



**STORAGE NAME:** h6507.CJC

**DATE:** 3/10/2017

March 9, 2017

SPECIAL MASTER'S FINAL REPORT

The Honorable Richard Corcoran  
Speaker, The Florida House of Representatives  
Suite 420, The Capitol  
Tallahassee, Florida 32399-1300

Re: HB 6507 - Representative Beshears  
Relief/Angela Sanford/Leon County

**THIS IS A CONTESTED CLAIM FOR \$1,150,000 BASED ON A MEDIATION AGREEMENT AGAINST LEON COUNTY, INVOLVING THE NEGLIGENT OPERATION OF LEON COUNTY AMBULANCE THAT INJURED ANGELA SANFORD ON SEPTEMBER 5, 2013.**

FINDING OF FACT:

On September 5, 2013, at 11:28 PM, a Leon County ambulance violently collided with a dark SUV at the intersection of West Tharpe Street and North Martin Luther King Jr. Boulevard in Tallahassee. The ambulance, en route to a call, was traveling at 44 MPH and failed to stop at the red light when it entered the intersection, in direct violation of Leon County E.M.S. Standard Operating Guidelines. The occupants in the SUV, Patrick Sanford, Angela Sanford, and Daniel McNair were injured by the collision with Angela Sanford receiving the full force of the impact.

*The Accident*

The Sanford's and McNair were driving home from a concert. Patrick Sanford, a law enforcement officer, was driving the Sanford's black Buick Enclave with Angela Sanford in the passenger seat and McNair in the back seat. Patrick Sanford had recently worked a long shift and was operating on only

about three hours of sleep. While enjoying the concert, Patrick Sanford consumed three beers over approximately six hours. The Sanford's SUV was heading north on MLK Jr. Boulevard, a four lane road, in the right, northbound lane. Patrick Sanford's view of traffic heading west on Tharpe Street was obscured due to trees, fencing, and a large Publix grocery store. While the speed limit for MLK Jr. Boulevard was 30 MPH, Patrick Sanford was traveling at 43 MPH.

At the same time, Benjamin Hunter was driving a Leon County Med 24 ambulance and traveling west on Tharpe Street en route to an accident. As Benjamin Hunter approached the intersection of Tharpe Street and MLK Jr. Boulevard, the light was red. After the collision, Benjamin Hunter would tell investigators that the light was yellow; however the video footage from Hunter's ambulance clearly shows the light was red. Approximately four seconds before entering the intersection, Benjamin Hunter initiated the ambulance's emergency lights and sirens. Hunter did not stop or slow down as he entered the intersection traveling at 44 MPH.

The Sanford vehicle entered the intersection first, as Patrick Sanford had the green light and did not hear<sup>1</sup> the ambulance or see it due to a Publix grocery store, trees and a fence obscuring his vision of traffic on Tharpe Street. When the SUV was almost midway through the intersection, the ambulance collided into its passenger side. Belted into the front passenger seat, Angela Sanford's body took the brunt of the impact.

After the collision, Hunter and his coworker exited the ambulance and rendered aid to the occupants of the Sanford's SUV. Hunter and his coworker were not injured in the collision.

#### *Injuries*

All of the occupants of the Sanford's SUV sustained injuries.

For two weeks, Angela Sanford was kept on a ventilator and in a medically induced coma. Her injuries were severe and included:

- A brain injury,
- A collapsed lung,
- A ruptured bladder,
- A lacerated liver,
- 13 fractured ribs,
- 6 spinal fractures, and
- A fractured clavicle, sternum, fibula, knee, scapula, pelvis, hip sockets, sacroiliac joints, and femur.

She spent 25 days in the intensive care unit and another 31 days in rehab. After persevering through rehabilitation, Angela

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<sup>1</sup> Claimant's argue that their Buick Enclave was equipped with QuietTuning, an exclusive engineering process that reduces and blocks unwanted noise from entering the SUV's cabin.

Sanford is no longer confined to a wheel chair but still suffers from drop foot, double vision, permanent hip pain and will require a total hip replacement in the future. She has no memory of the accident or the immediate months preceding and following it.

