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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

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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,

32 |

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
36 | are 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

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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.