

By Senator Lawson

6-00096-09

200926\_\_

1                   A bill to be entitled  
2           An act for the relief of Dennis Darling, Sr., and  
3           Wendy Smith, parents of Devaughn Darling, deceased;  
4           providing an appropriation for the loss of their son,  
5           Devaughn Darling, while he was engaged in football  
6           preseason training on the Florida State University  
7           campus; providing a limitation on the payment of fees  
8           and costs; providing an effective date.  
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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  
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  
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 to pay the same out  
44 of such 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  
47 the factual situation described in this act which resulted in  
48 the death of Devaughn Darling. The total amount paid for  
49 attorney's fees, lobbying fees, costs, and other similar  
50 expenses relating to this claim may not exceed 25 percent of the  
51 amount awarded under this act.

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