



HB 0095

2003

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A bill to be entitled  
An act relating to Hernando County; providing for the relief of John W. Martz; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of Hernando County; providing an effective date.

WHEREAS, on February 20, 2000, John W. Martz, then 16 years of age, was the driver of a vehicle traveling westbound on Powell Road near the intersection of Cedar Lane in Hernando County, and

WHEREAS, John W. Martz was traveling with his friend, Crystal Crenshaw, to another friend's house at approximately 7 p.m., and

WHEREAS, the roadway on which John W. Martz was traveling had a slight downgrade and was slightly curved, and

WHEREAS, the speed limit on Powell Road is 50 miles per hour, and

WHEREAS, John W. Martz was traveling between 50 and 60 miles per hour when his passenger-side tires left the pavement and went into a large rut immediately adjacent to the roadway, and

WHEREAS, the rut was approximately 60 feet long and 8 inches deep at its deepest point, and

WHEREAS, John W. Martz attempted to bring his vehicle back onto the pavement when he lost control of the vehicle and struck a large tree located on the opposite side of the roadway, and

WHEREAS, as a result of the vehicular accident of February 20, 2000, John W. Martz was seriously injured, and



HB 0095

2003

30 WHEREAS, liability on the part of Hernando County was  
31 clear, and

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

36 WHEREAS, the dimensions of the rut clearly violated state  
37 guidelines concerning the construction and maintenance of road  
38 shoulders, and

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

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

44 WHEREAS, John W. Martz has undergone extensive physical  
45 therapy since the accident, and

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

49 WHEREAS, John W. Martz settled his case with Hernando  
50 County for the sum of \$2,500,000, and

51 WHEREAS, ITT Hartford, Hernando County's insurance carrier,  
52 paid their policy limits in the amount of \$2,000,000 to John W.  
53 Martz, \$1,000,000 of which was paid in structured payments and  
54 \$1,000,000 of which was paid in cash, and

55 WHEREAS, the parties in this action have entered into an  
56 agreement for this claims bill in the amount of \$500,000, and

57 WHEREAS, Hernando County does not contest this claims bill  
58 for the relief of John W. Martz, NOW, THEREFORE,



HB 0095

2003

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

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