

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: CS/SB 1780

INTRODUCER: Criminal Justice Committee and Senator Rouson

SUBJECT: Victims of Reform School Abuse

DATE: February 14, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Storch</u>	<u>Jones</u>	<u>CJ</u>	Fav/CS
2.	<u>Sadberry</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1780 creates the “Arthur G. Dozier School and Okeechobee School Abuse Victim Certification Act.”

The bill defines the term “victim of Florida reform school abuse.” The bill requires a person seeking to be certified as a victim of Florida reform school abuse to submit an application to the Department of Juvenile Justice (DJJ) by October 1, 2018.

The bill requires the DJJ to notify the applicant of its determination within five business days after processing and reviewing the application. If the DJJ determines that an application meets the requirements of the act, the DJJ must certify the applicant as a victim of Florida reform school abuse.

The bill requires the DJJ to process and review all applications that were submitted by October 1, 2018, and submit a list of all certified victims to the President of the Senate and the Speaker of the House of Representatives by March 1, 2019.

The Department of Juvenile Justice will incur costs in implementing the bill. Such costs can be absorbed within its existing resources.

This act is effective upon becoming law.

II. Present Situation:

The Dozier School

From January 1, 1900, to June 30, 2011, the state operated the Florida State Reform School in Marianna.¹ Over the years, the school has operated under several different names: Florida State Reform School, Florida Industrial School for Boys, Florida School for Boys, and Arthur G. Dozier School for Boys (hereinafter, Dozier School). The school originally housed children as young as five years old, who had committed minor criminal offenses, such as incorrigibility and truancy. Additionally, many children who were wards of the state and orphans were also committed to the school, despite not having been charged with a crime.²

As early as 1901, reports surfaced of children being chained to walls in irons, brutal whippings, and peonage (involuntary servitude).³ In the first 13 years of operation, six state-led investigations took place. Those investigations found that children as young as five years old were being hired out for labor, unjustly beaten, and were without education or proper food and clothing.⁴

In 1955, the state opened a new reform school in Okeechobee to address overcrowding at the Dozier School.⁵ Staff members of the Dozier School were transferred to the Florida School for Boys at Okeechobee (hereinafter, Okeechobee School), where they instituted the same degrading policies and abusive practices as those implemented at the Dozier School.⁶

In 2005, former students of the Dozier School began to publish accounts of the abuse they experienced at the school.⁷ These stories prompted Governor Charlie Crist to direct the Florida Department of Law Enforcement to investigate the Dozier School and the deaths that were alleged and occurred at the school.⁸

University of South Florida Forensic Investigation

From 2013-2016, the University of South Florida conducted a forensic investigation, funded by the Legislature, into the deaths and burials at the Dozier School.⁹ The purpose of the investigation was to determine the location of the missing children buried at the Dozier School.¹⁰

¹ Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, pg. 22 (January 24, 2018) (on file with the Senate Committee on Criminal Justice).

² *Id.*

³ *Id.* at 12.

⁴ *Id.* at 27.

⁵ *Id.* at 22.

⁶ *Id.*

⁷ *Id.* at 30.

⁸ *Id.*

⁹ *Id.* at 4.

¹⁰ *Id.* at 11.

The investigation found records of nearly 100 deaths from 1900-1973.¹¹ Of those 100 deaths recorded in documents maintained by the school, two deaths were staff members, and the remaining were boys ranging in age from 6 to 18 years old. The investigation noted that the historical records are incomplete and the causes and manners of death for the majority of cases are unknown. The investigation also found that there are at least 22 deaths in the records for which no burial location is documented.¹²

The investigation noted that while other state-run institutions kept detailed records of burials made on the property of the institution, the Dozier School did not keep any records showing the location of specific graves, nor did the school mark the graves.¹³ The investigation implied that this lack of record keeping suggests an intent to cloud the true number of burials located at the school and potentially hinder later investigations into the true causes of individual's deaths.¹⁴

Additionally, the investigation revealed that the Dozier School consistently underreported the number of deaths that occurred in their bi-annual reports to the state.¹⁵

Legislative Resolutions Addressing Florida Reform School Abuse at the Dozier School and the Okeechobee School

During the 2017 Legislative Session, the Legislature unanimously issued a formal apology to the victims of reform school abuse and their families with the passage of CS/HR 1335 and CS/SR 1440. In those resolutions, the Legislature acknowledged that the treatment of boys who were sent to the Dozier School and the Okeechobee School was cruel, unjust, and a violation of human decency. The resolutions expressed regret for the treatment of boys at the schools and apologized to the victims for the wrongs committed against them by state employees. The resolutions also expressed commitment to ensuring that children who have been placed in the state's care will be protected from abuse and violations of fundamental human decency.¹⁶

III. Effect of Proposed Changes:

The bill creates the "Arthur G. Dozier School and Okeechobee School Abuse Victim Certification Act."

The bill defines a "victim of Florida reform school abuse" as a living person who was confined at the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who was subjected to physical or sexual abuse perpetrated by personnel of the school during the period of confinement.

¹¹ *Id.* at 14.

¹² *Id.*

¹³ *Id.* at 15.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *See* CS/HR 1335 and CS/SR 1440 (2017).

The bill requires a person seeking to be certified as a victim of Florida reform school abuse to submit an application to the DJJ by October 1, 2018. The application must include:

- An affidavit stating:
 - That the applicant was confined at the Dozier School or the Okeechobee School;
 - The beginning and ending days of the confinement; and
 - That the applicant was subjected to physical or sexual abuse perpetrated by school personnel during the confinement.
- Documentation from the State Archives of Florida, the Dozier School, or the Okeechobee School, demonstrating that the applicant was confined at the school for any length of time between 1940 and 1975; and
- Proof of identification, including a current form of photo ID.

The bill requires the DJJ to examine an application within 30 days of receipt and notify the applicant of any errors or omissions or request any additional information relevant to the review of the application. Should the DJJ need additional information from the applicant to process the application, the applicant will have 15 days after receiving such notification from the DJJ to complete or modify the application.

The bill prohibits the DJJ from denying an application due to the applicant's failure to correct an error or submit additional information requested by the DJJ if the DJJ failed to timely notify the applicant of the error.

The bill requires the DJJ to notify the applicant of its determination within five business days after processing and reviewing the application. If the DJJ determines that an application meets the requirements of the act, the DJJ must certify the applicant as a victim of Florida reform school abuse.

The bill requires the DJJ to process and review all applications that were submitted by October 1, 2018, and submit a list of all certified victims to the President of the Senate and the Speaker of the House of Representatives by March 1, 2019.

The act is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Juvenile Justice will experience additional workload to process and review applications to determine if an applicant is a “victim of Florida reform school abuse” as provided under the act. The costs associated with this workload and any other costs expected to be incurred in implementing this bill are indeterminate. The DJJ estimates that an additional full-time employee may be needed to process applications,¹⁷ but the DJJ has sufficient existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on January 29, 2018:

The Committee Substitute corrects a reference to the House resolution made in the bill.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁷ Florida Department of Juvenile Justice, *2018 Legislative Bill Analysis for SB 1780*, (January 17, 2018) (on file with the Senate Criminal Justice Committee).