

By the Committee on Judiciary; and Senator Braynon

590-01952-17

201748c1

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

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11 WHEREAS, on February 21, 2001, Devaughn Darling, the son of
12 Wendy Smith and Dennis Darling, Sr., collapsed and died while
13 participating in preseason training in preparation for the
14 upcoming football season at Florida State 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 statutory limit of \$200,000 pursuant to s. 768.28, Florida
26 Statutes, and

27 WHEREAS, as provided by the settlement agreement, Florida
28 State University has agreed to support the passage of a claim
29 bill for the remaining unpaid portion of the consent judgment,

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30 \$1.8 million, NOW, THEREFORE,
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32 Be It Enacted by the Legislature of the State of Florida:
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34 Section 1. The facts stated in the preamble to this act are
35 found and declared to be true.

36 Section 2. Florida State University is authorized and
37 directed to appropriate from funds of the university not
38 otherwise appropriated to draw a warrant in the amount of \$1.8
39 million, to be paid to Wendy Smith and Dennis Darling, Sr.,
40 parents of decedent Devaughn Darling, as relief for their
41 losses.

42 Section 3. The amount paid by the Division of Risk
43 Management of the Department of Financial Services pursuant to
44 s. 768.28, Florida Statutes, and the amount awarded under this
45 act are intended to provide the sole compensation for all
46 present and future claims arising out of the factual situation
47 described in the preamble to this act which resulted in the
48 death of Devaughn Darling. The total amount paid for attorney
49 fees relating to this claim may not exceed 25 percent of the
50 amount awarded under this act.

51 Section 4. This act shall take effect upon becoming a law.