

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.

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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 the City of Tallahassee tennis pro employees, and

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

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

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

27 WHEREAS, Warren Weathington survived the accident but
28 has sustained permanent serious brain damage as a result of
29 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, on October 16, 1998, the City of Tallahassee
14 paid the claimant \$100,000, pursuant to the limits of
15 liability set forth in s. 768.28, Florida Statutes, NOW,
16 THEREFORE,

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

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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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