

By the Committees on Appropriations; and Governmental Oversight and Accountability; and Senator Joyner

576-03784-16

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1 A bill to be entitled
2 An act relating to the Arthur G. Dozier School for
3 Boys; requiring certain historical resources, records,
4 archives, artifacts, researches, medical records, and
5 human remains to remain in the custody of the
6 University of South Florida; providing exceptions;
7 requiring the Department of State to contract with the
8 university for the identification and location of
9 eligible next of kin of certain children; requiring
10 the department to notify the next of kin of certain
11 payment or reimbursement provisions; requiring the
12 department to reimburse the next of kin of children
13 whose bodies are buried and exhumed at the Dozier
14 School or to pay directly to a provider for the costs
15 associated with funeral services, reinterment, and
16 grave marker expenses; providing a process for
17 reimbursement or payment by the department; providing
18 that a charitable donation made toward funeral,
19 reinterment, and grave marker expenses is not eligible
20 for reimbursement; requiring the department to submit
21 a report; establishing a task force to make
22 recommendations regarding a memorial and a location of
23 a site for the reinterment of unidentified or
24 unclaimed remains; providing membership of the task
25 force; requiring the task force to submit its
26 recommendation to the department by a certain date;
27 requiring the task force to submit its recommendations
28 to the Governor and Cabinet and to the Legislature;
29 authorizing the department to adopt rules; providing
30 appropriations; providing an effective date.
31 WHEREAS, the Arthur G. Dozier School for Boys, or the

576-03784-16

2016708c2

32 Dozier School for Boys, operated from 1900 until it was closed
33 in 2011 after allegations of abuse were confirmed in separate
34 investigations by the Department of Law Enforcement in 2010 and
35 the Civil Rights Division of the United States Department of
36 Justice in 2011, and

37 WHEREAS, official records indicated that 31 graves had been
38 dug at the facility between 1914 and 1952, and

39 WHEREAS, a forensic investigation by the University of
40 South Florida found that there are no records of where children
41 who died at the Dozier School for Boys are buried and that
42 families were often notified after the child was buried or
43 denied access to their remains at the time of burial, and

44 WHEREAS, exhumations of bodies began in August 2013, and
45 the excavations yielded 55 burial sites, 24 more sites than
46 reported in official records, and

47 WHEREAS, one of the bodies exhumed during the forensic
48 investigation was of a child reported missing since 1940, and

49 WHEREAS, nearly 100 deaths were recorded at the school and
50 51 sets of remains were exhumed from burials, and additional
51 victims of a fatal fire in 1914 are still buried with the fire
52 debris on site, and

53 WHEREAS, many families of children whose bodies have been
54 exhumed lack the resources to properly reinter those children at
55 a suitable location, and

56 WHEREAS, the State of Florida recognizes an obligation to
57 help the families of children formerly buried at the Dozier
58 School for Boys reinter the bodies of those children, NOW,

59 THEREFORE,

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

576-03784-16

2016708c2

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Section 1. (1) (a) Any historical resource, record, archive, artifact, public research, or medical record that was recovered from the Arthur G. Dozier School for Boys by the University of South Florida shall remain in the custody of the university for archival and preservation until the Department of State requests custody of such resource, record, archive, artifact, public research, or medical record.

(b) Any human remains exhumed from the Arthur G. Dozier School for Boys by the University of South Florida shall remain in the custody of the university for identification purposes until the remains are returned to the next of kin or reburied pursuant to this act.

(2) (a) The Department of State shall contract with the University of South Florida for the identification and location of eligible next of kin for such children and the update of information on associated artifacts and materials.

(b) No later than July 1, 2016, the University of South Florida must provide the Department of State with contact information for the next of kin for each set of human remains which has been returned to a next to kin.

(c) For any identification of next of kin occurring on or after July 1, 2016, the University of South Florida must provide location information of the next of kin to the Department of State at least 5 days before returning the human remains to the next of kin.

(d) Beginning July 1, 2016, the Department of State must notify the next of kin responsible for a set of human remains about the payment or reimbursement provisions under subsection

576-03784-16

2016708c2

90 (3). Such notification must be made within 15 business days
91 after the department's receipt of the location information of
92 the next of kin.

93 (3) The Department of State shall reimburse the next of kin
94 or pay directly to the provider up to \$7,500 for funeral,
95 reinterment, and grave marker expenses for each child whose body
96 was buried at and exhumed, or otherwise recovered, from the
97 Dozier School for Boys.

98 (a) In order to receive reimbursement, the next of kin must
99 submit to the department receipts for, or documentation of,
100 expenses. Reimbursement shall be made pursuant to s. 215.422,
101 Florida Statutes.

102 (b) If expenses are to be paid directly to the provider,
103 the funeral home or other similar entity must submit an invoice
104 to the department for the cost of the child's funeral,
105 reinterment, and grave marker expenses. Payment shall be made
106 pursuant to s. 215.422, Florida Statutes.

107 (c) A charitable donation made toward funeral, reinterment,
108 and grave marker expenses is not eligible for reimbursement.

109 (4) By February 1, 2018, the Department of State shall
110 submit a report to the Governor and Cabinet, the President of
111 the Senate, and the Speaker of the House of Representatives
112 regarding any payments and reimbursements made pursuant to this
113 section.

114 (5) The department may adopt rules necessary to administer
115 this section.

116 Section 2. (1) A task force is established adjunct to the
117 Department of State to advise the department and, except as
118 otherwise provided in this section, shall operate consistent

576-03784-16

2016708c2

119 with s. 20.052, Florida Statutes. The task force shall be known
120 as the "Dozier Task Force." The Department of State shall
121 provide administrative and staff support services relating to
122 the functions of the task force.

123 (2) (a) The task force shall consist of the following
124 members:

125 1. The Secretary of State, or his or her designee, who
126 shall serve as the chair.

127 2. One person appointed by the President of the Florida
128 State Conference of the National Association for the Advancement
129 of Colored People.

130 3. One representative of the Florida Council of Churches,
131 appointed by the executive director of the council.

132 4. A next of kin of a deceased ward buried at the Dozier
133 School for Boys appointed by the Attorney General.

134 5. One representative who promotes the welfare of people
135 who are former wards of the Dozier School for Boys appointed by
136 the Chief Financial Officer.

137 6. One person appointed by the President of the Senate.

138 7. One person appointed by the Speaker of the House of
139 Representatives.

140 8. One person appointed by the Jackson County Board of
141 County Commissioners.

142 9. One person who represents a youth development
143 organization that promotes the welfare of at-risk youth,
144 appointed by the Commissioner of Agriculture.

145 (b) By October 1, 2016, the task force shall submit its
146 recommendations to the Department of State regarding the
147 creation and maintenance of a memorial and the location of a

576-03784-16

2016708c2

148 site for the reinterment of unidentified or unclaimed remains.
149 The recommendations shall also be submitted to the Governor and
150 Cabinet, the President of the Senate, the Speaker of the House
151 of Representatives, the Minority Leader of the Senate, and the
152 Minority Leader of the House of Representatives.

153 (3) This section is repealed December 31, 2016.

154 Section 3. For the 2016-2017 fiscal year, the sum of
155 \$500,000 in nonrecurring funds is appropriated from the General
156 Revenue Fund to the Department of State for the purpose of
157 implementing this act. Funds remaining unexpended or
158 unencumbered from this appropriation as of July 1, 2017, shall
159 revert and be reappropriated for the same purpose in the 2017-
160 2018 fiscal year.

161 Section 4. This act shall take effect upon becoming a law.