

Senate Bill No. 32

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

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

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

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

WHEREAS, the county has paid \$200,000, the limit allowed under the sovereign immunity statute, which leaves a balance owed of \$610,000, and

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

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

WHEREAS, Palm Beach County has agreed to support and assist in the passage of such a claim bill, 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. Palm Beach County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant in the sum of \$259,259.25 payable to Jennifer Eubanks-Black to compensate her for damages sustained as a result of the negligence of Palm Beach County.

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

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

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

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

Approved by the Governor April 5, 1999.

Filed in Office Secretary of State April 5, 1999.