

HB 1423

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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 representatives
4 of the Estate of Franklin Weekley, their deceased son, for
5 the disappearance and death of their son while he was in
6 the care of the Marianna Sunland Center, currently
7 operated by the Agency for Persons with Disabilities;
8 providing an appropriation to compensate them for injuries
9 and damages sustained as result of the negligence of the
10 Department of Children and Family Services; providing a
11 limitation on the payment of fees and costs; providing an
12 effective date.

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

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

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

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

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

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

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

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

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

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

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 to pay the same out of such funds in the State

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57 Treasury.

58 Section 4. The amount paid by the Agency for Persons with
59 Disabilities pursuant to s. 768.28, Florida Statutes, and the
60 amount awarded under this act are intended to provide the sole
61 compensation for all present and future claims arising out of
62 the factual situation described in this act resulting in the
63 disappearance and death of Franklin Weekley. The total amount
64 paid for attorney's fees, lobbying fees, costs, and other
65 similar expenses relating to this claim may not exceed 25
66 percent of the amount awarded under this act.

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