

By Senator Rouson

19-01063-20

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1                   A bill to be entitled  
2       An act relating to victims of reform school abuse;  
3       providing a short title; defining the term "victim of  
4       Florida reform school abuse"; requiring a person  
5       seeking certification under this act to apply to the  
6       Department of State by a certain date; prohibiting the  
7       estate of a decedent or the personal representative of  
8       a decedent from submitting an application on behalf of  
9       the decedent; requiring that the application include  
10      certain information and documentation; requiring the  
11      department to examine the application, notify the  
12      applicant of any errors or omissions, and request any  
13      additional information within a certain timeframe;  
14      providing that the applicant has 15 calendar days  
15      after such notification to complete the application;  
16      requiring the department to review and process a  
17      completed application within a certain timeframe;  
18      prohibiting the department from denying an application  
19      for specified reasons and under certain circumstances;  
20      requiring the department to notify the applicant of  
21      its determination within a certain timeframe;  
22      requiring the department to certify an applicant as a  
23      victim of Florida reform school abuse if the  
24      department determines that the application meets the  
25      requirements of the act; requiring the department to  
26      submit a list of all certified victims to the  
27      President of the Senate and the Speaker of the House  
28      of Representatives; providing exceptions from  
29      specified requirements for crime victim compensation

19-01063-20

2020750\_\_

30 eligibility for applications by victims of Florida  
31 reform school abuse; providing an effective date.  
32

33 WHEREAS, the Florida State Reform School, also known as the  
34 "Florida Industrial School for Boys," the "Florida School for  
35 Boys," the "Arthur G. Dozier School for Boys," and the "Dozier  
36 School," was opened by the state in 1900 in Marianna to house  
37 children who had committed minor criminal offenses, such as  
38 incorrigibility, truancy, and smoking, as well as more serious  
39 offenses, such as theft and murder, and

40 WHEREAS, throughout the Dozier School's history, reports of  
41 abuse, suspicious deaths, and threats of closure plagued the  
42 school, and

43 WHEREAS, many former students of the Dozier School have  
44 sworn under oath that they were beaten at a facility located on  
45 the school grounds known as the "White House," and

46 WHEREAS, a psychologist employed at the Dozier School  
47 testified under oath at a 1958 United States Senate Judiciary  
48 Committee hearing that boys at the school were beaten by an  
49 administrator, that the blows were severe and dealt with great  
50 force with a full arm swing over the head and down, that a  
51 leather strap approximately 10 inches long was used, and that  
52 the beatings were "brutality," and

53 WHEREAS, a former Dozier School employee stated in  
54 interviews with law enforcement that, in 1962, several employees  
55 of the school were removed from the facility based upon  
56 allegations that they made sexual advances toward boys at the  
57 facility, and

58 WHEREAS, a forensic investigation funded by the Legislature

19-01063-20

2020750\_\_

59 and conducted from 2013 to 2016 by the University of South  
60 Florida found incomplete records regarding deaths and 45 burials  
61 that occurred at the Dozier School between 1900 and 1960 and  
62 found that families were often notified of the death after the  
63 child was buried or were denied access to their child's remains  
64 at the time of burial, and

65 WHEREAS, the excavations conducted as part of the forensic  
66 investigation revealed more burials than reported in official  
67 records, and

68 WHEREAS, in 1955, the state opened a new reform school in  
69 Okeechobee called the Florida School for Boys at Okeechobee,  
70 referred to in this act as the "Okeechobee School," to address  
71 overcrowding at the Dozier School, and staff members of the  
72 Dozier School were transferred to the Okeechobee School, where  
73 similar disciplinary practices were implemented, and

74 WHEREAS, many former students of the Okeechobee School have  
75 sworn under oath that they were beaten at a facility on school  
76 grounds known as the "Adjustment Unit," and

77 WHEREAS, more than 500 former students of the Dozier School  
78 and the Okeechobee School have come forward with reports of  
79 physical, mental, and sexual abuse by school staff during the  
80 1940s, 1950s, 1960s, and 1970s and the resulting trauma that has  
81 endured throughout their lives, and

82 WHEREAS, this is a unique and shameful chapter in the  
83 history of the state during which children placed into the  
84 custody of state employees were subjected to physical, mental,  
85 and sexual abuse rather than the guidance and compassion that  
86 children in state custody should receive, and

87 WHEREAS, during the 2017 Legislative Session, the

19-01063-20

2020750\_\_

88 Legislature unanimously issued a formal apology to the victims  
89 of abuse with the passage of CS/SR 1440 and CS/HR 1335,  
90 expressing regret for the treatment of boys who were sent to the  
91 Dozier School and the Okeechobee School; acknowledging that the  
92 treatment was cruel, unjust, and a violation of human decency;  
93 and expressing its commitment to ensure that children who have  
94 been placed in the state's care will be protected from abuse and  
95 violations of human decency, NOW, THEREFORE,

96

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

98

99       Section 1. (1) This act may be known and cited as the  
100 "Arthur G. Dozier School for Boys and Okeechobee School Abuse  
101 Victim Certification Act."

