

By Senator Lawson

6-00175-08

200832\_\_

1 A bill to be entitled

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

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

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

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

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

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30 appropriation by the Legislature, NOW, THEREFORE,

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

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

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

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

45 Section 4. This award is intended to provide the sole  
46 compensation for all present and future claims arising out of the  
47 factual situation described in this act which resulted in the  
48 death of Devaughn Darling. The total amount paid for attorney's  
49 fees, lobbying fees, costs, and other similar expenses relating  
50 to this claim may not exceed 25 percent of the amount awarded  
51 under this act.

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