



THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

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DATE	COMM	ACTION
3/20/25	SM	Favorable
3/25/35	JU	Favorable
	CA	
	RC	

March 20, 2025

The Honorable Ben Albritton
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 96** – Senator Bernard
HB 6521 – Representative Weinberger
Relief of Jacob Rodgers by the City of Gainesville

SPECIAL MASTER'S FINAL REPORT

THIS IS A CONTESTED EXCESS JUDGMENT CLAIM FOR LOCAL FUNDS IN THE AMOUNT OF \$10,800,000.00. THIS AMOUNT IS THE REMAINING UNPAID BALANCE OF A \$11,000,000.00 JURY VERDICT REGARDING THE NEGLIGENCE OF THE CITY OF GAINESVILLE, WHICH RESULTED IN THE INJURY OF JACOB RODGERS.

FINDINGS OF FACT:

The Accident on October 7, 2015

On the evening of October 7, 2015, Jacob Rodgers was riding in a truck with his two friends, Hank Blackwell and Chantz Thomas. During the day, the trio worked as electrical helpers; during the evening, they were enrolled in Santa Fe Community College's training program to become certified electricians and attended night classes. On that particular evening, the three friends had carpooled from work to night school and were returning to retrieve their vehicles from work around 8 pm. The truck belonged to Mr. Blackwell, and Mr. Blackwell was driving. Mr. Thomas was in the passenger seat and Mr. Rodgers was in the back seat. Notably, Mr. Rodgers was not wearing his seatbelt.

Around the same time, William Stormant, a City of Gainesville¹ employee, was traveling home from work in his city-owned vehicle that was provided to him by his employer. Just before leaving, Mr. Stormant went to the on-site gym for the first time, and by the time he left, it was dark outside. On his way home, Mr. Stormant was going to drive by a substation² that he managed to check if the gate was closed. That particular site had a history of having construction materials stolen, so a gate was installed to curtail the thefts. Because it was so dark, Mr. Stormant could not see the gate from where he was driving, so he took a detour to drive close enough to see it. As he approached the gate, he saw it was locked and closed. Once he concluded his inspection, he turned around and left. While driving, Mr. Stormant took an interest in the LED lighting in the area³ and ended up taking his focus off the road. Since he was not paying attention to his driving, he did not see the upcoming stop sign and he failed to stop.

Mr. Stormant was already in the middle of the intersection when he realized he missed the stop sign. Before he knew it, he collided with the truck being driven by Mr. Blackwell and caused it to flip. As a result, Mr. Rodgers was ejected from the vehicle. According to the accident report, the truck overturned an unknown number of times and landed upright on the grass shoulder.⁴

LITIGATION HISTORY:

A lawsuit was filed in February of 2016 with a claim of vicarious liability negligence on behalf of Jacob Rodgers against the City of Gainesville (“the City”). The Third Amended Complaint alleged that the City’s employee, William Stormant—in the course and scope of his employment—negligently failed to obey a stop sign and caused his vehicle to collide with Hank Blackwell’s truck, which led to Mr.

¹ Mr. Stormant works for the Gainesville Regional Utilities, which is under the City of Gainesville. See Day 1 part 2 (PM) Trial Testimony, 294.

² Mr. Stormant’s working title was “Energy Measurement and Regulation Manager,” which meant he was a “manager over the substation group, the relay group, the gas and electric metering group.” See Day 1 part 2 (PM) Trial Testimony, 301.

³ Mr. Stormant attended a meeting earlier in the day in which a participant discussed the new LED lights that were being installed, which is why he diverted his attention from the road to the lights. *Id.*

⁴ See Crash Report Update 10-13-2015, 3.

Rodgers suffering “serious, life threatening and permanent physical and emotional injuries.”

Pre-trial

The City argued that sovereign immunity barred Mr. Rodgers's claim because Mr. Stormant was not acting within the course and scope of his employment when he detoured to check the substation gate. It reasoned that Mr. Stormant was on his way home and had already concluded his workday, so he was not acting on behalf of his employer. The City filed a motion for summary judgment asserting this position and argued that it was not responsible for Mr. Stormant's negligent driving. In October of 2018, the trial court denied the City's motion, concluding that Mr. Stormant was acting within the course and scope of his duties at the time of the accident.^{5,6}

Trial

Mr. Rodgers testified that, at the time of the accident, he was riding in the back seat of Mr. Blackwell's truck and was not wearing his seatbelt.⁷ After he was ejected from the vehicle, he lost all memory from the moment of impact to when he awoke.⁸ Upon regaining consciousness, he could no longer feel his lower body; it was completely and permanently paralyzed.⁹ He also sustained a skull fracture; his ear was hanging off and had to be restitched to his head;¹⁰ and his broken spine had to be stabilized with the surgical installation of a bar.¹¹ As a result of the accident, Mr. Rodgers was bound to a wheelchair.

