

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.

8  
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 suffered 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

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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 section 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,

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
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 encumbered the amount of \$400,000 payable to Verlin C. Weaver as  
46 compensation for injuries and damages suffered as a result of  
47 the negligence of a former employee of the city. Upon passage of  
48 this act, payment shall be made in accordance with the terms set  
49 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

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57 shall draw a warrant in the amount of \$100,000 payable to Verlin  
58 C. Weaver. Furthermore, in accordance with the release and  
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.