

By Senator Fasano

11-00052-11

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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.

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 drains at that location on the Hart  
21 Bridge Expressway, 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 two other vehicles that had been involved  
27 in previous accidents and were parked in the striped safety zone  
28 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 of Transportation in the  
37 Circuit Court of the Fourth Judicial Circuit, in and for Duval  
38 County, Florida, Case No. 01-03428 CA, and, on March 22, 2005,  
39 the jury returned a verdict that charged the Department of  
40 Transportation with 36 percent of the negligence that was a  
41 legal cause of Mr. 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, the widow of Mr. Stephenson, is  
46 \$763,000; the total amount sustained by Hailey Morgan  
47 Stephenson, the surviving minor child of Mr. Stephenson, is \$1  
48 million; and the total amount sustained by Christian Darby  
49 Stephenson, II, the surviving minor child of Mr. Stephenson, is  
50 \$526,000, and

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

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

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

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

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

72 Section 3. The amount paid by the Department of  
73 Transportation pursuant to s. 768.28, Florida Statutes, and the  
74 amount awarded under this act are intended to provide the sole  
75 compensation for all present and future claims arising out of  
76 the factual situation described in this act which resulted in  
77 the death of Christian Darby Stephenson. The total amount paid  
78 for attorney's fees, lobbying fees, costs, and other similar  
79 expenses relating to this claim may not exceed 25 percent of the  
80 amount awarded under this act.

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