

By Senator Braynon

35-00046-17

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1 A bill to be entitled

2 An act for the relief of Wendy Smith and Dennis  
3 Darling, Sr., 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 statutory limit of \$200,000 pursuant to s. 768.28, Florida  
27 Statutes, and

28 WHEREAS, as provided by the settlement agreement, Florida  
29 State University has agreed to support the passage of this claim  
30 bill for the remaining unpaid portion of the consent judgment,  
31 \$1.8 million, NOW, THEREFORE,

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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 are  
36 found and declared to be true.

37 Section 2. The sum of \$1.8 million is appropriated from  
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. The Chief Financial Officer is directed to draw  
42 a warrant in favor of Wendy Smith and Dennis Darling, Sr.,  
43 parents of decedent Devaughn Darling, in the sum of \$1.8  
44 million.

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

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