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HB 7115, Engrossed 1

2017 Legislature

1
2 An act relating to the Arthur G. Dozier School for
3 Boys; providing for the interment of certain remains
4 exhumed from the Arthur G. Dozier School for Boys;
5 providing definitions; providing responsibilities and
6 duties of the Division of Purchasing of the Department
7 of Management Services for reinterment of the remains;
8 creating s. 265.007, F.S.; providing legislative
9 intent; establishing the Arthur G. Dozier School for
10 Boys Memorial; providing locations for such memorial;
11 requiring the Department of Management Services to
12 administer the memorial and coordinate with and
13 consider recommendations by specified entities and
14 persons; authorizing the department to adopt rules;
15 requiring the Board of Trustees of the Internal
16 Improvement Trust Fund to convey, maintain, and
17 surplus certain lands associated with the Arthur G.
18 Dozier School for Boys; requiring the Division of
19 State Lands of the Department of Environmental
20 Protection to prepare a proposal to conduct a
21 feasibility study and submit the proposal to the
22 Governor and the Legislature by a specified date;
23 naming the Forensic Training Center; providing an
24 appropriation; providing an effective date.
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26 WHEREAS, the Florida State Reform School, also known as the
27 "Florida Industrial School for Boys," the "Florida School for
28 Boys," the "Arthur G. Dozier School for Boys," and the "Dozier
29 School," was opened by the state in 1900 in Marianna to house
30 children who had committed minor criminal offenses such as
31 incorrigibility, truancy, and smoking, as well as more serious
32 offenses such as theft and murder, and

33 WHEREAS, throughout the Dozier School's history, reports of
34 abuse, suspicious deaths, and threats of closure plagued the
35 school, and

36 WHEREAS, a forensic investigation funded by the Legislature
37 and conducted by the University of South Florida from 2013 to
38 2016 found incomplete records regarding deaths and burials that
39 occurred at the Dozier School between 1900 and 1960, and found
40 that families were often notified after the child was buried or
41 denied access to their remains at the time of burial, and

42 WHEREAS, on November 18, 1914, a fire consumed a school
43 dormitory at the Dozier School in which children and school
44 employees perished, some of whom died after returning to the
45 burning building to assist in rescue efforts, and

46 WHEREAS, excavations conducted as part of the forensic
47 investigation yielded 55 burial sites, 24 more sites than
48 reported in official records, and

49 WHEREAS, due to the lack of documentation and
50 contradictions in the historical record, questions persist

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51 regarding the identity of persons buried at the Dozier School
52 and the circumstances surrounding their deaths, and

53 WHEREAS, the Dozier School closed in 2011 after
54 investigations by the Florida Department of Law Enforcement and
55 the Civil Rights Division of the United States Department of
56 Justice, and

57 WHEREAS, in 2016, the Legislature created the Dozier Task
58 Force, which recommended that the remains of the 1914 dormitory
59 fire victims should be reinterred at Boot Hill Cemetery on the
60 Dozier School's property; that all other unidentified or
61 unclaimed remains should be reinterred in Tallahassee, with the
62 location to be determined by the Legislature; and that two
63 memorials should be established, one in Tallahassee and one in
64 Jackson County, dedicated to the memories of the children who
65 lived and died at the Dozier School, including the 1914
66 dormitory fire victims, and

67 WHEREAS, Thomas Varnadoe was 13 years old when he died on
68 October 26, 1934, only 34 days after being admitted to the
69 Florida School for Boys, and his remains were identified in 2014
70 by the forensic anthropologists and archeologists from the
71 University of South Florida after being exhumed from an unmarked
72 grave on school grounds, NOW THEREFORE,

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

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76 Section 1. Notwithstanding s. 406.50, Florida Statutes,
 77 this act governs the disposition of unclaimed or unidentified
 78 remains that were exhumed from the Arthur G. Dozier School for
 79 Boys in Marianna during the forensic investigation conducted by
 80 the University of South Florida.

81 Section 2. (1) For purposes of this section, the term:

82 (a) "Division" means the Division of Purchasing of the
 83 Department of Management Services.

84 (b) "University" means the University of South Florida.

85 (2) For purposes of this section, the division shall be
 86 considered a legally authorized person as defined in ss.
 87 406.49(6) and 497.005(43), Florida Statutes, to care for
 88 unclaimed or unidentified remains exhumed by the university from
 89 the Arthur G. Dozier School for Boys in Jackson County.

