

By the Committee on Claims and 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           for injuries sustained as a result of the  
5           negligent conduct of employees of the City of  
6           Tallahassee; providing for an appropriation by  
7           the City of Tallahassee; providing an effective  
8           date.

9  
10           WHEREAS, on September 15, 1993, 15-year-old Warren  
11 Weathington was a participant in the Tournament Tough Training  
12 Camp run by the City of Tallahassee, and as such was placed in  
13 the care of tennis professionals who were employees of the  
14 City of Tallahassee, and

15           WHEREAS, during the training session on September 15,  
16 1993, Warren Weathington was using a piece of equipment known  
17 as the "Viper," which was purchased, maintained, and put into  
18 use in an improper fashion on that day by the employees of the  
19 City of Tallahassee, and

20           WHEREAS, the Viper training device utilizes an elastic  
21 rubber hose attached to a metal hook on one end and a belt on  
22 the other end, and

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

29           WHEREAS, Warren Weathington survived the accident but  
30 has sustained permanent serious brain damage as a result of  
31 the traumatic brain injury, and

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

4           WHEREAS, in April 1998, the case was tried before a  
5 jury that found the City of Tallahassee negligent and awarded  
6 damages to Warren Weathington and his father, Carl  
7 Weathington, and

8           WHEREAS, pursuant to the jury's verdict, a Final  
9 Judgment was entered by the circuit court in the amount of  
10 \$1,005,000 for Warren Weathington and in the amount of  
11 \$11,348.77 for Carl Weathington, and

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

14           WHEREAS, the City of Tallahassee has paid nothing to  
15 either Warren Weathington or his father, Carl Weathington,  
16 NOW, THEREFORE,

17

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

19

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

22           Section 2. The City of Tallahassee is authorized and  
23 directed to appropriate from funds of the city not otherwise  
24 appropriated and to draw a warrant in the sum of \$750,000  
25 payable to Warren Weathington. After payment of attorneys'  
26 fees and costs, the remaining amount shall be used to purchase  
27 an annuity for the lifetime of Warren Weathington, such  
28 annuity to be guaranteed for 25 years.

29           Section 3. This act shall take effect upon becoming a  
30 law.

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