

HB 539

2009

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

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

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

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

25 WHEREAS, legal action was filed on behalf of Franklin
26 Weekley's parents against the Department of Children and Family
27 Services and its employees and agents, raising negligence, tort,
28 statutory, and civil rights claims concerning the disappearance

29 and death of their son, and

30 WHEREAS, the plaintiffs and the Agency for Persons with
 31 Disabilities, which currently operates the Marianna Sunland
 32 Center, participated in mediation, reached a settlement of all
 33 claims, and entered into a Compromise and Settlement Agreement
 34 under which all parties agreed to the introduction in the
 35 Legislature of a claim bill that, in addition to the \$300,000
 36 already paid by the agency, provides for payment by the agency
 37 of \$1 million to settle all claims relating to this matter, NOW,
 38 THEREFORE,

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

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

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

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

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57 same out of such funds in the State Treasury.

58 Section 4. Any amount awarded under this act pursuant to
59 the waiver of sovereign immunity permitted under s. 768.28,
60 Florida Statutes, and this award is intended to provide the sole
61 compensation for all present and future claims arising out of
62 the factual situation described in the preamble to this act
63 which resulted in the disappearance and death of Franklin
64 Weekley while he was in the care of the Marianna Sunland Center.
65 The total amount paid for attorney's fees, lobbying fees, costs,
66 and other similar expenses relating to this claim may not exceed
67 25 percent of the amount awarded under section 2.

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