

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.

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, 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 pool of water and  
24 hydroplaned, and

25 WHEREAS, Mr. Stephenson took evasive action to avoid

CS/CS/HB 6519

2017

26 hitting the Jeep, as well as two other vehicles that had been  
27 involved in previous accidents and which were parked in the  
28 striped safety zone alongside the expressway, and

29 WHEREAS, Mr. Stephenson attempted to make a hard right turn  
30 onto the Atlantic Avenue exit to avoid the three vehicles, but,  
31 as he attempted to exit, the gasoline tanker jackknifed, struck  
32 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

CS/CS/HB 6519

2017

51 awarded to Mr. Stephenson's estate and the named survivors under  
52 the final judgment is \$1,292,040, and

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

59

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

61

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

64 Section 2. There is appropriated from the State  
65 Transportation Trust Fund to the Department of Transportation  
66 the sum of \$1,116,940 for the relief of Amie Draiemann O'Brien,  
67 as the personal representative of the Estate of Christian Darby  
68 Stephenson, for the wrongful death of Christian Darby  
69 Stephenson.

70 Section 3. The Chief Financial Officer is directed to draw  
71 warrants in the sum of \$1,116,940 upon the funds of the  
72 Department of Transportation in the State Treasury, and the  
73 Chief Financial Officer is directed to pay the same out of such  
74 funds in the State Treasury as follows:

75 (1) The sum of \$404,575.65, to the Estate of Christian

CS/CS/HB 6519

2017

76 Darby Stephenson;

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

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

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

83 Section 4. The amount paid by the Department of  
84 Transportation under s. 768.28, Florida Statutes, and the amount  
85 awarded under this act are intended to provide the sole  
86 compensation for all present and future claims arising out of  
87 the factual situation described in this act which resulted in  
88 the death of Mr. Stephenson. Of the amount awarded under this  
89 act, no amount may be paid for attorney fees, the total amount  
90 paid for lobbying fees may not exceed \$55,847, and the total  
91 amount paid for costs and other similar expenses relating to  
92 this claim may not exceed \$223,388.

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