

By Senator Myers

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A bill to be entitled
An act relating to Palm Beach County; providing
for the relief of Jennifer Eubanks-Black, David
Black, John Eubanks, and Ivy Dawn Eubanks, for
injuries and damages sustained due to the
negligence of the county; providing an
effective date.

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

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

WHEREAS, Mrs. Eubanks and her two grandchildren
drowned, and Jennifer Black escaped, and

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

WHEREAS, the evidence introduced at trial included
documents indicating that the intersection where the accident
occurred was dangerous and had been characterized by county
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 Eubanks
8 Black; David Black, the father of the decedent children; John
9 Eubanks, the widower of Carolyn Eubanks; and Ivy Dawn Eubanks,
10 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
15 allowed under the sovereign immunity statute, which leaves a
16 balance owed of \$610,000, and

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

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

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 Section 2. Palm Beach County is authorized and
29 directed to compensate Jennifer Eubanks-Black, David Black,
30 John Eubanks, and Ivy Dawn Eubanks in the amount of \$350,000,

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1 for damages sustained as a result of the county's negligence,
2 out of funds of the county not otherwise allocated.

3 Section 3. This act shall take effect upon becoming a
4 law.

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