

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for the relief of injuries of Kharmilia
4 Ferguson, and Angela Jones and Raymond
5 Ferguson; providing for an appropriation to
6 compensate the estate of Kharmilia Ferguson,
7 Angela Jones, and Raymond Ferguson for injuries
8 and damages sustained; specifying use of funds;
9 providing for reimbursement of Medicaid
10 expenditures; providing an effective date.

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

17 WHEREAS, an off-duty Palm Beach County sheriff's
18 deputy, who was operating a motor vehicle owned by the Palm
19 Beach County Sheriff's Office, approached the intersection at
20 78 mph in a 45-mph speed zone, and the sheriff's vehicle
21 violently struck Kharmilia Ferguson's vehicle, and

22 WHEREAS, as a result of the collision, Kharmilia
23 Ferguson sustained a severe brain injury that resulted in a
24 permanent vegetative state and permanent hospitalization
25 requiring full time attendant care until her death on January
26 2, 2001, 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 the loss of their daughter's services, comfort,
31 companionship, society, love, affection, and solace, and

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

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

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

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

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

17 Section 2. The Palm Beach County Sheriff's Office is
18 authorized and directed to draw a warrant in the sum of
19 \$1,800,000, less amounts payable pursuant to section 3,
20 payable to Angela Jones and Raymond Ferguson individually and
21 as the personal representatives of the estate of Kharmilia
22 Ferguson, as compensation for injuries and damages sustained
23 by Kharmilia Ferguson, Angela Jones and Raymond Ferguson. The
24 claimants shall pay to the estate of Kharmilia Ferguson an
25 amount sufficient to cover any additional liens and all
26 expenses of the estate and the remaining funds shall be
27 distributed in equal amounts to Mr. Ferguson and Ms. Jones.

28 Section 3. The governmental entity responsible for
29 payment of the warrant shall pay to the Florida Agency for
30 Health Care Administration the amount due under section
31 409.910, Florida Statutes, prior to disbursing any funds to

1 the claimant. The amount due the agency shall be equal to all
2 unreimbursed medical payments paid by Medicaid on behalf of
3 Ms. Ferguson up to the date upon which this act becomes a law.

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

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