

Committee Substitute for Senate Bill No. 44

An act for the relief of Verlin C. Weaver by the City of Fernandina Beach; providing for an appropriation to compensate him for injuries sustained as a result of the negligence of an employee of the City of Fernandina Beach; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

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

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

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

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

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

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

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

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

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

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

Section 2. The City of Fernandina Beach is authorized and directed to appropriate from funds of the city not otherwise encumbered the amount of \$400,000 payable to Verlin C. Weaver as compensation for injuries and

damages suffered as a result of the negligence of a former employee of the city. Furthermore, in accordance with the release and settlement, Verlin C. Weaver is responsible for all expenses, including, but not limited to, attorney's fees, associated with the legislative claim bill process.

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

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

Approved by the Governor May 22, 2007.

Filed in Office Secretary of State May 22, 2007.