

ENROLLED

CS/CS/HB 6515

2017 Legislature

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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 fees
9 and costs; 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

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26 Statutes, and

27 WHEREAS, as provided by the settlement agreement, Florida
 28 State University has agreed to support the passage of this claim
 29 bill for the remaining unpaid portion of the consent judgment,
 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
 35 are found and declared to be true.

36 Section 2. Florida State University is authorized and
 37 directed to draw a warrant from unobligated university funds
 38 available pursuant to s. 1011.45, Florida Statutes, in the
 39 amount of \$1.8 million, to be paid to Wendy Smith and Dennis
 40 Darling, Sr., parents of decedent Devaughn Darling, as relief
 41 for their 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. Of the amount awarded under this act,
 49 the total amount paid for attorney fees may not exceed \$360,000,
 50 the total amount paid for lobbying fees may not exceed \$90,000,

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51 and the total amount paid for costs and other similar expenses
52 relating to this claim may not exceed \$40,785.27.

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