

By the Committee on Judiciary; and Senators Gibson and Bracy

590-01951-17

201750c1

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 Families; providing a  
12      limitation on the payment of attorney fees; providing  
13      an effective date.

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

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

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

28       WHEREAS, legal action was filed on behalf of Franklin  
29      Weekly's parents against the Department of Children and Family

590-01951-17

201750c1

30 Services and its employees or agents raising negligence, tort,  
31 statutory, and civil rights claims concerning the disappearance  
32 and death of their son, and

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

36 WHEREAS, the plaintiffs and the Agency for Persons with  
37 Disabilities entered into a compromise and settlement agreement  
38 in which they agreed to a claim bill under which the agency will  
39 pay \$1 million in addition to the \$300,000 it previously paid to  
40 settle claims arising out of this 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. Pursuant to the settlement agreement approved by the

590-01951-17

201750c1

59 court in August 2007, the funds are to be paid into a Medicaid-  
60 compliant special needs trust account established on behalf of  
61 Eddie Weekley and Charlotte Williams.

62 Section 4. The amount paid by the Agency for Persons with  
63 Disabilities pursuant to s. 768.28, Florida Statutes, and the  
64 amount awarded under this act are intended to provide the sole  
65 compensation for all present and future claims arising out of  
66 the factual situation described in this act resulting in the  
67 disappearance and death of Franklin Weekley. The total amount  
68 paid for attorney fees 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.