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

10  
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 providing for the  
22       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,

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

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

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

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

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

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