

ENROLLED

CS/HB 6539

2017 Legislature

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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 fees and costs; 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

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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
 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
 45 | are 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

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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
59 court in 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. Of the amount
68 awarded under this act, the total amount paid for attorney fees
69 may not exceed \$200,000, the total amount paid for lobbying fees
70 may not exceed \$50,000, and the total amount paid for costs and
71 other similar expenses relating to this claim may not exceed
72 \$221.03.

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