

By Senator Campbell

4-64-99

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 his father, Carl Weathington, for injuries  
5           sustained as a result of the negligent conduct  
6           of tennis pros employed by the City of  
7           Tallahassee; providing for an appropriation by  
8           the City of Tallahassee; providing an effective  
9           date.

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

15           WHEREAS, during the training session on that date,  
16   Warren Weathington was using a piece of training equipment  
17   known as the Viper, which was purchased, maintained, and put  
18   into use in an improper fashion on that day by the employees  
19   of the 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 city's employees' improper  
24   attachment of the Viper training device to a chain link fence,  
25   the metal hood became a dangerous missile that flew through  
26   the air and impacted Warren Weathington's head, lodged into  
27   his skull, and penetrated his brain tissue, and

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

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1           WHEREAS, on January 7, 1994, a Complaint was filed on  
2 behalf of Warren Weathington and his father in Circuit Court  
3 in Leon County, and

4           WHEREAS, in April of 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, and

7           WHEREAS, pursuant to the jury's verdict, a Final  
8 Judgment was entered against the City of Tallahassee in the  
9 amount of \$1,005,000 for Warren Weathington and \$11,348.77 for  
10 his father, Carl Weathington, and

11           WHEREAS, the court also entered a cost judgment in the  
12 amount of \$23,173.89 in favor of Warren Weathington, and

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

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

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

21           Section 2. The City of Tallahassee is authorized and  
22 directed to appropriate from the funds of the city not  
23 otherwise appropriated and to draw warrants in the sum of  
24 \$1,028,173.89 payable to Warren Weathington and \$11,348.77  
25 payable to Carl Weathington to compensate them for injuries  
26 and damages sustained as a result of the negligence on the  
27 part of the City of Tallahassee. Such sums include the amount  
28 payable from the city pursuant to section 768.28, Florida  
29 Statutes, Florida's sovereign immunity statute.

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