⁵ See Order Denying COG's Motion for Final Summary Judgment, 2-3. The trial court acknowledged the City's assertion of the “going and coming rule” set forth in section 440.092 of the Florida Statutes. However, the court also applied the dual-purpose doctrine, an exception to that rule which allows for waiver of sovereign immunity when the employee's travel is serving a dual purpose, one of which being business in nature. In this case, Mr. Stormant was serving a business purpose when he detoured to check the substation and a personal purpose when he was returning to his drive home, so the trial court concluded that he was acting within the course and scope of his work duties.

⁶ The City appealed the trial court's decision to the First District Court of Appeal. That court per curiam affirmed the trial court's decision.

⁷ See Trial Transcript Day 2 PM Session, 181.

⁸ See *Id.*

⁹ See Trial Transcript Day 2 PM Session, 185.

¹⁰ See *Id.*

¹¹ See Trial Transcript Day 2 PM Session, 187.

Mr. Rodgers also testified that he had to relearn how to do basic tasks, such as going to the bathroom; getting himself from a chair to a toilet seat; wheeling himself around for movement; getting dressed; and putting on shoes.¹² Mr. Rodgers also testified that he has to use a catheter to urinate because he cannot urinate normally.¹³ This makes him susceptible to urinary tract infections, which requires medical treatment.¹⁴ In order to perform a bowel movement, Mr. Rodgers explained that because he has no sensation in his lower body, he has to manually dig his waste out of his body.¹⁵ Additionally, Mr. Rodgers testified that, because of the paralysis, the change in his circulation has made him susceptible to blood clots.¹⁶ In order to prevent these, he has to physically massage his legs to push blood through his veins, keep his legs propped up, and constantly check them for heat or red spots; if he does not, any undetected blood clot could prove fatal.¹⁷

Mr. Rodgers testified that he was attending school to become an electrician, but he can no longer do that job because of his disability.¹⁸

William Stormant, the employee of the City, testified that he was on his way home from work when he detoured to check if a substation gate was locked, as he could not see it from the road because it was too dark.¹⁹ After he confirmed the gate was closed, he resumed his drive home from his detour. Shortly after he resumed his drive, he noticed the new LED lights, which caught his attention and distracted him from the road.²⁰ Before he knew it, he had run a stop sign and entered the middle of an intersection.²¹ He testified that he impacted the truck that Mr. Rodgers was a passenger in.²²

The City presented the testimony of an accident reconstruction expert, who testified that, had Mr. Blackwell

¹² See Trial Transcript Day 2 PM Session, 188.

¹³ See Trial Transcript Day 2 PM Session, 193.

¹⁴ See Trial Transcript Day 2 PM Session, 198.

¹⁵ See Trial Transcript Day 2 PM Session, 200-201.

¹⁶ See Trial Transcript Day 2 PM Session, 213.

¹⁷ *Id.*

¹⁸ See Trial Transcript Day 2 PM Session, 171.

¹⁹ See Day 1 part 2 (PM) Trial Testimony, 297.

²⁰ See Day 1 part 2 (PM) Trial Testimony, 301.

²¹ *Id.*

²² *Id.*

been going the speed limit, the accident would not have occurred.²³ He presented a simulation that he relied on to come to this conclusion.²⁴

The City also presented the testimony of a biomechanics expert, who testified that, had Mr. Rodgers been wearing his seatbelt, he would not have been ejected from the truck and would have sustained only light injuries.²⁵

The City maintained its position that sovereign immunity barred Mr. Rodgers's claim and argued that the amount he was asking for should be reduced by the fact that Mr. Rodgers was not wearing his seatbelt and that Mr. Blackwell was going approximately 10 mph in excess of the speed limit at the time of the accident.²⁶

The jury deliberated and entered a verdict in favor of Mr. Rodgers. The jury found that Mr. Stormant was "a legal cause of loss, injury, or damage to" Mr. Rodgers.²⁷ Due to confusion with the jury instructions,²⁸ the jury awarded Mr. Rodgers \$120,000,000.00.