Patrick Sanford suffered a bulging disc in his back due to the collision and Daniel McNair broke two bones in his left hand.

Benjamin Hunter provided a blood sample for a toxicology report and the report found no drugs or alcohol present. Patrick Sanford was approached by police at the hospital and was offered a chance to submit a blood sample for testing. According to Sanford, the police requested the sample as he received news that his wife may not survive and, due to his emotional state, he refused to offer a sample.

The Leon County's Sheriff's Office found Hunter at fault for the crash; however the State Attorney's Office recommended that no citations should be issued.

Leon County EMS disciplined Hunter and he was suspended without pay for three 12-hour shifts.

LITIGATION HISTORY:

Rather than go through a trial, both Leon County and the Sanford's (Claimants) agreed to go to mediation where a settlement agreement was reached in the amount of \$1,450,000. The settlement agreement breaks down the amounts in two payments. The first payment allowed under the statutory cap is divided by the following:

Kevin McNair	\$50,000
Patrick Sanford	\$100,000
Mason Sanford	\$15,000
Hudson Sanford	\$15,000
Chase Sanford <sup>2</sup>	\$15,000
Angela Sanford	\$105,000
<b>Total</b>	<b>\$300,000</b>

However, the agreement also provides that Leon County and its insurer "agree to the entry of Judgment in this action, in the total amount of \$1,150,000.00 in favor of Angela Sanford." On April 13, 2015, a final judgment in the amount of \$1,150,000 was entered by the trial court for Angela Sanford against Leon County.<sup>3</sup>

Leon County retained the right to contest the claim bill in the

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<sup>2</sup> Mason, Hudson, and Chase Sanford are the three children of Patrick and Angela Sanford.

<sup>3</sup> Typical claims against the state or municipalities will enter a final judgment for either the settlement amount or jury verdict and then pay the statutory caps out of that final judgment. Therefore, the claim bill presented before the Legislature is the sum left undisbursed from the final judgment.

mediation settlement agreement.

CLAIMANT'S POSITION:

Benjamin Hunter, while acting as an employee of Leon County, negligently operated a county ambulance by not coming to a complete stop at a traffic light in accordance with Leon County EMS's Standard Operating Guidelines. The result of his negligence caused Angela Sanford's injuries.

RESPONDENT'S POSITION:

The County disputes the cause of the accident and the degree of damages. While admitting Benjamin Hunter misidentified the traffic signal, Leon County argues Patrick Sanford's driving was at greater fault by driving tired, intoxicated, and failing to yield to an ambulance with its emergency lights and sirens activated. Furthermore, Leon County argues Angela Sanford's damages are overestimated.

CONCLUSION OF LAW:

Benjamin Hunter's failure to slow down and to stop at the red light was negligent and his negligence resulted in Angela Sanford's injuries.

*Duty*

A driver of a motor vehicle has a duty to use reasonable care, in light of the circumstances, to prevent injuring persons within the vehicle's path.<sup>4</sup> Both drivers, Patrick Sanford and Benjamin Hunter, had a duty of reasonable care to other drivers on the road. However, Hunter's role as an ambulance driver elevated his duty of reasonable care given the dangers and urgency of his job. Florida statutes allow the driver of an ambulance, when responding to an emergency call, to drive through a red light or stop sign but only after "slowing down as may be necessary for safe operation."<sup>5</sup> A driver responding to the emergency call is not relieved "from the duty to drive with due regard for the safety of all persons."<sup>6</sup>

Benjamin Hunter, driving a Leon County ambulance, in route to an emergency call, owed the Sanford's a duty to use reasonable care and to drive with regard for the safety of all persons.

*Breach*

Leon County E.M.S. Standard Operating Guidelines provide that "when driving to an emergency all drivers of emergency vehicles will come to a full and complete stop at all red lights and stop signs." Benjamin Hunter initially told investigators from Leon County Sheriff's office that he believed the light was yellow. After reviewing his own dash camera's recording, Hunter admitted the light was in fact red and acknowledges if a light is red, the driver of the ambulance is to come to a stop and

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<sup>4</sup> *Gowdy v. Bell*, 993 So. 2d 585, 586 (Fla. 1st DCA 2008).

