

By Senator Fasano

11-00122-10

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

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

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57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. The facts stated in the preamble to this act are
60 found and declared to be true.

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

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

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