

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, by the Department of Transportation;
6 providing for the relief of the Estate of Christian
7 Stephenson, Amie O'Brien, individually, and as Personal
8 Representative of the Estate of Christian Darby
9 Stephenson, deceased, and for the relief of Hailey Morgan
10 Stephenson and Christian Darby Stephenson, II, as
11 surviving minor children of the decedent, by and through
12 their mother, Amie O'Brien; providing an appropriation to
13 compensate them for the wrongful death of Christian
14 Stephenson, which was due in part to the negligence of the
15 Department of Transportation; providing for attorney's
16 fees and costs; providing a limitation on attorney's fees,
17 lobbying fees, costs, and other similar expenses relating
18 to the claim; providing for use of funds; providing an
19 effective date.

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

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

26 WHEREAS, the Department of Transportation was responsible
27 for the maintenance of the Hart Bridge Expressway drains at that
28 location, and

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29 WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep
30 that was traveling toward the tanker hit the puddle and
31 hydroplaned, and

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

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

40 WHEREAS, Christian Stephenson was subsequently pronounced
41 dead at the scene, and

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

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

54 WHEREAS, when the aggregate sum of these damages is
55 multiplied by 36 percent, the sum awarded to Mr. Stephenson's
56 estate and the named survivors under the final judgment is

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57 \$1,292,040, plus taxable costs, and

58 WHEREAS, after the Department of Transportation has paid
 59 \$175,100, as allowed under section 768.28, Florida Statutes, the
 60 remainder subject to award under this act is \$1,116,940, NOW,
 61 THEREFORE,

62

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

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

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

75 (2) Any amount awarded under this act pursuant to the
 76 waiver of sovereign immunity permitted under s. 768.28, Florida
 77 Statutes, and subsection (1) is intended to provide the sole
 78 compensation for all present and future claims arising out of
 79 the factual situation described in the preamble to this act
 80 which resulted in the death of Christian Stephenson. The total
 81 amount paid for attorney's fees, lobbying fees, costs, and other
 82 similar expenses relating to this claim may not exceed 25
 83 percent of the amount awarded under subsection (1).

84 Section 3. The Chief Financial Officer is directed to draw

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85 a warrant in favor of Amie O'Brien in the sum of \$1,092,040 plus
86 taxable costs upon funds of the Department of Transportation in
87 the State Treasury, and the Chief Financial Officer is directed
88 to pay the same out of such funds in the State Treasury, as
89 follows:

90 (1) \$404,575.65 to the Estate of Christian Stephenson.

91 (2) \$237,454.78 to Amie O'Brien.

92 (3) \$311,212.04 to Amie O'Brien, which shall be used in
93 its entirety to purchase an annuity for the exclusive use and
94 benefit of Hailey Morgan Stephenson, a minor.

95 (4) \$163,697.53 to Amie O'Brien, which shall be used in
96 its entirety to purchase an annuity for the exclusive use and
97 benefit of Christian Darby Stephenson, II, a minor.

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