

## CHAPTER 2017-60

### Committee Substitute for Committee Substitute for House Bill No. 6519

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

WHEREAS, on August 12, 2000, 29-year-old Christian Darby Stephenson was driving a gasoline tanker eastbound on the Hart Bridge Expressway in Duval County, and

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

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

WHEREAS, as Mr. Stephenson drove over the bridge, a Jeep that was traveling toward the tanker hit the pool of water and hydroplaned, and

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

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

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

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

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

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

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

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

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

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

Section 2. There is appropriated from the State Transportation Trust Fund to the Department of Transportation the sum of \$1,116,940 for the relief of Amie Draiemann O'Brien, as the 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 Department of Transportation in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury as follows:

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

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

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

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

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

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

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.