

CHAPTER 2017-61

Committee Substitute for House Bill No. 6539

An act for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, their deceased son, for the disappearance and death of their son while he was in the care of the Marianna Sunland Center, currently operated by the Agency for Persons with Disabilities; providing an appropriation to compensate them for the disappearance and death of Franklin Weekley, which were due to the negligence of the Department of Children and Families; providing a limitation on the payment of fees and costs; providing an effective date.

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

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

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

WHEREAS, legal action was filed on behalf of Franklin Weekly's parents against the Department of Children and Family Services and its employees or agents raising negligence, tort, statutory, and civil rights claims concerning the disappearance and death of their son, and

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

WHEREAS, the plaintiffs and the Agency for Persons with Disabilities entered into a compromise and settlement agreement in which they agreed to a claim bill under which the agency will pay \$1 million in addition to the \$300,000 it previously paid to settle claims arising out of this matter, NOW, THEREFORE,

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

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

Section 2. The sum of \$1 million is appropriated from the General Revenue Fund to the Agency for Persons with Disabilities, as successor to

the Department of Children and Family Services, to be paid for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, deceased.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, deceased, in the sum of \$1 million upon funds of the Agency for Persons with Disabilities in the State Treasury, and to pay the same out of such funds in the State Treasury. Pursuant to the settlement agreement approved by the court in 2007, the funds are to be paid into a Medicaid-compliant special needs trust account established on behalf of Eddie Weekley and Charlotte Williams.

Section 4. The amount paid by the Agency for Persons with Disabilities pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act resulting in the disappearance and death of Franklin Weekley. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$200,000, the total amount paid for lobbying fees may not exceed \$50,000, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$221.03.

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

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.