

By the Committee on Finance and Taxation; and Senator Rossin

314-1823-02

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, Angela Jones, and Raymond Ferguson;
5 providing for an appropriation to compensate
6 the estate of Kharmilia Ferguson, Angela Jones,
7 and Raymond Ferguson for injuries and damages
8 sustained; specifying use of funds; providing
9 for reimbursement of Medicaid expenditures;
10 providing an effective date.

11
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,

12
13 Be It Enacted by the Legislature of the State of Florida:

14
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 appropriate from funds of the
19 sheriff's office not otherwise appropriated and to draw a
20 warrant in the sum of \$1,800,000, less amounts payable
21 pursuant to section 3, which amount includes statutory
22 attorney's fees and costs, payable to Angela Jones and Raymond
23 Ferguson individually and as the personal representatives of
24 the estate of Kharmilia Ferguson, as compensation for injuries
25 and damages sustained by Kharmilia Ferguson, Angela Jones, and
26 Raymond Ferguson. The claimants shall pay to the estate of
27 Kharmilia Ferguson an amount sufficient to cover any
28 additional liens and all expenses of the estate, and the
29 remaining funds shall be distributed in equal amounts to Mr.
30 Ferguson and Ms. Jones.

1 Section 3. The governmental entity responsible for
2 payment of the warrant shall pay to the Florida Agency for
3 Health Care Administration the amount due under section
4 409.910, Florida Statutes, before disbursing any funds to the
5 claimant. The amount due the agency shall be equal to all
6 unreimbursed medical payments paid by Medicaid on behalf of
7 Ms. Ferguson up to the date upon which this act becomes a law.

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

10
11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 36

14 The Committee Substitute clarifies that Medicaid costs must be
15 paid before any funds are disbursed to the claimant.