14 date that this act becomes a law; providing an
15 effective date.

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17 WHEREAS, on August 23, 1996, 16-year-old Kharmilia N.
18 Ferguson was operating a motor vehicle on Gramercy Drive at
19 the intersection of Gramercy Drive and 45th Street in a
20 suburban residential community located within Palm Beach
21 County, and

22 WHEREAS, an off-duty Palm Beach County sheriff's
23 deputy, who was operating a motor vehicle owned by the Palm
24 Beach County Sheriff's Office, approached the intersection at
25 78 mph in a 45-mph speed zone, and the sheriff's vehicle
26 violently struck Kharmilia Ferguson's vehicle, and

27 WHEREAS, as a result of the collision, Kharmilia
28 Ferguson sustained a severe brain injury that resulted in a
29 permanent vegetative state and permanent hospitalization
30 requiring lifetime attendant care, and

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1 WHEREAS, in addition to a claim being brought on behalf
2 of Kharmilia Ferguson for her injuries, a claim was brought on
3 behalf of her mother, Angela Jones, and her father, Raymond
4 Ferguson, for past and future medical expenses and other
5 expenses, as well as for the loss of their daughter's
6 services, comfort, companionship, society, love, affection,
7 and solace, and

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

11 WHEREAS, pursuant to the settlement agreement, the Palm
12 Beach County Sheriff's Office paid \$200,000, which is the
13 maximum payment allowable under section 768.28, Florida
14 Statutes, and

15 WHEREAS, the sheriff's office does not oppose or
16 contest a claim bill in the amount of \$1.8 million for the
17 remaining amount owed under the settlement agreement, NOW,
18 THEREFORE,

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

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

24 Section 2. The Palm Beach County Sheriff's Office is
25 authorized and directed to appropriate from funds of the
26 sheriff's office not otherwise appropriated and to draw a
27 warrant in the sum of \$1,440,000 payable to the Special Needs
28 Trust established for Kharmilia Ferguson to compensate her for
29 injuries and damages sustained. Upon the death of Kharmilia
30 Ferguson, the Trust balance shall revert to the Palm Beach
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1 County Sheriff's Office pursuant to the terms of the Trust
2 agreement.

3 Section 3. The Palm Beach County Sheriff's Office is
4 authorized and directed to appropriate from funds of the
5 sheriff's office not otherwise appropriated and to draw a
6 warrant in the sum of \$180,000 payable to Angela Jones,
7 individually and as natural parent and guardian of Kharmilia
8 Ferguson, to compensate her for injuries and damages
9 sustained.

10 Section 4. The Palm Beach County Sheriff's Office is
11 authorized and directed to appropriate from funds of the
12 sheriff's office not otherwise appropriated and to draw a
13 warrant in the sum of \$180,000 payable to Raymond Ferguson,
14 individually and as natural parent and guardian of Kharmilia
15 Ferguson, to compensate him for injuries and damages
16 sustained.

17 Section 5. The governmental entity responsible for
18 payment of the warrants shall pay to the Florida Agency for
19 Health Care Administration the amount due under section
20 409.910, Florida Statutes, prior to disbursing any funds to
21 the claimants. The amount due to the agency shall be equal to
22 all unreimbursed medical payments paid by Medicaid up to the
23 date that this act becomes a law.

24 Section 6. This act shall take effect upon becoming a
25 law.

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