The City filed two post-trial motions in response to this verdict: a motion for new trial and alternative motion for remittitur, and a motion to set aside the verdict. The trial court denied both, but granted the motion for remittitur, reducing Mr. Rodgers's overall award to \$18,319,181.20. Both parties appealed the final judgment. The appellate court affirmed the issue of damages and expressly rejected the City's argument that Mr. Stormant was not acting in the course and scope of his employment at the time of the accident but remanded the case to the trial court to conduct a new trial on the jury instruction issue and the allocation of fault.²⁹

²³ Trial Transcript – Day 4 AM Session, 12 (39).

²⁴ *Id.*

²⁵ Trial Transcript – Day 4 AM Session, 22 (78).

²⁶ Mr. Blackwell estimated that he was going 50 miles an hour at the time of the accident. However, the computer in his car showed he was going nine or ten miles an hour over the 45-mph speed limit. See Trial Transcript – Day 2 AM Session, 42.

²⁷ See 2021-05-06 - Verdict.

²⁸ The jury determined that Mr. Rodgers was not a legal cause of his injuries because not wearing a seatbelt in the back seat is not a crime in Florida. Therefore, it concluded that Mr. Rodgers not wearing a seatbelt was not a legal cause of his injury because he was doing nothing illegal that contributed to his damages.

²⁹ The appellate court ordered a new trial and directed the trial court to instruct the jury that "Stormant was negligent and the City is liable for Stormant's actions." See *City of Gainesville v. Rodgers*, 377 So. 3d 626, 634 (Fla. 1st DCA 2023); 2023-11-19 Opinion-Disposition, 11.

In lieu of a new trial, the parties agreed to settle the case.³⁰ Both parties agreed to a judgment in the amount of \$11,000,000.00, but both parties reserved all rights with respect to a legislative claim bill.³¹ The City included, and Mr. Rodgers agreed to, the provision that: “The City/GRU does not waive any defenses of sovereign immunity and does not agree to execution of judgment beyond the statutory cap provided in FS 768.28.”³²

CONCLUSIONS OF LAW:

The claim bill held on February 28, 2025, was a *de novo* proceeding to determine whether the City of Gainesville is liable in negligence for damages caused by its employee, William Stormant, acting within the scope of his employment, to the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Under the legal doctrine of *respondeat superior*, Sarasota County is responsible for the wrongful acts of its employees when the acts are committed within the scope of their employment. Being that Ms. Parnell was operating a parks-and-recreation vehicle in the course and scope of her employment at the time of the collision, and because the vehicle was owned by Sarasota County, the County is responsible for negligence committed by Ms. Parnell.

Negligence

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant's conduct is foreseeably and substantially the cause of the resulting damages; and (4) – damages – actual harm.³³

³⁰ See Settlement Agreement with Plaintiff's Signature.

³¹ *Id.*

³² *Id.*

³³ *Clay Elec. Co-op., Inc. v. Johnson*, 873 So. 2d 1182, 1185 (Fla. 2003).

The plaintiff bears the burden of proving, by the greater weight of the evidence, that the defendant's action was a breach of the duty that the defendant owed to the plaintiff.³⁴ The "greater weight of the evidence" burden of proof means the more persuasive and convincing force and effect of the entire evidence in the case.

In this case, the City of Gainesville's liability depends on whether Mr. Stormant negligently operated his city-owned vehicle and whether that negligent operation caused Mr. Rodgers's resulting injuries.

Duty

A legal duty may arise from statutes or regulations; common law interpretations of statutes or regulations; other common law precedent; and the general facts of the case.

In this case, Mr. Stormant was responsible for exercising the duty of reasonable care to others while driving his city-owned vehicle.³⁵ Any person operating a vehicle within the state "shall drive the same in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person. Failure to drive in such manner shall constitute careless driving and a violation of this section."³⁶

Breach

The undersigned finds that Mr. Stormant breached the duty of care owed to Mr. Rodgers.

Mr. Stormant testified that he was distracted by the LED lights and was lost in thought while driving. As a result, he failed to adhere to the stop sign and drove into the middle of the intersection.

Causation

Mr. Rodgers's injuries were the natural and direct consequence of Mr. Stormant's breach of his duty. He was

³⁴ *Alachua Lake Corp. v. Jacobs*, 9 So. 2d 631, 632 (Fla. 1942).

³⁵ *Gowdy v. Bell* 993 So. 2d 585, 586 (Fla. 1st DCA 2008) ("The operator of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injury to persons within the vehicle's path.").

