

By Senator Fasano

11-12-07

1 A bill to be entitled

2 An act relating to the Department of

3 Transportation; providing for the relief of

4 Amie Draiemann Stephenson, individually, and as

5 Personal Representative of the Estate of

6 Christian Darby Stephenson, deceased, and for

7 the relief of Hailey Morgan Stephenson and

8 Christian Darby Stephenson, II, as surviving

9 minor children of the decedent; providing for

10 an appropriation to compensate them for the

11 wrongful death of Christian Darby Stephenson,

12 which was due in part to the negligence of the

13 department; providing an effective date.

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15 WHEREAS, on August 12, 2000, 29-year-old Christian

16 Darby Stephenson was driving a gasoline tanker eastbound on

17 the Hart Bridge Expressway in Duval County, and

18 WHEREAS, at the base of the bridge was a large pool of

19 standing water which was caused by a clogged drain, and

20 WHEREAS, the Department of Transportation was

21 responsible for the maintenance of the Hart Bridge Expressway

22 drains at that location, and

23 WHEREAS, as Mr. Stephenson drove over the bridge, a

24 Jeep that was traveling toward the tanker hit the puddle and

25 hydroplaned, and

26 WHEREAS, Christian Stephenson took evasive action to

27 avoid hitting the Jeep and also to avoid two other vehicles

28 that had been involved in previous accidents and were parked

29 in the striped safety zone alongside the expressway, and

30 WHEREAS, Mr. Stephenson attempted to make a hard right

31 turn onto the Atlantic Avenue exit so as to avoid those three

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 other vehicles, but, as he tried to take the exit, the
2 gasoline tanker jackknifed, struck the guardrail, overturned,
3 and exploded, and

4 WHEREAS, Christian Darby Stephenson was subsequently
5 pronounced dead at the scene, and

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

13 WHEREAS, the jury verdict states the jury's
14 determination that the total amount of damages sustained by
15 Christian Darby Stephenson's estate is \$1.3 million; the total
16 amount sustained by Amie Draiemann Stephenson is \$763,000; the
17 total amount sustained by Hailey Morgan Stephenson is \$1
18 million, and the total amount sustained by Christian Darby
19 Stephenson, II, is \$526,000, and

20 WHEREAS, when the aggregate sum of these damages is
21 multiplied by 36 percent, the sum awarded to Mr. Stephenson's
22 estate and the named survivors under the final judgment is
23 \$1,292,040, plus taxable costs, and

24 WHEREAS, after the Department of Transportation has
25 paid \$200,000, as allowed under section 768.28, Florida
26 Statutes, the remainder subject to being awarded under this
27 act will be \$1,092,040, plus taxable costs, NOW, THEREFORE,
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29 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. The Chief Financial Officer is authorized
4 and directed to appropriate from funds of the Department of
5 Transportation not otherwise appropriated and to draw a
6 warrant in the sum of \$1,092,040, plus taxable costs, payable
7 to Amie Draiemann Stephenson, as Personal Representative of
8 the Estate of Christian Darby Stephenson, to compensate Mrs.
9 Stephenson and the surviving minor children of Mr. and Mrs.
10 Stephenson, Hailey Morgan Stephenson and Christian Darby
11 Stephenson, II, for the wrongful death of Christian Darby
12 Stephenson.

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

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16 SENATE SUMMARY

17 Provides for an appropriation to compensate the widow and
18 minor children of Christian Darby Stephenson for the
19 wrongful death of their husband and father, which was due
20 in part to the negligence of the Department of
21 Transportation.
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