<sup>5</sup> Section 316.072(5), F.S.

<sup>6</sup> Section 316.072(5)(c), F.S.

clear the intersection. Benjamin Hunter's failure to come to a complete stop at the red traffic signal was in violation of Leon County E.M.S. Standard Operating Guidelines and a breach of his duty to drive with reasonable care.

#### *Causation*

In order for a driver to be held liable for his or her negligence, it must be shown that failure to act as a reasonable person would result in an injury.<sup>7</sup> Brian Hunter's failure to notice the red light, slow down and arrive at a complete stop to ensure traffic with the right of way heeded the ambulance's siren, was a direct and proximate cause of the collision. If Benjamin Hunter would have stopped at the red light, Patrick Sanford's SUV would have safely passed through the intersection.

#### *Contributory Negligence*

The County argues that Patrick Sanford's failure to notice the ambulance, failure to take evasive actions and his speed contributed to the collision. Certainly, if this claim had been tried before a jury, Patrick Sanford's actions would be found to be contributory negligent in the collision. However, Patrick Sanford's negligence does not bar recovery.<sup>8</sup> This Special Master finds Patrick Sanford's speed contributed to the collision but after reviewing the video and the scene, there also existed natural barriers that obscured Patrick Sanford's ability to see the lights of the ambulance as it approached the intersection. Furthermore, this claim is before the Legislature because *both* parties agreed to a mediated settlement agreement that this Special Master finds contemplated the actions of Patrick Sanford and arrives at a reasonable amount which takes into account the contributory negligence of Patrick Sanford.

#### *Damages*

Angela Sanford suffered severe injuries in the collision. She has amassed medical bills in the amount of \$744,128.53. Additionally, Claimant's expert assesses Angela Sanford's loss of future earning capacity at \$765,944 and future medical costs at \$3,304,516.

Leon County, while recognizing the great strides Angela Sanford has made in her recovery, objects to the amount of the claim. Specifically, in calculating the loss of future earning capacity, the County argues Claimant's expert considered income Angela Sanford would have earned as a school teacher, despite the fact that she is not licensed to teach in Florida nor has she taught school in several years. The County also objects to the amount of future medical costs as excessive since several medications and treatments prescribed in the analysis are, according to the County, not needed. At the special master hearing, counsel for Leon County assessed

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<sup>7</sup> *Ry. Exp. Agency v. Brabham*, 62 So. 2d 713, 714-15 (Fla. 1952).

<sup>8</sup> Section 768.81(2), F.S.

future medical costs at \$350,000 to \$400,000.

After considering the severe damages suffered by Angela Sanford and arguments from both parties, this Special Master finds the amount of \$1,150,000 to be a fair and just amount.

ATTORNEY'S/  
LOBBYING FEES:

Claimant's attorney has an agreement with Claimant to take a fee of 25% of Claimant's total recovery. Claimant's attorney has hired a lobbyist and has agreed to pay 5% of any amount of the claim bill in lobbying fees; such payment is included in the attorney's 25% fee. Outstanding costs total \$30,000.

LEGISLATIVE HISTORY:

In the 2016 Legislative Session, this claim was introduced as House Bill 3511 by Representative Beshears and Senate Bill 22 by Senator Montford. The House Bill died in Civil Justice Subcommittee while the Senate Bill was heard and voted out of three Senate Committees (Judiciary/Community Affairs/Fiscal Policy) but ultimately died on the Senate Calendar.

COLLATERAL SOURCES:

Angela Sanford received \$50,000 pursuant to an uninsured motorist policy. Attorney's fees were not taken out of that payment.

RESPONDENT'S ABILITY  
TO PAY:

Leon County is insured up to \$3,000,000 and has received no indication from its insurer that the entire amount of the claim bill, if passed, will not be paid.

RECOMMENDATIONS:

I respectfully recommend that House Bill 6507 be reported FAVORABLY.

Respectfully submitted,

**PARKER AZIZ**

House Special Master

cc: Representative Beshears, House Sponsor  
Senator Montford, Senate Sponsor  
Lauren Jones, Senate Special Master