³⁶ Mr. Stormant was cited for violating section 316.123(2)(a), of the Florida Statutes, which provides that "every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line." See Exhibit #38 (Deposition Exhibits), 2; see section 316.123(2)(a), F.S.

ejected from the vehicle and sustained major injuries as a result of Mr. Stormant running the stop sign and colliding with Mr. Blackwell's truck. The City of Gainesville argues that Mr. Stormant was not acting within the course and scope of his employment because he was driving home, but the undersigned finds that the employee was returning to his route home from his detour, which he took solely for a business purpose. Therefore, he was acting within the course and scope of his duties, and the City of Gainesville, as the employer, is liable for damages caused by its employee's negligent act.

Damages

A plaintiff's damages are computed by adding these elements together:

Economic Damages

- Past medical expenses
- Future medical expenses

Non-Economic Damages

- Past pain and suffering and loss of enjoyment of life
- Future pain and suffering and loss of enjoyment of life

As a result of the accident, Mr. Rodgers can no longer feel his lower body; it is completely and permanently paralyzed.³⁷ He also sustained a skull fracture; his ear was hanging off and had to be restitched to his head;³⁸ and his broken spine had to be stabilized with the surgical installation of a bar.³⁹ Mr. Rodgers is also bound to a wheelchair. Mr. Rodgers's attorney provided a breakdown of what the claim bill award would be used for, should this bill pass.⁴⁰ \$4,814.57 would be used to pay for past medical visits, and \$285,683.88 would be used to pay off medical liens.⁴¹ \$3,210,355.62 would be used to pay for attorney fees and costs.⁴²

³⁷ See Trial Transcript Day 2 PM Session, 185.

³⁸ See *Id.*

³⁹ See Trial Transcript Day 2 PM Session, 187.

⁴⁰ See Rodgers Cost Breakdown, 1.

⁴¹ *Id.*, 2.

⁴² *Id.*

Mr. Rodgers would net \$7,789,644.38.⁴³ The claimant's attorney explained that \$3,900,000.00⁴⁴ would be used to "fund a medical annuity that will provide lifetime medical health benefits for his future medical expenses (mostly for home health care and hospitalization expenses)," \$1,950,000.00 would purchase "tax free municipal bonds to supplement his income moving forward in case of future job loss⁴⁵ (future loss earnings)," and \$1,000,000.00 would "establish an investment portfolio to pay for loss of household services and equipment."⁴⁶ The claimant's attorney classified these expenses as past and future economic losses.⁴⁷ For non-economic damages, his attorney stated that \$950,000.00 would be invested in a "general investment fund managed for vacations and enjoyment of life."⁴⁸

The City contests these damages in the entirety, arguing that Mr. Stormant was not acting within the course and scope of his employment. In the alternative, the City argues that Mr. Rodgers was not wearing his seatbelt and more fault should be assigned to him. Specifically, the City believes the "most fair allocation of fault for the spinal cord injury is 10% to Mr. Stormant, 10% to Mr. Blackwell, and 80% to Mr. Rodgers."⁴⁹

Comparative Fault

Florida's comparative fault statute, section 768.81, F.S., applies to this case because Mr. Rodgers, Mr. Blackwell, and Mr. Stormant were all three at fault for Mr. Rodgers's injuries.

Mr. Rodgers was at fault for:

- Failing to wear his seat belt.

Mr. Blackwell was at fault for:

- Excessive speeding.

⁴³ *Id.*

⁴⁴ See Amended Catastrophic Life Care Plan, 40. Mr. Rodgers submitted a life care plan, in which Dr. Christopher Leber estimated Mr. Rodgers's future medical costs to be \$4,759,035.37. These costs included physician services, routine diagnostics, medications, laboratory studies, rehabilitation services, equipment and supplies, nursing and attendant care, and acute care services.

⁴⁵ Mr. Rodgers also presented the report of Andrea Bradford, an Associate Vocational Specialist, in which she explained that Mr. Rodgers's lost wages are valued somewhere between \$392,040 and \$576,840. See Amended Vocational Assessment – J. Rodgers, 36-37.

⁴⁶ See SB 96 Post-Hearing Follow-up Email (March 11, 2025).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* (March 3, 2025).

Mr. Stormant was at fault for:

- Violating section 316.123(2)(a), F.S., by failing to stop at a clearly marked stop sign;
- Failure to operate his vehicle with reasonable care.

While all three were partially at fault in this matter, Mr. Stormant's negligence far outweighs that of Mr. Rodgers and Mr. Blackwell; the undersigned finds there was sufficient evidence presented to prove the collision ultimately happened because Mr. Stormant ran the stop sign.

