

By the Committee on Judiciary; and Senator Flores

590-02820-15

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1 A bill to be entitled

2 An act for the relief of Amie Draiemann O'Brien,
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, a clogged drain had caused a large pool of
18 standing water to collect at the base of the bridge, 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, Mr. Stephenson took evasive action to avoid
26 hitting the Jeep, as well as two other vehicles that had been
27 involved in previous accidents and were parked in the striped
28 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 the three vehicles,
31 but, as he attempted to exit, the gasoline tanker jackknifed,
32 struck the guardrail, overturned, and exploded, and

33 WHEREAS, Mr. Stephenson was subsequently pronounced dead at
34 the scene, and

35 WHEREAS, Mr. Stephenson's widow, Amie Draiemann O'Brien,
36 brought suit against the Department of Transportation in the
37 Circuit Court of the Fourth Judicial Circuit in and for Duval
38 County, Case No. 01-03428 CA, and, on March 22, 2005, the jury
39 returned a verdict that assigned 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 Mr. Stephenson's
44 estate is \$1.3 million; the total amount sustained by Amie
45 Draiemann O'Brien, the widow of Mr. Stephenson, is \$763,000; the
46 total amount sustained by Hailey Morgan Stephenson, a surviving
47 minor child of Mr. Stephenson, is \$1 million; and the total
48 amount sustained by Christian Darby Stephenson II, a surviving
49 minor child of Mr. Stephenson, is \$526,000, and

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

53 WHEREAS, after the payment of \$24,900 to third parties who
54 brought claims against the Department of Transportation for
55 damages claimed as result of the same occurrence, the Department
56 of Transportation has paid to the Stephensons a total of
57 \$175,100, under s. 768.28, Florida Statutes, the remainder
58 subject to being awarded under this act is \$1,116,940, NOW,

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59 THEREFORE,

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

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62 Section 1. The facts stated in the preamble to this act are
63 found and declared to be true.64 Section 2. There is appropriated from the General Revenue
65 Fund to the Department of Transportation the sum of \$1,116,940
66 for the relief of Amie Draiemann O'Brien, as Personal
67 Representative of the Estate of Christian Darby Stephenson, for
68 the wrongful death of Christian Darby Stephenson.69 Section 3. The Chief Financial Officer is directed to draw
70 warrants in the sum of \$1,116,940 upon the funds of the
71 Department of Transportation in the State Treasury not otherwise
72 appropriated, payable as follows:73 (1) The sum of \$404,575.65, to the Estate of Christian
74 Darby Stephenson;75 (2) The sum of \$237,454.78, to compensate Amie Draiemann
76 O'Brien;77 (3) The sum of \$311,212.04, to be paid into a trust to
78 compensate Hailey Morgan Stephenson; and79 (4) The sum of \$163,697.53, to be paid into a trust to
80 compensate Christian Darby Stephenson II.81 Section 4. The amount paid by the Department of
82 Transportation pursuant to s. 768.28, Florida Statutes, and the
83 amount awarded under this act are intended to provide the sole
84 compensation for all present and future claims arising out of
85 the factual situation described in this act which resulted in
86 the death of Mr. Stephenson. The total amount paid for attorney
87 fees, lobbying fees, costs, and other similar expenses relating

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88 to this claim may not exceed 25 percent of the amount awarded
89 under this act.

90 Section 5. This act shall take effect upon becoming a law.