

By Senator Joyner

18-00015A-10

201042

1 A bill to be entitled

2 An act for the relief of Dennis Darling, Sr., and
3 Wendy Smith, parents of Devaughn Darling, deceased;
4 providing an appropriation to compensate them for the
5 loss of their son, Devaughn Darling, whose death
6 occurred while he was engaged in football preseason
7 training on the Florida State University campus;
8 providing a limitation on the payment of fees and
9 costs; providing an effective date.

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11 WHEREAS, on February 21, 2001, Devaughn Darling collapsed
12 and died while participating in preseason training in
13 preparation for the upcoming football season at Florida State
14 University, and

15 WHEREAS, after litigation had ensued and during mediation,
16 the parents of Devaughn Darling and Florida State University
17 agreed to compromise and settle all of the disputed claims
18 rather than continue with litigation and its attendant
19 uncertainties, and

20 WHEREAS, the parties resolved, compromised, and settled all
21 claims by a stipulated settlement agreement providing for the
22 entry of a consent final judgment against Florida State
23 University in the amount of \$2 million, of which the Division of
24 Risk Management of the Department of Financial Services has paid
25 the sum of \$200,000, the limit under s. 768.28, Florida
26 Statutes, and

27 WHEREAS, as provided by the settlement agreement, the
28 remaining unpaid portion of the consent judgment, \$1.8 million,
29 is sought to be paid to the plaintiffs by the filing of this

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30 claim bill and the university's support thereof seeking specific
31 appropriation by the Legislature, NOW, THEREFORE,

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

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

37 Section 2. The sum of \$1.8 million is appropriated out of
38 funds not otherwise encumbered, to be paid to Wendy Smith and
39 Dennis Darling, Sr., parents of decedent Devaughn Darling, as
40 relief for their losses.

41 Section 3. A warrant shall be drawn in favor of Wendy Smith
42 and Dennis Darling, Sr., parents of Devaughn Darling, deceased,
43 in the sum of \$1.8 million.

44 Section 4. The amount paid by the Division of Risk
45 Management of the Department of Financial Services pursuant to
46 s. 768.28, Florida Statutes, and this award are intended to
47 provide the sole compensation for all present and future claims
48 arising out of the factual situation described in this act which
49 resulted in the death of Devaughn Darling. The total amount paid
50 for attorney's fees, lobbying fees, costs, and other similar
51 expenses relating to this claim may not exceed 25 percent of the
52 amount awarded under this act.

53 Section 5. This act shall take effect upon becoming a law.