

HB 597

2013

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

HB 597

2013

29 remaining unpaid portion of the consent judgment, \$1.8 million,  
 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  
 38 are 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 decedent 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 decedent 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.