

By Senator Joyner

19-00121-14

201424\_\_

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.

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, 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,

34  
35 Be It Enacted by the Legislature of the State of Florida:

36  
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 decedent 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 decedent 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.