

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 for the loss of their son, Devaughn Darling,
5 while he was engaged in football preseason training on the
6 Florida State University campus; providing a limitation on
7 the total amount paid for attorney's fees, lobbying fees,
8 costs, and other similar expenses relating to the claim;
9 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 that provided for
22 the 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,

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29 is sought to be paid to the plaintiffs by the filing of this
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
36 are found and declared to be true.

37 Section 2. (1) The sum of \$1,800,000 is appropriated out
38 of funds in the General Revenue Fund not otherwise encumbered,
39 to be paid to Wendy Smith and Dennis Darling, Sr., parents of
40 decendent Devaughn Darling, as relief for their losses.

41 (2) Any amount paid by the Division of Risk Management of
42 the Department of Financial Services pursuant to the waiver of
43 sovereign immunity permitted under s. 768.28, Florida Statutes,
44 and the award under this act is intended to provide the sole
45 compensation for all present and future claims arising out of
46 the factual situation described in the preamble to this act
47 which resulted in the death of Devaughn Darling. The total
48 amount paid for attorney's fees, lobbying fees, costs, and other
49 similar expenses relating to this claim may not exceed 25
50 percent of the amount awarded under this act.

51 Section 3. The Chief Financial Officer is directed to draw
52 a warrant in favor of Wendy Smith and Dennis Darling, Sr.,
53 parents of Devaughn Darling, deceased, in the sum of \$1,800,000
54 upon funds in the State Treasury, and the Chief Financial
55 Officer is directed to pay the same out of such funds in the
56 State Treasury not otherwise appropriated.

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