90 (3) In order to care for the remains of victims of the
 91 1914 dormitory fire at the Arthur G. Dozier School for Boys in a
 92 respectful and dignified manner, the division shall:

93 (a) Pursuant to chapter 287, Florida Statutes, select a
 94 removal service, licensed under chapter 497, Florida Statutes,
 95 to transport such remains from Tampa to a funeral establishment
 96 in Jackson County, licensed under chapter 497, Florida Statutes,
 97 for preparation for reinterment of such remains.

98 (b) Pursuant to chapter 287, Florida Statutes, select a
 99 funeral establishment in Jackson County, licensed under chapter
 100 497, Florida Statutes, to prepare such remains for reinterment.

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101 (c) Ensure that such remains are reinterred at the Boot
 102 Hill Cemetery located at the Arthur G. Dozier School for Boys in
 103 Jackson County.

104 (d) After consulting with the university and the Division
 105 of Historical Resources of the Department of State, select and
 106 cause to be installed appropriate and respectful markers,
 107 including specific markers to preserve the accession numbers
 108 used by the university in its forensic investigation.

109 (4) In order to care for all other unclaimed or
 110 unidentified remains exhumed by the university from the Arthur
 111 G. Dozier School for Boys in Jackson County in a respectful and
 112 dignified manner, the division shall:

113 (a) Pursuant to chapter 287, Florida Statutes, select a
 114 removal service, licensed under chapter 497, Florida Statutes,
 115 to transport such remains from Tampa to a funeral establishment
 116 in Leon County for preparation for reinterment.

117 (b) Pursuant to chapter 287, Florida Statutes, select a
 118 funeral establishment in Leon County, licensed under chapter
 119 497, Florida Statutes, to prepare such remains for interment.

120 (c) Select one cemetery in Leon County, licensed under
 121 chapter 497, Florida Statutes, at which such remains shall be
 122 buried.

123 (d) After consulting with the university and the Division
 124 of Historical Resources of the Department of State, select and
 125 cause to be installed an appropriate and respectful marker for

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126 each burial site, including specific markers to preserve the
 127 accession numbers used by the university in its forensic
 128 investigation.

129 (5) The division shall consult with the Division of
 130 Funeral, Cemetery, and Consumer Services of the Department of
 131 Financial Services to develop terms and conditions applicable to
 132 the procurement of contractual services pursuant to this
 133 section, including, but not limited to:

134 (a) The tasks and verifiable deliverables that the
 135 contractors are required to perform or furnish in order to
 136 ensure the appropriate and respectful handling, transportation,
 137 preparation, and burial of the remains of victims of the 1914
 138 dormitory fire and all other unclaimed or unidentified remains,
 139 and the installation of funeral or other appropriate markers at
 140 the burial sites.

141 (b) Evaluation and selection criteria to be used in
 142 determining the acceptability and relative merit of proposals to
 143 perform these services.

144 Section 3. Section 265.007, Florida Statutes, is created
 145 to read:

146 265.007 Arthur G. Dozier School for Boys Memorial.-

147 (1) It is the intent of the Legislature to memorialize the
 148 boys who lived and died at the Arthur G. Dozier School for Boys,
 149 including the victims of the 1914 dormitory fire.

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150 (2) There is established the Arthur G. Dozier School for
 151 Boys Memorial at two locations, one of which shall be located in
 152 Tallahassee, and one of which shall be located in Jackson
 153 County.

154 (3) The memorials shall be administered by the Department
 155 of Management Services.

156 (4) (a) The Department of Management Services shall
 157 designate an appropriate public area for the Arthur G. Dozier
 158 School for Boys Memorial in Tallahassee, on the premises of the
 159 Capitol Complex, as defined in s. 281.01, not including the
 160 State Capital Circle Office Complex. The department shall
 161 consider recommendations by the Florida Historical Commission as
 162 required pursuant to ss. 265.111 and 267.0612(9), coordinate
 163 with the Division of Historical Resources of the Department of
 164 State regarding the design and placement of the memorial, and
 165 consider recommendations by former students of the Arthur G.
 166 Dozier School for Boys regarding the design of the memorial.

