



700958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2015	.	
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	.	
	.	

The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 75
and insert:

Section 2. There is appropriated from the General Revenue Fund to the Department of Transportation the sum of \$1,116,940 for the relief of Amie Draiemann O'Brien, as Personal Representative of the Estate of Christian Darby Stephenson, for the wrongful death of Christian Darby Stephenson.

Section 3. The Chief Financial Officer is directed to draw warrants in the sum of \$1,116,940 upon the funds of the



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12 Department of Transportation in the State Treasury not otherwise
13 appropriated, payable as follows:

14 (1) The sum of \$404,575.65, to the Estate of Christian
15 Darby Stephenson;

16 (2) The sum of \$237,454.78, to compensate Amie Draiemann
17 O'Brien;

18 (3) The sum of \$311,212.04, to be paid into a trust to
19 compensate Hailey Morgan Stephenson; and

20 (4) The sum of \$163,697.53, to be paid into a trust to
21 compensate Christian Darby Stephenson II.

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete lines 2 - 56

26 and insert:

27 An act for the relief of Amie Draiemann O'Brien,
28 individually and as personal representative of the
29 Estate of Christian Darby Stephenson, deceased, and
30 for the relief of Hailey Morgan Stephenson and
31 Christian Darby Stephenson II as surviving minor
32 children of the decedent; providing an appropriation
33 to compensate them for the wrongful death of Christian
34 Darby Stephenson, which was due in part to the
35 negligence of the Department of Transportation;
36 providing a limitation on the payment of fees and
37 costs; providing an effective date.

38
39 WHEREAS, on August 12, 2000, 29-year-old Christian Darby
40 Stephenson was driving a gasoline tanker eastbound on the Hart



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41 Bridge Expressway in Duval County, and

42 WHEREAS, a clogged drain had caused a large pool of
43 standing water to collect at the base of the bridge, and

44 WHEREAS, the Department of Transportation was responsible
45 for the maintenance of the drains at that location on the Hart
46 Bridge Expressway, and

47 WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep
48 that was traveling toward the tanker hit the puddle and
49 hydroplaned, and

50 WHEREAS, Mr. Stephenson took evasive action to avoid
51 hitting the Jeep, as well as two other vehicles that had been
52 involved in previous accidents and were parked in the striped
53 safety zone alongside the expressway, and

54 WHEREAS, Mr. Stephenson attempted to make a hard right turn
55 onto the Atlantic Avenue exit so as to avoid the three vehicles,
56 but, as he attempted to exit, the gasoline tanker jackknifed,
57 struck the guardrail, overturned, and exploded, and

58 WHEREAS, Mr. Stephenson was subsequently pronounced dead at
59 the scene, and

60 WHEREAS, Mr. Stephenson's widow, Amie Draiemann O'Brien,
61 brought suit against the Department of Transportation in the
62 Circuit Court of the Fourth Judicial Circuit in and for Duval
63 County, Case No. 01-03428 CA, and, on March 22, 2005, the jury
64 returned a verdict that assigned the Department of
65 Transportation with 36 percent of the negligence that was a
66 legal cause of Mr. Stephenson's death, and

67 WHEREAS, the jury verdict states the jury's determination
68 that the total amount of damages sustained by Mr. Stephenson's
69 estate is \$1.3 million; the total amount sustained by Amie



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70 Draiemann O'Brien, the widow of Mr. Stephenson, is \$763,000; the
71 total amount sustained by Hailey Morgan Stephenson, a surviving
72 minor child of Mr. Stephenson, is \$1 million; and the total
73 amount sustained by Christian Darby Stephenson II, a surviving
74 minor child of Mr. Stephenson, is \$526,000, and

75 WHEREAS, 36 percent of the aggregate sum of the damages
76 awarded to Mr. Stephenson's estate and the named survivors under
77 the final judgment is \$1,292,040, and

78 WHEREAS, after the payment of \$24,900 to third parties who
79 brought claims against the Department of Transportation for
80 damages claimed as result of the same occurrence, the Department
81 of Transportation has paid to the Stephensons a total of
82 \$175,100, under s. 768.28, Florida Statutes, the remainder
83 subject to being awarded under this act is \$1,116,940, NOW,
84 THEREFORE,