

HB 1365

2009

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 payment of fees and costs; providing an effective
8 date.

9
10 WHEREAS, on February 21, 2001, Devaughn Darling collapsed
11 and died while participating in preseason training in
12 preparation for the upcoming football season at Florida State
13 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
17 rather than continue with litigation and its attendant
18 uncertainties, and

19 WHEREAS, the parties resolved, compromised, and settled all
20 claims by a stipulated settlement agreement providing 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
25 Statutes, 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

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

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
35 are 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
38 be paid to Wendy Smith and Dennis Darling, Sr., parents of
39 decendent 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
43 million upon funds in the State Treasury, and the Chief
44 Financial Officer is directed to pay the same out of such funds
45 in the State Treasury not otherwise appropriated.

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

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