578-2432-07

	5,6 2152 6,		
1	A bill to be entitled		
2	An act relating to the City of Fernandina		
3	Beach; providing for the relief of Verlin C.		
4	Weaver for injuries sustained as a result of		
5	the negligence of an employee of the City of		
б	Fernandina Beach; providing for an		
7	appropriation; providing for a limitation on		
8	payment of fees and costs; providing an		
9	effective date.		
10			
11	WHEREAS, on November 11, 2002, Verlin Weaver was		
12	seriously injured when a garbage truck owned by the City of		
13	Fernandina Beach and operated by one of the city's employees		
14	rolled over Mr. Weaver's pickup truck, and		
15	WHEREAS, after the accident, the Florida Highway Patrol		
16	issued a citation for careless driving to the city employee		
17	who was driving the garbage truck, and		
18	WHEREAS, as a result of the accident, Mr. Weaver		
19	suffered multiple fractured bones, and		
20	WHEREAS, after the collision, Mr. Weaver spent a month		
21	at the hospital, during which he was in and out of		
22	consciousness; he lost his spleen, spent 2 months in		
23	rehabilitation, and has hearing loss; and he can no longer		
24	work full-time, and		
25	WHEREAS, Mr. Weaver's medical expenses to date total		
26	more than \$400,000, and		
27	WHEREAS, Mr. Weaver filed suit against the City of		
28	Fernandina Beach (Case No. 03-251-CA-A) in the Circuit Court		
29	of the Fourth Judicial Circuit in and for Nassau County, and		
30	WHEREAS, subsequently, the parties agreed to settle the		
31	case, and, on June 1, 2004, they entered into a consent final		
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

Florida Senate - 2007 (NP) 578-2432-07

1 judgment in which the City of Fernandina Beach agreed to pay 2 to Mr. Weaver the sum of \$500,000, including a payment to be made out of insurance proceeds in the amount of \$100,000, the 3 4 limit payable under section 768.28, Florida Statutes, and an additional \$400,000 upon the Legislature's passage of a claim 5 б bill, which the city agreed to actively support, and 7 WHEREAS, this claim bill is being filed in accordance 8 with the consent final judgment in this matter, NOW, THEREFORE, 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 13 Section 1. The facts stated in the preamble to this act are found and declared to be true. 14 The City of Fernandina Beach is authorized 15 Section 2. and directed to appropriate from funds of the city not 16 17 otherwise encumbered the amount of \$400,000 payable to Verlin 18 Weaver as compensation for injuries and damages suffered as a result of the negligence of a former employee of the city. 19 20 Section 3. This award is intended to provide the sole 21 compensation for any and all present and future claims arising out of the factual situation in connection with the injury to 22 23 Verlin Weaver. Not more than 25 percent of the award may be paid by the claimant for attorney's fees, lobbying fees, costs 2.4 or other similar expenses. 25 Section 4. This act shall take effect upon becoming a 26 27 law. 28 29 30 31

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Florida Senate - 2007	(NP)	CS for SB 44
578-2432-07		

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2	COMMITTEE SUBSTITUTE FOR Senate Bill 44
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4	The CS made the following changes:
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6	Removes a provision providing for attorney's fees and expenses and provides a limitation on payment of fees and costs.
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