

By Senator Gibson

6-00052-17

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1                   A bill to be entitled  
2           An act for the relief of Eddie Weekley and Charlotte  
3           Williams, individually and as co-personal  
4           representatives of the Estate of Franklin Weekley,  
5           their deceased son, for the disappearance and death of  
6           their son while he was in the care of the Marianna  
7           Sunland Center, currently operated by the Agency for  
8           Persons with Disabilities; providing an appropriation  
9           to compensate them for the disappearance and death of  
10          Franklin Weekley, which were due to the negligence of  
11          the Department of Children and Families; providing a  
12          limitation on the payment of fees and costs; providing  
13          an effective date.

14  
15          WHEREAS, in November of 2001, Franklin Weekley was  
16          diagnosed with mental retardation and a seizure disorder and was  
17          admitted to the Marianna Sunland Center, which at the time was  
18          operated by the Department of Children and Family Services, now  
19          known as Department of Children and Families, and

20          WHEREAS, on December 6, 2002, Franklin Weekley disappeared  
21          from the center and, following a search of the premises by  
22          employees of the center, was deemed by the center to have run  
23          away, and the case was closed, and

24          WHEREAS, on October 28, 2004, a demolition crew found the  
25          skeletal remains of Franklin Weekley in the basement of a  
26          building adjacent to the premises of the Marianna Sunland Center  
27          where Franklin had resided, and

28          WHEREAS, legal action was filed on behalf of Franklin  
29          Weekly's parents against the Department of Children and Family  
30          Services and its employees or agents raising negligence, tort,  
31          statutory, and civil rights claims concerning the disappearance  
32          and death of their son, and

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33 WHEREAS, the parties and the Agency for Persons with  
 34 Disabilities, which currently operates the Marianna Sunland  
 35 Center, mediated and reached a settlement of all claims, and

36 WHEREAS, the plaintiffs and the Agency for Persons with  
 37 Disabilities entered into a compromise and settlement agreement  
 38 in which they agreed to a claim bill under which the agency will  
 39 pay \$1 million in addition to the \$300,000 it previously paid to  
 40 settle claims arising out of this matter, NOW, THEREFORE,

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

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

46 Section 2. The sum of \$1 million is appropriated from the  
 47 General Revenue Fund to the Agency for Persons with  
 48 Disabilities, as successor to the Department of Children and  
 49 Family Services, to be paid for the relief of Eddie Weekley and  
 50 Charlotte Williams, individually and as co-personal  
 51 representatives of the Estate of Franklin Weekley, deceased.

52 Section 3. The Chief Financial Officer is directed to draw  
 53 a warrant in favor of Eddie Weekley and Charlotte Williams,  
 54 individually and as co-personal representatives of the Estate of  
 55 Franklin Weekley, deceased, in the sum of \$1 million upon funds  
 56 of the Agency for Persons with Disabilities in the State  
 57 Treasury, and to pay the same out of such funds in the State  
 58 Treasury.

59 Section 4. The amount paid by the Agency for Persons with  
 60 Disabilities pursuant to s. 768.28, Florida Statutes, and the  
 61 amount awarded under this act are intended to provide the sole

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62 compensation for all present and future claims arising out of  
63 the factual situation described in this act resulting in the  
64 disappearance and death of Franklin Weekley. The total amount  
65 paid for attorney fees, lobbying fees, costs, and other similar  
66 expenses relating to this claim may not exceed 25 percent of the  
67 amount awarded under this act.

68 Section 5. This act shall take effect upon becoming a law.