

HB 1441

2011

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 to compensate them for the loss of their
5 son, Devaughn Darling, whose death occurred while he was
6 engaged in football preseason training on the Florida
7 State University campus; providing a limitation on the
8 payment of fees and costs; providing an effective 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:
 33

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 decedent Devaughn Darling, as relief for their losses.

40 Section 3. A warrant shall be drawn in favor of Wendy
 41 Smith and Dennis Darling, Sr., parents of decedent Devaughn
 42 Darling, in the sum of \$1.8 million.

43 Section 4. The amount paid by the Division of Risk
 44 Management of the Department of Financial Services pursuant to
 45 s. 768.28, Florida Statutes, and this award are intended to
 46 provide the sole compensation for all present and future claims
 47 arising out of the factual situation described in this act which
 48 resulted in the death of Devaughn Darling. The total amount paid
 49 for 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.