167 (b) The Department of Management Services, in consultation
 168 with the Division of State Lands of the Department of
 169 Environmental Protection and the Jackson County Administrator,
 170 shall designate an appropriate public area for the Arthur G.
 171 Dozier School for Boys Memorial in Jackson County. The
 172 department shall coordinate with the Division of Historical
 173 Resources of the Department of State regarding the design and
 174 placement of the memorial, and consider recommendations by

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175 former students of the Arthur G. Dozier School for Boys
 176 regarding the design of the memorial.

177 (5) The Department of Management Services may adopt rules
 178 necessary to implement this section.

179 Section 4. (1) The Board of Trustees of the Internal
 180 Improvement Trust Fund shall, upon conveyance of the lands
 181 formerly associated with the Arthur G. Dozier School for Boys,
 182 include a deed restriction to memorialize and maintain the
 183 structure known as the "White House" and the land upon which the
 184 structure is located, to include a 50-foot buffer, excluding
 185 existing roadways, surrounding the structure. There shall be a
 186 perpetual public easement reserved in the deed for ingress and
 187 egress to the White House.

188 (2) The Board of Trustees of the Internal Improvement
 189 Trust Fund shall, upon conveyance of the lands formerly
 190 associated with the Arthur G. Dozier School for Boys, include a
 191 deed restriction to memorialize and maintain the Boot Hill
 192 Cemetery, to include a 100-foot buffer surrounding the cemetery.
 193 There shall be a perpetual public easement reserved in the deed
 194 for ingress and egress to the Boot Hill Cemetery.

195 (3) The Board of Trustees of the Internal Improvement
 196 Trust Fund shall convey to Jackson County the lands historically
 197 known as the "North Campus," the "South Campus," and the Boot
 198 Hill Cemetery formerly associated with the Arthur G. Dozier
 199 School for Boys in fee simple, subject to the restrictions,

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200 reservations, and easements referenced in subsections (1) and
 201 (2), and any portion encumbered by a lease shall hereby be
 202 extinguished. If, after notice of the intended conveyance,
 203 Jackson County declines acceptance of title, then the Board of
 204 Trustees of the Internal Improvement Trust Fund may surplus such
 205 property pursuant to s. 253.0341, Florida Statutes, subject to
 206 the restrictions, reservations, and easements referenced in
 207 subsections (1) and (2).

208 (4) The Board of Trustees of the Internal Improvement
 209 Trust Fund may surplus the remaining property formerly
 210 associated with the Arthur G. Dozier School for Boys in fee
 211 simple, and shall offer Jackson County the right of first
 212 refusal to purchase those lands subject to any reservations and
 213 easements. If, after notice of the intent to surplus such lands,
 214 Jackson County declines the right of first refusal to purchase
 215 such property, then the Board of Trustees of the Internal
 216 Improvement Trust Fund may surplus such property pursuant to s.
 217 253.0341, Florida Statutes.

218 Section 5. The Division of State Lands of the Department
 219 of Environmental Protection shall prepare a proposal with
 220 various options to conduct a feasibility study to locate
 221 previously unidentified potential burial sites through surface
 222 and subsurface evaluations on all lands formerly associated with
 223 the Arthur G. Dozier School for Boys, and shall incorporate
 224 technological options, including ground-penetrating radar,

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225 methodology of data collection, and the estimated cost for each
226 option. The department may select a qualified entity that has an
227 existing state term contract, a university, or an entity with
228 expertise in forensic research and applied sciences to assist in
229 the preparation of some or all portions of the proposal, and may
230 coordinate with the Department of Management Services and the
231 Department of State in the development of the proposal. The
232 department shall submit a copy of the proposal to the Governor,
233 the President of the Senate, and the Speaker of the House of
234 Representatives by January 1, 2018.

235 Section 6. The Forensic Training Center, which is
236 appropriated for in Specific Appropriation 1234 of the General
237 Appropriations Act, is hereby named the "Thomas Varnadoe
238 Forensic Center for Education and Research."

239 Section 7. For the 2017-2018 fiscal year, the sum of \$1.2
240 million in nonrecurring funds is appropriated from the General
241 Revenue Fund to the Department of Management Services for the
242 purpose of implementing sections 2 and 3 of this act. Funds
243 remaining unexpended or unencumbered from such appropriation as
244 of July 1, 2018, shall revert and be reappropriated for the same
245 purpose in the 2018-2019 fiscal year.

246 Section 8. This act shall take effect upon becoming a law.