

HB 845

2006
CS

CHAMBER ACTION

1 The Claims Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

7 An act for the relief of Verlin C. Weaver by the City of
8 Fernandina Beach; providing for an appropriation to
9 compensate him for injuries sustained as a result of the
10 negligence of an employee of the City of Fernandina Beach;
11 providing for attorney's fees and expenses; providing an
12 effective date.

13
14 WHEREAS, on November 11, 2002, Verlin C. Weaver was
15 seriously injured when a garbage truck owned by the City of
16 Fernandina Beach and operated by one of the city's employees
17 rolled over Mr. Weaver's pickup truck, and

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

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

HB 845

2006
CS

23 WHEREAS, after the collision, Verlin C.. Weaver spent a
24 month in the hospital, during which time he was in and out of
25 consciousness; he lost his spleen, spent 2 months in
26 rehabilitation, and suffered hearing loss; and he can no longer
27 work full-time, and

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

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

33 WHEREAS, subsequently, the parties agreed to settle the
34 case, and, on June 1, 2004, they entered into a consent final
35 judgment in which the City of Fernandina Beach agreed to pay to
36 Verlin C. Weaver the sum of \$500,000, including a payment to be
37 made out of insurance proceeds in the amount of \$100,000, the
38 limit payable under section 768.28, Florida Statutes, and an
39 additional \$400,000 upon the Legislature's passage of a claim
40 bill, which the city agreed to actively support, and

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

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. The facts stated in the preamble to this act
47 are found and declared to be true.

48 Section 2. The City of Fernandina Beach is authorized and
49 directed to appropriate from funds of the city not otherwise
50 encumbered the amount of \$400,000 payable to Verlin C. Weaver as

HB 845

2006
CS

51 compensation for injuries and damages suffered as a result of
52 the negligence of a former employee of the city. Upon passage of
53 this act, payment shall be made in accordance with the terms set
54 forth in the General Release and Settlement of Claim entered
55 into by Verlin C. Weaver and the City of Fernandina Beach,
56 Florida, on May 19, 2004, as follows: within 20 days after the
57 Governor signs this act into law, the City of Fernandina Beach
58 shall draw a warrant in the amount of \$200,000 payable to Verlin
59 C. Weaver; on October 10, 2006, the City of Fernandina Beach
60 shall draw a warrant in the amount of \$100,000 payable to Verlin
61 C. Weaver; and, on January 9, 2007, the City of Fernandina Beach
62 shall draw a warrant in the amount of \$100,000 payable to Verlin
63 C. Weaver. Furthermore, in accordance with the release and
64 settlement, Verlin C. Weaver is responsible for all expenses,
65 including, but not limited to, attorney's fees, associated with
66 the legislative claim bill process.

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