

STORAGE NAME: h0515.jud  
DATE: March 1, 2003

Florida House of Representatives  
Sub-Committee on Claims  
Summary Claim Bill Report

Bill #: HB 515  
Sponsor: Rep. Machek  
Companion Bill: SB 40 by Sen. Pruitt  
Special Master: Stephanie Birtman, Esq.

**A. Basic Information:**

1. **Claimants:** Richard and Denise Ebner
2. **Respondent:** St. Lucie County
3. **Amount Requested:** \$50,000
4. **Type of Claim:** Equitable; based on a settlement agreement.
5. **Respondent's Position:** Agreed not to oppose the filing of a claim bill.
6. **Collateral Sources:** \$15,000 from the driver that struck the claimants; \$300,000 from Progressive Insurance (claimants' underinsured motorist carrier).
7. **Prior Legislative History:** None.
8. **Attorney's Fees and Costs:** Attorney's fees are limited to 25% as required by s. 768.28, F.S. Costs totaled \$6,991.20, not including lobbying fees. Attorney's fees and costs have already been paid from the initial settlement proceeds..

**B. Procedural Summary:** Claimants filed suit for injuries and loss of consortium for both Richard and Denise Ebner stemming from the negligence of an employee of St. Lucie County. After extensive discovery but before trial, the parties reached a settlement agreement whereby Denise Ebner dismissed her claim in return for \$100,000; and Richard Ebner dismissed his claim for an immediate payment of \$100,000 and a claim bill for \$50,000, to be paid out of the county's general revenue.

**C. Facts of Case:** On February 6, 1996, Richard and Denise Ebner were standing on the side of Glades Cut-Off Road in Fort Pierce, Florida, in front of Denise's pick-up truck. At the same time a St. Lucie County dump truck was traveling southbound and collided with another car going northbound. The collision caused the other car to veer off the shoulder and strike both claimants. As a result of the accident, Mr. Ebner suffered severe injuries to his right eye, jaw, and skull, punctured a lung, and experienced a loss of vision in the right eye. He has undergone an unsuccessful surgery to attempt to reposition his eye, and continues to suffer from severe and constant pain resulting in severe depression. He is totally disabled and unable to work at his business, Rick's Garden World; his medical bills total \$136,381.18.

SM: \_\_\_\_\_  
Stephanie O. Birtman

Date: \_\_\_\_\_