

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, lobbyist's fees, and costs;
 7 providing an 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 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

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,

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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 | 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. Furthermore, in
 48 | accordance with the release and settlement, Verlin C. Weaver is
 49 | responsible for all expenses, including, but not limited to,
 50 | attorney's fees, associated with the legislative claim bill
 51 | process.

52 | Section 3. Payment for the combined total of professional
 53 | services and costs incurred by attorneys, lobbyists, and agents
 54 | or representatives of attorneys or lobbyists shall not exceed
 55 | \$60,000.

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