

By Senator Aronberg

27-106B-05

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled

An act relating to the City of Fernandina Beach; providing for the relief of Verlin C. Weaver for injuries sustained as a result of the negligence of an employee of the City of Fernandina Beach; providing for an appropriation; providing for attorney's fees and expenses; providing an effective date.

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

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

WHEREAS, as a result of the accident, Mr. Weaver suffered multiple fractured bones, and

WHEREAS, after the collision, Mr. Weaver spent a month at the hospital, during which he was in and out of consciousness; he lost his spleen, spent 2 months in rehabilitation, and has hearing loss; and he can no longer work full-time, and

WHEREAS, Mr. Weaver's medical expenses to date total more than \$400,000, and

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

WHEREAS, subsequently, the parties agreed to settle the case, and, on June 1, 2004, they entered into a consent final judgment in which the city of Fernandina Beach agreed to pay

1 to Mr. Weaver the sum of \$500,000, including a payment to be  
2 made out of insurance proceeds in the amount of \$100,000, the  
3 limit payable under section 768.28, Florida Statutes, and an  
4 additional \$400,000 upon the Legislature's passage of a claim  
5 bill, which the city agreed to actively support, and

6 WHEREAS, this claim bill is being filed in accordance  
7 with the consent final judgment in this matter, NOW,  
8 THEREFORE,

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. The facts stated in the preamble to this  
13 act are found and declared to be true.

14 Section 2. The City of Fernandina Beach is authorized  
15 and directed to appropriate from funds of the city not  
16 otherwise encumbered the amount of \$400,000 payable to Verlin  
17 Weaver as compensation for injuries and damages suffered as a  
18 result of the negligence of a former employee of the city.  
19 Contingent upon passage of this act, payment of this sum must  
20 be made in accordance with the terms set forth in the General  
21 Release and Settlement of Claim entered into by Verlin C.  
22 Weaver and the City of Fernandina Beach, Florida, on May 19,  
23 2004, as follows: within 20 days after the Governor approves  
24 this act, the City of Fernandina Beach shall draw a warrant in  
25 the amount of \$200,000 payable to Verlin C. Weaver; on October  
26 10, 2005, the City of Fernandina Beach shall draw a warrant in  
27 the amount of \$100,000 payable to Verlin C. Weaver; and, on  
28 January 9, 2006, the City of Fernandina Beach shall draw a  
29 warrant in the amount of \$100,000 payable to Verlin C. Weaver.  
30 Furthermore, in accordance with the release and settlement,  
31 Mr. Weaver is responsible for all expenses, including, but not

1 limited to, attorney's fees, associated with the legislative  
2 claim bill process.

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

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31