

By Senator Montford

6-00499-11

2011308

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,

6-00499-11

2011308

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.

6-00499-11

2011308

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.