

STORAGE NAME: h1111.hcl  
DATE: March 10, 1999

**Florida House of Representative  
Committee on Claims  
Summary Claim Bill Report**

**Bill #:** PCB CL 99-04 (H1111.hcl)  
**Sponsor:** Committee on Claims  
**References:** Claims  
**Companion Bill:** SB 32, by Senator Myers

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**A. Basic Information:**

**1.Claimant:** Jennifer Prairie (formerly Jennifer Black), David Black, John Eubanks, and Ivey Dawn Eubanks

**2.Respondent:**Palm Beach County

**3.Amount Requested:**\$350,000

**4.Type of Claim:**EXCESS JUDGMENT/SETTLEMENT

**5.Respondent's Position:**The County has agreed to the settlement.

**6.Collateral Sources:**\$1,261,500 from settlements with eight other defendants; \$100,000 from life insurance; and \$15,000 from auto insurance.

**7.Prior Legislative History:** None

**B. Procedural Summary:** A wrongful death action was brought by the estates of Carolyn E. Eubanks, Todd A. Black, and William A. Black for failure of Palm Beach County to properly maintain a county road and to warn the public of dangerous road conditions. The case went to trial and the jury found Palm Beach County 10% negligent and the driver 90% negligent. The jury found damages totaling \$8,100,000 and based on the finding of comparative negligence, judgment for claimants was entered for \$810,000 against Palm Beach County. No appeals were taken and the County has paid \$200,000.

**C. Facts of the Case:** On March 19, 1992, Carolyn Eubanks was driving a car on a Palm Beach County road that made a ninety degree turn to the right at the edge of a canal. The car did not make the turn and went into the canal and sank. Jennifer Prairie, daughter of Mrs. Eubanks, was a passenger in the vehicle as were her two small children Todd and William Black. Mrs. Eubanks and both children drowned. Palm Beach County was found 10% negligent for failure to properly maintain the road. The bill's claimants include:

- Jennifer Prairie, daughter of Carolyn Eubanks and mother of Todd and William Black;
- David Black, father of Todd and William Black;
- John Eubanks, husband of Carolyn Eubanks, and;
- Ivey Dawn Eubanks, daughter of Carolyn Eubanks.

**SM:** \_\_\_\_\_ **SD:** \_\_\_\_\_ **Date:** February 10, 1999  
Phillip B. Miller Stephanie Olin Birtman