

Senate Bill No. 40

An act relating to the City of Tallahassee; providing for the relief of Warren Weathington for injuries sustained as a result of the negligent conduct of employees of the City of Tallahassee; providing for an appropriation by the City of Tallahassee; providing an effective date.

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

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

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

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

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

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

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

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

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

WHEREAS, on October 16, 1998, the City of Tallahassee paid the claimant \$100,000, pursuant to the limits of liability set forth in s. 768.28, Florida Statutes, 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 Tallahassee is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the sum of \$750,000 payable to Warren Weathington. After payment of attorneys' fees and costs, the remaining amount shall be used to purchase an annuity for the lifetime of Warren Weathington, such annuity to be guaranteed for 25 years.

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

Approved by the Governor June 11, 1999.

Filed in Office Secretary of State June 11, 1999.