By Senator Aronberg

27-68-07

 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

 6   Fernandina Beach; providing for an

 7   appropriation; providing for attorney's fees

 8   and expenses; providing an effective date.

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10   WHEREAS, on November 11, 2002, Verlin Weaver was

11 seriously injured when a garbage truck owned by the City of

12 Fernandina Beach and operated by one of the city's employees

13 rolled over Mr. Weaver's pickup truck, and

14   WHEREAS, after the accident, the Florida Highway Patrol

15 issued a citation for careless driving to the city employee

16 who was driving the garbage truck, and

17   WHEREAS, as a result of the accident, Mr. Weaver

18 suffered multiple fractured bones, and

19   WHEREAS, after the collision, Mr. Weaver spent a month

20 at the hospital, during which he was in and out of

21 consciousness; he lost his spleen, spent 2 months in

22 rehabilitation, and has hearing loss; and he can no longer

23 work full-time, and

24   WHEREAS, Mr. Weaver's medical expenses to date total

25 more than $400,000, and

26   WHEREAS, Mr. Weaver filed suit against the City of

27 Fernandina Beach (Case No. 03-251-CA-A) in the Circuit Court

28 of the Fourth Judicial Circuit in and for Nassau County, and

29   WHEREAS, subsequently, the parties agreed to settle the

30 case, and, on June 1, 2004, they entered into a consent final

31 judgment in which the City of Fernandina Beach agreed to pay

1 to Mr. Weaver the sum of $500,000, including a payment to be

2 made out of insurance proceeds in the amount of $100,000, the

3 limit payable under section 768.28, Florida Statutes, and an

4 additional $400,000 upon the Legislature's passage of a claim

5 bill, which the city agreed to actively support, and

6   WHEREAS, this claim bill is being filed in accordance

7 with the consent final judgment in this matter, NOW,

8 THEREFORE,

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10 Be It Enacted by the Legislature of the State of Florida:

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12   Section 1. The facts stated in the preamble to this

13 act are found and declared to be true.

14   Section 2. The City of Fernandina Beach is authorized

15 and directed to appropriate from funds of the city not

16 otherwise encumbered the amount of $400,000 payable to Verlin

17 Weaver as compensation for injuries and damages suffered as a

18 result of the negligence of a former employee of the city.

19 Upon passage of this act, payment of this sum must be made in

20 accordance with the terms set forth in the General Release and

21 Settlement of Claim entered into by Verlin C. Weaver and the

22 City of Fernandina Beach, Florida, on May 19, 2004, as

23 follows: within 20 days after the Governor approves this act,

24 the City of Fernandina Beach shall draw a warrant in the

25 amount of $200,000 payable to Verlin C. Weaver; on October 10,

26 2007, the City of Fernandina Beach shall draw a warrant in the

27 amount of $100,000 payable to Verlin C. Weaver; and, on

28 January 9, 2008, the City of Fernandina Beach shall draw a

29 warrant in the amount of $100,000 payable to Verlin C. Weaver.

30 Furthermore, in accordance with the release and settlement,

31 Mr. Weaver is responsible for all expenses, including, but not

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1   limited to, attorney's fees, associated with the legislative

2   claim bill process.

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

4   law.

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