

By Representative Mahon

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for the relief of Angela Jones and Raymond
4 Ferguson, individually and as personal
5 representatives of the estate of Kharmilia
6 Ferguson, deceased; authorizing and directing
7 the Palm Beach County Sheriff's Office to
8 compensate them for the death of Kharmilia
9 Ferguson as a result of the negligence of the
10 Palm Beach County Sheriff's Office; specifying
11 use of funds; providing for reimbursement of
12 Medicaid expenditures; providing an effective
13 date.

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

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

25 WHEREAS, as a result of the collision, Kharmilia
26 Ferguson sustained a severe brain injury that resulted in a
27 permanent vegetative state and permanent hospitalization
28 requiring full time attendant care until her death on January
29 2, 2001, and

30 WHEREAS, in addition to a claim being brought on behalf
31 of Kharmilia Ferguson for her injuries, a claim was brought on

1 behalf of her mother, Angela Jones, and her father, Raymond
2 Ferguson, for the loss of their daughter's services, comfort,
3 companionship, society, love, affection, and solace, and

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

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

11 WHEREAS, the sheriff's office does not oppose or
12 contest a claim bill in the amount of \$1,800,000 for the
13 remaining amount owed under the settlement agreement, NOW,
14 THEREFORE,

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

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

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

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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, prior to disbursing any funds to
5 the claimants. The amount due the agency shall be equal to all
6 unreimbursed medical payments paid by Medicaid on behalf of
7 Kharmilia Ferguson up to the date upon which this act becomes
8 a law.

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

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