

By Senator Fasano

11-00095-09

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1 A bill to be entitled

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

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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

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

41 Stephenson's death, and

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

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

53 WHEREAS, after the Department of Transportation has paid
54 \$200,000, as allowed under s. 768.28, Florida Statutes, the
55 remainder subject to being awarded under this act will be
56 \$1,092,040, plus taxable costs, NOW, THEREFORE,

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

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

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

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

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