

By Senator Lawson

6-00119-10

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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 injuries and damages sustained  
10      as result of the negligence of the Department of  
11      Children and Family Services; providing a limitation  
12      on the payment of fees and costs; providing an  
13      effective date.

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

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

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

27           WHEREAS, legal action was filed on behalf of Franklin's  
28      parents against the Department of Children and Family Services  
29      and its employees or agents raising negligence, tort, statutory,

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30 and civil rights claims concerning the disappearance and death  
31 of their son Franklin Weekley, and

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

35 WHEREAS, the plaintiffs and the Agency for Persons with  
36 Disabilities entered into a Compromise and Settlement Agreement  
37 by which all agreed to a claim bill under which the Agency for  
38 Persons with Disabilities will pay \$1 million in addition to the  
39 \$300,000 paid by the agency to settle claims relating to this  
40 matter, NOW, THEREFORE,

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
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.

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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  
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's fees, lobbying fees, costs, and other  
66 similar expenses relating to this claim may not exceed 25  
67 percent of the amount awarded under this act.

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