

HB 1291

2007

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

HB 1291

2007

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:

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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 | 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, 2007, 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, 2008, the City of Fernandina Beach

HB 1291

2007

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.