

CHAPTER 2017-59

Committee Substitute for Committee Substitute for House Bill No. 6515

An act for the relief of Wendy Smith and Dennis Darling, Sr., parents of Devaughn Darling, deceased; providing an appropriation to compensate the parents for the loss of their son, Devaughn Darling, whose death occurred while he was engaged in football preseason training on the Florida State University campus; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

WHEREAS, as provided by the settlement agreement, Florida State University has agreed to support the passage of this claim bill for the remaining unpaid portion of the consent judgment, \$1.8 million, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Florida State University is authorized and directed to draw a warrant from unobligated university funds available pursuant to s. 1011.45, Florida Statutes, 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 Management of the Department of Financial Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual

situation described in the preamble to this act which resulted in the death of Devaughn Darling. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$360,000, the total amount paid for lobbying fees may not exceed \$90,000, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$40,785.27.

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

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.