



652162

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 02/22/2017 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Judiciary (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 37 - 52  
and insert:

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

Section 3. The amount paid by the Division of Risk



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12 Management of the Department of Financial Services pursuant to  
13 s. 768.28, Florida Statutes, and the amount awarded under this  
14 act are intended to provide the sole compensation for all  
15 present and future claims arising out of the factual situation  
16 described in the preamble to this act which resulted in the  
17 death of Devaughn Darling. The total amount paid for attorney  
18 fees relating to this claim may not exceed 25 percent of the  
19 amount awarded under this act.

20  
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete lines 4 - 29

24 and insert:

25 providing an appropriation to compensate the parents  
26 for the loss of their son, Devaughn Darling, whose  
27 death occurred while he was engaged in football  
28 preseason training on the Florida State University  
29 campus; providing a limitation on the payment of  
30 attorney fees; providing an effective date.

31  
32 WHEREAS, on February 21, 2001, Devaughn Darling, the son of  
33 Wendy Smith and Dennis Darling, Sr., collapsed and died while  
34 participating in preseason training in preparation for the  
35 upcoming football season at Florida State University, and

36 WHEREAS, after litigation had ensued and during mediation,  
37 the parents of Devaughn Darling and Florida State University  
38 agreed to compromise and settle all of the disputed claims  
39 rather than continue with litigation and its attendant  
40 uncertainties, and



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41           WHEREAS, the parties resolved, compromised, and settled all  
42 claims by a stipulated settlement agreement providing for the  
43 entry of a consent final judgment against Florida State  
44 University in the amount of \$2 million, of which the Division of  
45 Risk Management of the Department of Financial Services has paid  
46 the statutory limit of \$200,000 pursuant to s. 768.28, Florida  
47 Statutes, and

48           WHEREAS, as provided by the settlement agreement, Florida  
49 State University has agreed to support the passage of a claim  
50