

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Mahon offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. The facts stated in the preamble to this act
7 are found and declared to be true.

8 Section 2. The City of Fernandina Beach is authorized and
9 directed to appropriate from funds of the city not otherwise
10 encumbered the amount of \$400,000 payable to Verlin C. Weaver as
11 compensation for injuries and damages suffered as a result of
12 the negligence of a former employee of the city. Furthermore, in
13 accordance with the release and settlement, Verlin C. Weaver is
14 responsible for all expenses, including, but not limited to,
15 attorney's fees, associated with the legislative claim bill
16 process.

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4/30/2007 10:30:08 PM

Amendment No.

17 Section 3. Payment for the combined total of professional
 18 services and costs incurred by attorneys, lobbyists, and agents
 19 or representatives of attorneys or lobbyists shall not exceed
 20 \$60,000.

21 Section 4. This act shall take effect upon becoming a law.
 22
 23

24 ===== T I T L E A M E N D M E N T =====

25 On page 1, line 1, through page 2, line 9, remove all of
 26 said lines, and insert:

27
 28 A bill to be entitled
 29 An act for the relief of Verlin C. Weaver by the City of
 30 Fernandina Beach; providing for an appropriation to
 31 compensate him for injuries sustained as a result of the
 32 negligence of an employee of the City of Fernandina Beach;
 33 providing for attorney's fees, lobbyist's fees, and costs;
 34 providing an effective date.

35
 36 WHEREAS, on November 11, 2002, Verlin C. Weaver was
 37 seriously injured when a garbage truck owned by the City of
 38 Fernandina Beach and operated by one of the city's employees
 39 rolled over Mr. Weaver's pickup truck, and

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

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

203389
 4/30/2007 10:30:08 PM

Amendment No.

45 WHEREAS, after the collision, Verlin C. Weaver spent a
46 month in the hospital, during which time he was in and out of
47 consciousness; he lost his spleen, spent 2 months in
48 rehabilitation, and suffered hearing loss; and he can no longer
49 work full-time, and

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

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

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

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