

Committee Substitute for Senate Bill No. 36

An act relating to Palm Beach County; providing for the relief of injuries of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson; providing for an appropriation to compensate the estate of Kharmilia Ferguson, Angela Jones, and Raymond Ferguson for injuries and damages sustained; specifying use of funds; providing for reimbursement of Medicaid expenditures; providing an effective date.

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

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

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

WHEREAS, in addition to a claim being brought on behalf of Kharmilia Ferguson for her injuries, a claim was brought on behalf of her mother, Angela Jones, and her father, Raymond Ferguson, for the loss of their daughter's services, comfort, companionship, society, love, affection, and solace, and

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

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

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

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

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

Section 2. The Palm Beach County Sheriff's Office is authorized and directed to appropriate from funds of the sheriff's office not otherwise appropriated and to draw a warrant in the sum of \$1,800,000, less amounts

payable pursuant to section 3, which amount includes statutory attorney's fees and costs, payable to Angela Jones and Raymond Ferguson individually and as the personal representatives of the estate of Kharmilia Ferguson, as compensation for injuries and damages sustained by Kharmilia Ferguson, Angela Jones, and Raymond Ferguson. The claimants shall pay to the estate of Kharmilia Ferguson an amount sufficient to cover any additional liens and all expenses of the estate, and the remaining funds shall be distributed in equal amounts to Mr. Ferguson and Ms. Jones.

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

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

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.