

By the Committee on Claims and Representative Ritter

1                                   A bill to be entitled  
2           An act relating to Palm Beach County; providing  
3           for the relief of Jennifer Eubanks-Black, John  
4           Eubanks, Ivy Dawn Eubanks, and David Black;  
5           providing for an appropriation to compensate  
6           them for injuries and damages sustained due to  
7           the negligence of Palm Beach County; providing  
8           an effective date.

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10           WHEREAS, on the night of March 19, 1992, Carolyn  
11   Eubanks, a 44-year-old grandmother, was driving east on  
12   Airport Road in Palm Beach County, accompanied by her  
13   20-year-old daughter, Jennifer Eubanks-Black, and Jennifer  
14   Eubanks-Black's two infant sons, Todd Allen Black and William  
15   Anthony Black, and

16           WHEREAS, at the intersection of Airport Road and Sam  
17   Senter Road, Carolyn Eubanks, despite the fact that she was  
18   traveling at or below the posted speed limit, was unable to  
19   negotiate the sudden and unexpected turn, and, unable to brake  
20   sufficiently, she crashed into and through a previously  
21   damaged guardrail, and her vehicle plunged into a canal, and

22           WHEREAS, Carolyn Eubanks and her two grandchildren  
23   drowned, and Jennifer Black escaped, and

24           WHEREAS, a trial proceeded against Palm Beach County,  
25   alleging failure to properly warn against an upcoming hazard  
26   and failure to implement recommended changes at the  
27   intersection, and

28           WHEREAS, the evidence introduced at trial included  
29   documents indicating that the intersection where the accident  
30   occurred was dangerous and had been characterized by county  
31   employees and design professionals as "substandard," and

1           WHEREAS, evidence also revealed that recommendations  
2 and plans for improving the safety of the intersection had  
3 been approved by Palm Beach County but had never been  
4 implemented and that the precautions contained in the approved  
5 plan would have prevented this tragedy, and

6           WHEREAS, in June 1996, a jury returned a verdict  
7 allocating \$8.1 million in damages among Jennifer  
8 Eubanks-Black; David Black, the father of the decedent  
9 children; John Eubanks, the widower of Carolyn Eubanks; and  
10 Ivy Dawn Eubanks, Carolyn Eubanks' youngest daughter, and

11           WHEREAS, in light of a finding of comparative  
12 negligence, a final judgment in the amount of \$810,000 was  
13 entered against Palm Beach County, and

14           WHEREAS, the county has paid \$200,000, the limit of  
15 liability allowed under section 768.28, Florida Statutes,  
16 Florida's sovereign immunity statute, which leaves a balance  
17 owed of \$610,000, and

18           WHEREAS, after payment of the sovereign immunity limit  
19 of \$200,000, the parties agreed to settle all outstanding  
20 claims in this matter for \$350,000, to be paid by Palm Beach  
21 County pursuant to a claim bill, and

22           WHEREAS, the \$350,000 settlement amount will be  
23 apportioned as follows: for Jennifer Eubanks-Black in the  
24 amount of \$259,259.25; for John Eubanks in the amount of  
25 \$43,209.88; for Ivy Dawn Eubanks in the amount of \$43,209.88;  
26 and for David Black in the amount of \$4,320.99, and

27           WHEREAS, Palm Beach County has agreed to support and  
28 assist in the passage of such a claim bill, NOW, THEREFORE,

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

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

3           Section 2. Palm Beach County is authorized and  
4 directed to appropriate from funds of the county not otherwise  
5 appropriated and to draw a warrant in the sum of \$259,259.25  
6 payable to Jennifer Eubanks-Black to compensate her for  
7 damages sustained as a result of the negligence of Palm Beach  
8 County.

9           Section 3. Palm Beach County is authorized and  
10 directed to appropriate from funds of the county not otherwise  
11 appropriated and to draw a warrant in the sum of \$43,209.88  
12 payable to John Eubanks to compensate him for damages  
13 sustained as a result of the negligence of Palm Beach County.

14           Section 4. Palm Beach County is authorized and  
15 directed to appropriate from funds of the county not otherwise  
16 appropriated and to draw a warrant in the sum of \$43,209.88  
17 payable to Ivy Dawn Eubanks to compensate her for damages  
18 sustained as a result of the negligence of Palm Beach County.

19           Section 5. Palm Beach County is authorized and  
20 directed to appropriate from funds of the county not otherwise  
21 appropriated and to draw a warrant in the sum of \$4,320.99  
22 payable to David Black to compensate him for damages sustained  
23 as a result of the negligence of Palm Beach County.

24           Section 6. This act shall take effect upon becoming a  
25 law.

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