

By Senator Fasano

11-00140-08

200862__

1 A bill to be entitled

2 An act relating to the Department of Transportation;
3 providing for the relief of Amie Draiemann Stephenson,
4 individually, and as Personal Representative of the Estate
5 of Christian Darby Stephenson, deceased, and for the
6 relief of Hailey Morgan Stephenson and Christian Darby
7 Stephenson, II, as surviving minor children of the
8 decedent; providing for an appropriation to compensate
9 them for the wrongful death of Christian Darby Stephenson,
10 which was due in part to the negligence of the department;
11 providing a limitation on the payment of fees and costs;
12 providing an effective date.

13
14 WHEREAS, on August 12, 2000, 29-year-old Christian Darby
15 Stephenson was driving a gasoline tanker eastbound on the Hart
16 Bridge Expressway in Duval County, and

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

19 WHEREAS, the Department of Transportation was responsible
20 for the maintenance of the Hart Bridge Expressway drains at that
21 location, and

22 WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep
23 that was traveling toward the tanker hit the puddle and
24 hydroplaned, and

25 WHEREAS, Christian Stephenson took evasive action to avoid
26 hitting the Jeep and also to avoid two other vehicles that had
27 been involved in previous accidents and were parked in the
28 striped safety zone alongside the expressway, and

29 WHEREAS, Mr. Stephenson attempted to make a hard right turn

11-00140-08

200862__

30 onto the Atlantic Avenue exit so as to avoid those three other
31 vehicles, but, as he tried to take the exit, the gasoline tanker
32 jackknifed, struck the guardrail, overturned, and exploded, and

33 WHEREAS, Christian Darby Stephenson was subsequently
34 pronounced dead at the scene, and

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

41 WHEREAS, the jury verdict states the jury's determination
42 that the total amount of damages sustained by Christian Darby
43 Stephenson's estate is \$1.3 million; the total amount sustained
44 by Amie Draiemann Stephenson is \$763,000; the total amount
45 sustained by Hailey Morgan Stephenson is \$1 million, and the
46 total amount sustained by Christian Darby Stephenson, II, is
47 \$526,000, and

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

52 WHEREAS, after the Department of Transportation has paid
53 \$200,000, as allowed under s. 768.28, Florida Statutes, the
54 remainder subject to being awarded under this act will be
55 \$1,092,040, plus taxable costs, NOW, THEREFORE,

56

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

58

11-00140-08

200862__

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

61 Section 2. The Chief Financial Officer is authorized and
62 directed to appropriate from funds of the Department of
63 Transportation not otherwise appropriated and to draw a warrant
64 in the sum of \$1,092,040, plus taxable costs, payable to Amie
65 Draiemann Stephenson, as Personal Representative of the Estate of
66 Christian Darby Stephenson, to compensate Mrs. Stephenson and the
67 surviving minor children of Mr. and Mrs. Stephenson, Hailey
68 Morgan Stephenson and Christian Darby Stephenson, II, for the
69 wrongful death of Christian Darby Stephenson.

70 Section 3. This award is intended to provide the sole
71 compensation for all present and future claims arising out of the
72 factual situation that resulted in the death of Christian Darby
73 Stephenson as described in this act. The total amount paid for
74 attorney's fees, lobbying fees, costs, and other similar expenses
75 relating to this claim may not exceed 25 percent of the amount
76 awarded under this act.

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