

By Representative Sembler

1 A bill to be entitled
2 An act relating to the City of Tallahassee;
3 providing for the relief of Warren Weathington
4 and Carl Weathington, father of Warren
5 Weathington; providing for an appropriation to
6 compensate Warren Weathington for injuries
7 sustained as a result of the negligent conduct
8 of employees of the City of Tallahassee and to
9 compensate Carl Weathington for medical
10 expenses incurred as a result of the injuries
11 sustained by his son, Warren Weathington;
12 providing an effective date.

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14 WHEREAS, on September 15, 1993, 15-year-old Warren
15 Weathington was a participant in the Tournament Tough Training
16 Camp run by the City of Tallahassee, and as such was placed in
17 the care of tennis professionals who were employees of the
18 City of Tallahassee, and

19 WHEREAS, during the training session on September 15,
20 1993, Warren Weathington was using a piece of equipment known
21 as the "Viper," which was purchased, maintained, and put into
22 use in an improper fashion on that day by the employees of the
23 City of Tallahassee, and

24 WHEREAS, the Viper training device utilizes an elastic
25 rubber hose attached to a metal hook on one end and a belt on
26 the other end, and

27 WHEREAS, due to the improper attachment of the Viper
28 training device to a chain link fence by employees of the City
29 of Tallahassee, the metal hook on the Viper training device
30 became a dangerous missile that flew through the air and
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1 impacted Warren Weathington's head, lodged into his skull, and
2 penetrated his brain tissue, and

3 WHEREAS, Warren Weathington survived the accident but
4 has sustained permanent serious brain damage as a result of
5 the traumatic brain injury, and

6 WHEREAS, on January 7, 1994, a complaint was filed on
7 behalf of Warren Weathington and his father, Carl Weathington,
8 in the Circuit Court for Leon County, Case No. 94-75, and

9 WHEREAS, in April 1998, the case was tried before a
10 jury that found the City of Tallahassee negligent and awarded
11 damages to Warren Weathington and his father, Carl
12 Weathington, and

13 WHEREAS, pursuant to the jury's verdict, a Final
14 Judgment was entered by the circuit court in the amount of
15 \$1,005,000 for Warren Weathington and in the amount of
16 \$11,348.77 for Carl Weathington, and

17 WHEREAS, on June 18, 1998, a cost judgment in the
18 amount of \$23,173.89 was entered for Warren Weathington, and

19 WHEREAS, the City of Tallahassee has paid nothing to
20 either Warren Weathington or his father, Carl Weathington,
21 NOW, THEREFORE,

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

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

27 Section 2. The City of Tallahassee is authorized and
28 directed to appropriate from funds of the city not otherwise
29 appropriated and to draw a warrant in the sum of \$1,028,173.89
30 payable to Warren Weathington and \$11,348.77 payable to Carl
31 Weathington to compensate them for injuries and damages

1 sustained as a result of the negligence of the City of
2 Tallahassee. Such amounts include the \$100,000 payable
3 pursuant to the statutory limits of liability set forth in s.
4 768.28, Florida Statutes, Florida's sovereign immunity
5 statute.

6 Section 3. This act shall take effect upon becoming a
7 law.

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