

By Senator Joyner

19-00018-15

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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 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.

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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 statutory limit of \$200,000 pursuant to 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,

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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,

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

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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. The Chief Financial Officer is directed to draw
44 a warrant in favor of Wendy Smith and Dennis Darling, Sr.,
45 parents of decendent Devaughn Darling, in the sum of \$1.8
46 million.

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

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