

HB 0283

2005

1 A bill to be entitled
2 An act for the relief of Dennis Darling, Sr., and Wendy
3 Smith, parents of Devaughn Darling, deceased; providing an
4 appropriation to compensate them for the loss of their
5 son, Devaughn Darling, while he was engaged in football
6 preseason training on the Florida State University campus;
7 providing an effective date.

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

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

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

25 WHEREAS, as provided by the settlement agreement, the
26 remaining unpaid portion of the consent judgment, \$1.8 million,
27 is sought to be paid to the plaintiffs by the filing of this
28 claim bill and the university's support thereof seeking specific
29 appropriation by the Legislature, NOW, THEREFORE,

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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. There is appropriated from the General Revenue Fund the sum of \$1,800,000 for the relief of Wendy Smith and Dennis Darling, Sr., parents of Devaughn Darling, deceased, as relief for their losses.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of Wendy Smith and Dennis Darling, Sr., parents of Devaughn Darling, deceased, in the sum of \$1,800,000 upon funds in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury.

Section 4. This act shall take effect upon becoming a law.