

1 A bill to be entitled
2 An act for the relief of Verlin C. Weaver by the City of
3 Fernandina Beach; providing for an appropriation to
4 compensate him for injuries sustained as a result of the
5 negligence of an employee of the City of Fernandina Beach;
6 providing for attorney's fees and expenses; providing an
7 effective date.

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9 WHEREAS, on November 11, 2002, Verlin C. Weaver was
10 seriously injured when a garbage truck owned by the City of
11 Fernandina Beach and operated by one of the city's employees
12 rolled over Mr. Weaver's pickup truck, and

13 WHEREAS, after the accident, the Florida Highway Patrol
14 issued a citation for careless driving to the city employee who
15 was driving the garbage truck, and

16 WHEREAS, as a result of the accident, Verlin C. Weaver
17 suffered multiple fractured bones, and

18 WHEREAS, after the collision, Verlin C. Weaver spent a
19 month in the hospital, during which time he was in and out of
20 consciousness; he lost his spleen, spent 2 months in
21 rehabilitation, and suffers hearing loss; and he can no longer
22 work full time, and

23 WHEREAS, Verlin C. Weaver's medical expenses to date total
24 more than \$400,000, and

25 WHEREAS, Verlin C. Weaver filed suit against the City of
26 Fernandina Beach (Case No. 03-251-CA-A) in the Circuit Court of
27 the Fourth Judicial Circuit in and for Nassau County, and

28 WHEREAS, subsequently, the parties agreed to settle the
29 case, and, on June 1, 2004, they entered into a consent final

30 judgment in which the City of Fernandina Beach agreed to pay to
 31 Verlin C. Weaver the sum of \$500,000, including a payment to be
 32 made out of insurance proceeds in the amount of \$100,000, the
 33 limit payable under s. 768.28, Florida Statutes, and an
 34 additional \$400,000 upon the Legislature's passage of a claim
 35 bill, which the city agreed to actively support, and

36 WHEREAS, this claim bill is being filed in accordance with
 37 the consent final judgment in this matter, NOW, THEREFORE,

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

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

43 Section 2. The City of Fernandina Beach is authorized and
 44 directed to appropriate from funds of the city not otherwise
 45 appropriated the amount of \$400,000 payable to Verlin C. Weaver
 46 as compensation for injuries and damages suffered as a result of
 47 the negligence of a former employee of the city. Upon passage
 48 of this act, payment shall be made in accordance with the terms
 49 set forth in the General Release and Settlement of Claim entered
 50 into by Verlin C. Weaver and the City of Fernandina Beach,
 51 Florida, on May 19, 2004, as follows: within 20 days after the
 52 Governor signs this act into law, the City of Fernandina Beach
 53 shall draw a warrant in the amount of \$200,000 payable to Verlin
 54 C. Weaver; on October 10, 2005, the City of Fernandina Beach
 55 shall draw a warrant in the amount of \$100,000 payable to Verlin
 56 C. Weaver; and, on January 9, 2006, the City of Fernandina Beach
 57 shall draw a warrant in the amount of \$100,000 payable to Verlin
 58 C. Weaver. Furthermore, in accordance with the release and

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59 settlement, Verlin C. Weaver is responsible for all expenses,
60 including, but not limited to, attorney's fees, associated with
61 the legislative claim bill process.

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