

By Senator Bennett

21-193A-03

1 A bill to be entitled
2 An act relating to Hernando County; providing
3 for the relief of John W. Martz; providing for
4 an appropriation to compensate him for injuries
5 and damages sustained as a result of the
6 negligence of Hernando County; providing an
7 effective date.
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9 WHEREAS, on February 20, 2000, John W. Martz, then 16
10 years of age, was the driver of a vehicle traveling westbound
11 on Powell Road near the intersection of Cedar Lane in Hernando
12 County, and
13 WHEREAS, John W. Martz was traveling with his friend,
14 Crystal Crenshaw, to another friend's house at approximately
15 7:00 p.m., and
16 WHEREAS, the roadway on which John W. Martz was
17 traveling had a slight downgrade and was slightly curved, and
18 WHEREAS, the speed limit on Powell Road is 50 miles per
19 hour, and
20 WHEREAS, John W. Martz was traveling between 50 and 60
21 miles per hour when his passenger-side tires left the pavement
22 and went into a large rut immediately adjacent to the roadway,
23 and
24 WHEREAS, the rut was approximately 60 feet long and 8
25 inches deep at its deepest point, and
26 WHEREAS, John W. Martz attempted to bring his vehicle
27 back onto the pavement when he lost control of the vehicle and
28 struck a large tree located on the opposite side of the
29 roadway, and
30 WHEREAS, as a result of the vehicular accident of
31 February 20, 2000, John W. Martz was seriously injured, and

1 WHEREAS, liability on the part of Hernando County was
2 clear, and

3 WHEREAS, Hernando County had notice of the existence of
4 the large rut adjacent to Powell Road for at least 6 weeks
5 prior to the accident in which John W. Martz was injured, but
6 failed to repair the rut, and

7 WHEREAS, the dimensions of the rut clearly violated
8 state guidelines concerning the construction and maintenance
9 of road shoulders, and

10 WHEREAS, John W. Martz was seriously injured during the
11 accident of February 20, 2000, suffering fractures at the C5
12 and C7 vertebrae which rendered him a quadriplegic, and

13 WHEREAS, following the accident, John W. Martz
14 underwent surgery to stabilize his cervical spine, and

15 WHEREAS, John W. Martz has undergone extensive physical
16 therapy since the accident, and

17 WHEREAS, John W. Martz will have significant future
18 medical expense, in addition to significant loss of future
19 earnings, as a result of his cervical spine injury, and

20 WHEREAS, John W. Martz settled his case with Hernando
21 County for the sum of \$2.5 million, and

22 WHEREAS, ITT Hartford, Hernando County's insurance
23 carrier, paid their policy limits in the amount of \$2 million
24 to John W. Martz, \$1 million of which was paid in structured
25 payments and \$1 million of which was paid in cash, and

26 WHEREAS, the parties in this action have entered into
27 an agreement for this claim bill in the amount of \$500,000,
28 and

29 WHEREAS, Hernando County does not contest this claim
30 bill for the relief of John W. Martz, NOW, THEREFORE,

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

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

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6 Section 2. The Board of County Commissioners of
7 Hernando County is authorized and directed to appropriate from
8 funds of the county not otherwise appropriated and to draw a
9 warrant in the sum of \$500,000 payable to John W. Martz as
10 compensation for injuries and damages sustained.

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Section 3. This act shall take effect upon becoming a
law.