102       (2) As used in this act, the term "victim of Florida reform  
103 school abuse" means a living person who was confined at the  
104 Arthur G. Dozier School for Boys or the Okeechobee School at any  
105 time between 1940 and 1975 and who was subjected to mental,  
106 physical, or sexual abuse perpetrated by school personnel during  
107 the period of confinement.

108       (3) (a) A person seeking to be certified as a victim of  
109 Florida reform school abuse must submit an application to the  
110 Department of State no later than September 1, 2020. The estate  
111 of a decedent or the personal representative of a decedent may  
112 not submit an application on behalf of the decedent.

113       (b) The application must include:

114       1. An affidavit stating that the applicant was confined at  
115 the Arthur G. Dozier School for Boys or the Okeechobee School,  
116 the beginning and ending dates of the confinement, and that the

19-01063-20

2020750\_\_

117 applicant was subjected to mental, physical, or sexual abuse  
118 perpetrated by school personnel during the period of  
119 confinement;

120 2. Documentation from the State Archives of Florida, the  
121 Arthur G. Dozier School for Boys, or the Okeechobee School which  
122 shows that the applicant was confined at the school or schools  
123 for any length of time between 1940 and 1975; and

124 3. Positive proof of identification, including a current  
125 form of photographic identification.

126 (c) Within 30 calendar days after receipt of an  
127 application, the Department of State shall examine the  
128 application and notify the applicant of any errors or omissions  
129 or request any additional information relevant to the review of  
130 the application. The applicant has 15 calendar days after  
131 receiving such notification to complete the application by  
132 correcting any errors or omissions or submitting any additional  
133 information requested by the department. The department shall  
134 review and process each completed application within 90 calendar  
135 days after receipt of the application.

136 (d) The Department of State may not deny an application due  
137 to the applicant's failure to correct an error or omission or  
138 failure to submit any additional information requested by the  
139 department if the department failed to timely notify the  
140 applicant of such error or omission or timely request additional  
141 information as provided in paragraph (c).

142 (e) The Department of State shall notify the applicant of  
143 its determination within 5 business days after reviewing and  
144 processing the application. If the department determines that an  
145 application meets the requirements of this section, the

19-01063-20

2020750\_\_

146 department must certify the applicant as a victim of Florida  
147 reform school abuse.

148 (f) No later than December 31, 2020, the Department of  
149 State must review and process all applications that were  
150 submitted by September 1, 2020, and must submit a list of all  
151 certified victims of Florida reform school abuse to the  
152 President of the Senate and the Speaker of the House of  
153 Representatives.

154 Section 2. (1) Notwithstanding s. 960.03(3), Florida  
155 Statutes, for purposes of a claim under chapter 960, Florida  
156 Statutes, by a victim of Florida reform school abuse, as defined  
157 in section 1 of this act, or an intervenor, as defined in s.  
158 960.03, Florida Statutes, the term "crime" means a felony or  
159 misdemeanor offense committed by an adult or a juvenile which  
160 results in a mental or physical injury or death. A mental injury  
161 must be verified by a psychologist licensed under chapter 490,  
162 Florida Statutes; by a physician licensed under chapter 458 or  
163 chapter 459, Florida Statutes, who has completed an accredited  
164 residency in psychiatry; or by a physician licensed under  
165 chapter 458 or chapter 459, Florida Statutes, who has obtained  
166 certification as an expert witness pursuant to s. 458.3175,  
167 Florida Statutes.

168 (2) Notwithstanding s. 960.065(2)(c) and (3), Florida  
169 Statutes, for purposes of a claim under chapter 960, Florida  
170 Statutes, a "victim of Florida reform school abuse," as defined  
171 in section 1 of this act, is eligible to file a claim under  
172 chapter 960, Florida Statutes.

173 (3) Notwithstanding s. 960.07, Florida Statutes, for  
174 purposes of a claim under chapter 960, Florida Statutes, by a

19-01063-20

2020750\_\_

175 "victim of Florida reform school abuse," as defined in section 1  
176 of this act, the victim or intervenor may file a claim relating  
177 to such abuse within 1 year after the effective date of this  
178 act.

179 Section 3. This act shall take effect upon becoming a law.