

By Senator Lawson

6-107-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to Florida State University; providing for the relief of Dennis Darling, Sr., and Wendy Smith, parents of Devaughn Darling, deceased, for the loss of their son, Devaughn Darling, while he was engaged in football preseason training on the Florida State University campus; providing an appropriation; providing an effective date.

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

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

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

WHEREAS, as provided by the settlement agreement, the remaining unpaid portion of the consent judgment, \$1.8 million, is sought to be paid to the plaintiffs by the filing of this claim bill and the university's support thereof

1 seeking specific appropriation by the Legislature, NOW,
2 THEREFORE,

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. The facts stated in the preamble to this
7 act are found and declared to be true.

8 Section 2. The sum of \$1.8 million is appropriated out
9 of funds in the General Revenue Fund not otherwise encumbered,
10 to be paid to Wendy Smith and Dennis Darling, Sr., parents of
11 decedent Devaughn Darling, as relief for their losses.

12 Section 3. The Chief Financial Officer is directed to
13 draw a warrant in favor of Wendy Smith and Dennis Darling,
14 Sr., parents of Devaughn Darling, deceased, in the sum of \$1.8
15 million upon funds in the State Treasury and to pay the same
16 out of such funds in the State Treasury.

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

19
20 *****

21 SENATE SUMMARY

22 Provides for an appropriation for the relief of Wendy
23 Smith and Dennis Darling, Sr., parents of decedent
24 Devaughn Darling, for the death of their son during
25 football preseason training at Florida State University.