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1 A bill to be entitled
2 An act for the relief of the Estate of Christian
3 Stephenson, Amie O'Brien (formerly Amie Draiemann
4 Stephenson), Hailey Morgan Stephenson, and Christian Darby
5 Stephenson, II; providing for the relief of the Estate of
6 Christian Stephenson, Amie O'Brien, individually, and as
7 Personal Representative of the Estate of Christian Darby
8 Stephenson, deceased, and for the relief of Hailey Morgan
9 Stephenson and Christian Darby Stephenson, II, as
10 surviving minor children of the decedent, by and through
11 their mother, Amie O'Brien; providing an appropriation to
12 compensate them for the wrongful death of Christian
13 Stephenson, which was due in part to the negligence of the
14 Department of Transportation; providing for attorney's
15 fees and costs; providing for use of funds; providing an
16 effective date.

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18 WHEREAS, on August 12, 2000, 29-year-old Christian
19 Stephenson was driving a gasoline tanker eastbound on the Hart
20 Bridge Expressway in Duval County, and

21 WHEREAS, at the base of the bridge was a large pool of
22 standing water which was caused by a clogged drain, and

23 WHEREAS, the Department of Transportation was responsible
24 for the maintenance of the Hart Bridge Expressway drains at that
25 location, and

26 WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep
27 that was traveling toward the tanker hit the puddle and
28 hydroplaned, and

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29 WHEREAS, Christian Stephenson took evasive action to avoid
30 hitting the Jeep and also to avoid two other vehicles that had
31 been involved in previous accidents and were parked in the
32 striped safety zone alongside the expressway, and

33 WHEREAS, Mr. Stephenson attempted to make a hard right turn
34 onto the Atlantic Avenue exit so as to avoid those three other
35 vehicles, but, as he tried to take the exit, the gasoline tanker
36 jackknifed, struck the guardrail, overturned, and exploded, and

37 WHEREAS, Christian Stephenson was subsequently pronounced
38 dead at the scene, and

39 WHEREAS, Mr. Stephenson's widow brought suit against the
40 department in the Circuit Court of the Fourth Judicial Circuit,
41 in and for Duval County, Florida (Case No. 01-03428 CA), and, on
42 March 22, 2005, the jury returned a verdict that charged the
43 Department of Transportation with 36 percent of the negligence
44 that was a legal cause of Mr. Stephenson's death, and

45 WHEREAS, the jury verdict states the jury's determination
46 that the total amount of damages sustained by Christian
47 Stephenson's estate is \$1.3 million; the total amount sustained
48 by Amie O'Brien is \$763,000; the total amount sustained by
49 Hailey Morgan Stephenson is \$1 million, and the total amount
50 sustained by Christian Darby Stephenson, II, is \$526,000, and

51 WHEREAS, when the aggregate sum of these damages is
52 multiplied by 36 percent, the sum awarded to Mr. Stephenson's
53 estate and the named survivors under the final judgment is
54 \$1,292,040, plus taxable costs, and

55 WHEREAS, after the Department of Transportation has paid
56 \$175,100, as allowed under section 768.28, Florida Statutes, the

57 remainder subject to award under this act is \$1,116,940, NOW,
 58 THEREFORE,

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

61
 62 Section 1. The facts stated in the preamble to this act
 63 are found and declared to be true.

64 Section 2. The Executive Office of the Governor is
 65 directed to establish spending authority from unappropriated
 66 trust fund balances in the Department of Transportation in the
 67 amount of \$1,116,940 to a new category titled: "Relief of the
 68 Estate of Christian Stephenson, Amie O'Brien, Hailey Morgan
 69 Stephenson, and Christian Darby Stephenson, II," as relief for
 70 injuries and damages sustained, which amount includes attorney's
 71 fees and costs.

72 Section 3. The Chief Financial Officer is directed to draw
 73 a warrant in favor of Amie O'Brien in the sum of \$1,092,040 plus
 74 taxable costs upon funds of the Department of Transportation in
 75 the State Treasury, and the Chief Financial Officer is directed
 76 to pay the same out of such funds in the State Treasury, as
 77 follows:

78 (1) \$404,575.65 to the Estate of Christian Stephenson.

79 (2) \$237,454.78 to Amie O'Brien.

80 (3) \$311,212.04 to Amie O'Brien, which shall be used in
 81 its entirety to purchase an annuity for the exclusive use and
 82 benefit of Hailey Morgan Stephenson, a minor.

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83 (4) \$163,697.53 to Amie O'Brien, which shall be used in
84 its entirety to purchase an annuity for the exclusive use and
85 benefit of Christian Darby Stephenson, II, a minor.

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