

House Bill No. 95

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.