The City believes the "most fair allocation of fault for the spinal cord injury is 10% to Mr. Stormant, 10% to Mr. Blackwell, and 80% to Mr. Rodgers."⁵⁰ The City argues that 80% of fault should be allocated to Mr. Rodgers because he was not wearing his seatbelt, and his injuries were worsened by his negligent act. However, the undersigned finds that the City's suggested allocation fails to take into account that the mere fact that Mr. Rodgers was not wearing a seatbelt, alone, did not cause him to be ejected from the vehicle.⁵¹ The collision, caused by Mr. Stormant's negligence, was the cause.⁵² As such, the undersigned finds that assigning 80% of fault to Mr. Rodgers for his failure to wear a seatbelt would be unreasonable.

The settlement agreement, which was entered into by both parties, reduced the original award of \$18,319,181.20 to \$11,000,000.00⁵³ in order to avoid a retrial. While the Legislature is not bound by any settlement agreement, it is worthy of note that it reduced the original award amount by

⁵⁰ *Id.*

⁵¹ In support of his position, Mr. Rodgers testified that he habitually does *not* wear his seatbelt in the back seat, and he has never been in an accident before. See Day 2 part 2 (PM), 209.

⁵² The City presented the testimony of an accident reconstructionist. See Day 4 part 1 (AM), 4 (7). Counsel for the City listed three "ingredients" in the case to him: that Mr. Stormant ran a stop sign, Mr. Blackwell was speeding, and Mr. Rodgers was not wearing his seatbelt. *Id.*, 18 (63). The witness was asked "if you take out any of those ingredients, does Mr. Rodgers get ejected from the vehicle?" *Id.* The witness replied "I don't think the ejection happens." *Id.* He continued by stating "his occupant space, by and large, is intact after the crash. He's going to stay in the truck, that much I think is true." *Id.* The undersigned finds this testimony unpersuasive, as he erroneously assumes the crash would have happened regardless of whether Mr. Rodgers wore a seatbelt. To this point, the witness was previously asked "It took somebody to blow through a stop sign and hit him to cause the forces and the flipping of the truck for him to be ejected, correct?" *Id.*, 14 (49). The witness replied "Correct." *Id.* It is undisputed that Mr. Rodgers's choice to not wear his seatbelt worsened his injuries, but him not wearing a seatbelt—that fact by itself—did not eject him from the truck, the collision did.

⁵³ This is also the same amount asked for in the claim bill.

40%. This agreement, in effect, assigns 40% of fault to Mr. Rodgers in exchange for both parties avoiding a retrial. The undersigned finds that assigning 40% of fault to Mr. Rodgers is reasonable, and, based on the above discussion of damages, the \$11,000,000.00 request reflects that appropriate allocation of fault.

Based on the foregoing, the undersigned finds:

- That Mr. Rodgers presented evidence that was sufficient to prove he suffers from a spinal cord injury and requires current and future treatment for that injury;
- The \$11,000,000.00 requested in the claim bill is reasonable and represents a reasonable allocation of fault to Mr. Rodgers.

IMPACT ON BUDGET:

The undersigned asked for the impact on the budget and the City responded: “GRU can pull together up to \$10.8 million in cash for a claim bill, but GRU has not budgeted any money for a claim bill. If the Legislature passes a bill for the \$10.8 million amount requested by Claimant, that would equal roughly one-third of the electric system’s operating cash, and would hinder the system’s ability to pay its bills. Thus, GRU would need to make up the money by pulling from its reserves, cutting the amount budgeted for paying on existing debt and for its capital improvement plan, or taking on new debt.”⁵⁴

ATTORNEY FEES:

Attorney fees may not exceed 25 percent of the amount awarded, and lobbying fees will be limited to 5 percent of any amount awarded by the Legislature.⁵⁵ Counsel for Rodgers totaled his attorney fees to \$2,612,500.00 and the lobbyist fees to \$137,500.00, both of which fall within the statutory limits.⁵⁶

RECOMMENDATIONS:

Based on the reasons above, the undersigned recommends that Senate Bill 96 be reported FAVORABLY.

⁵⁴ See SB 96 Post-Hearing Follow-up Email (March 6, 2025).

⁵⁵ Section 768.28, F.S.

⁵⁶ See Rodgers Cost Breakdown, 1.

Respectfully submitted,

Oliver Thomas
Senate Special Master

cc: Secretary of the Senate