

By Senator Joyner

19-00013-13

201314

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

11  
12 WHEREAS, on February 21, 2001, Devaughn Darling, the son of  
13 Wendy Smith and Dennis Darling, Sr., collapsed and died while  
14 participating in preseason training in preparation for the  
15 upcoming football season at Florida State University, and

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

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

28 WHEREAS, as provided by the settlement agreement, the  
29 remaining unpaid portion of the consent judgment, \$1.8 million,

19-00013-13

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30 is sought to be paid to the plaintiffs by the filing of this  
31 claim bill and by the university's support of the filing of this  
32 claim bill seeking specific appropriation by the Legislature,  
33 NOW, THEREFORE,

34  
35 Be It Enacted by the Legislature of the State of Florida:

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

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

43 Section 3. A warrant shall be drawn by the Chief Financial  
44 Officer in favor of Wendy Smith and Dennis Darling, Sr., parents  
45 of decendent Devaughn Darling, in the sum of \$1.8 million.

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

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