

By Senator Montford

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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 Family Services;
12 directing the Chief Financial Officer to draw a
13 warrant in favor of Eddie Weekley and Charlotte
14 Williams; providing a limitation on the payment of
15 fees and costs; providing an effective date.

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

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

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

29 WHEREAS, legal action was filed on behalf of Franklin's

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30 parents against the Department of Children and Family Services
31 and its employees or agents raising negligence, tort, statutory,
32 and civil rights claims concerning the disappearance and death
33 of their son Franklin Weekley, and

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

37 WHEREAS, the plaintiffs and the Agency for Persons with
38 Disabilities entered into a Compromise and Settlement Agreement
39 by which all agreed to a claim bill under which the Agency for
40 Persons with Disabilities will pay \$1 million in addition to the
41 \$300,000 paid by the agency to settle claims relating to this
42 matter, NOW, THEREFORE,

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

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

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

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

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59 Treasury, and to pay the same out of such funds in the State
60 Treasury.

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

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