

By Senator Rouson

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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 the 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      specifying the timeframe that the applicant has to  
15      revise and complete the application after such  
16      notification; requiring the department to review and  
17      process a completed application within a certain  
18      timeframe; prohibiting the department from denying an  
19      application for specified reasons and under certain  
20      circumstances; requiring the department to notify the  
21      applicant of its determination within a certain  
22      timeframe; requiring the department to certify an  
23      applicant as a victim of Florida reform school abuse  
24      if the department determines that the application  
25      meets the requirements of the act; requiring the  
26      department to submit a list of all certified victims  
27      to the Legislature by a specified date; providing  
28      exceptions from specified requirements for crime  
29      victim compensation eligibility for applications

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30 submitted under the act; providing an effective date.

31  
32 WHEREAS, the Florida State Reform School, also known as the  
33 "Florida Industrial School for Boys," the "Florida School for  
34 Boys," the "Arthur G. Dozier School for Boys," and the "Dozier  
35 School," was opened by the state in 1900 in Marianna to house  
36 children who had committed minor criminal offenses, such as  
37 incorrigibility, truancy, and smoking, as well as more serious  
38 offenses, such as theft and murder, and

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

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

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

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

57 WHEREAS, a forensic investigation funded by the Legislature  
58 and conducted from 2013 to 2016 by the University of South

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

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

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

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

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

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

86 WHEREAS, during the 2017 Legislative Session, the  
87 Legislature unanimously issued a formal apology to the victims

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

95

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

97

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

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

107 (3) (a) A person seeking to be certified as a victim of  
108 Florida reform school abuse must submit an application to the  
109 Department of State no later than September 1, 2021. The estate  
110 of a decedent or the personal representative of a decedent may  
111 not submit an application on behalf of the decedent.

112 (b) The application must include:

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

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117 perpetrated by school personnel during the period of  
118 confinement;

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

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

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

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

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

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146 reform school abuse.

147 (f) No later than December 31, 2021, the Department of  
148 State must review and process all applications submitted by  
149 September 1, 2021, and must submit a list of all certified  
150 victims of Florida reform school abuse to the President of the  
151 Senate and the Speaker of the House of Representatives.

152 Section 2. (1) Notwithstanding s. 960.03(3), Florida  
153 Statutes, for purposes of a claim under chapter 960, Florida  
154 Statutes, by a victim of Florida reform school abuse, as defined  
155 in section 1 of this act, or an intervenor, as defined in s.  
156 960.03(9), Florida Statutes, the term "crime" means a felony or  
157 misdemeanor offense committed by an adult or a juvenile which  
158 results in a mental or physical injury or death. A mental injury  
159 must be verified by a psychologist licensed under chapter 490,  
160 Florida Statutes; by a physician licensed under chapter 458 or  
161 chapter 459, Florida Statutes, who has completed an accredited  
162 residency in psychiatry; or by a physician licensed under  
163 chapter 458 or chapter 459, Florida Statutes, who has obtained  
164 certification as an expert witness pursuant to s. 458.3175,  
165 Florida Statutes.

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

171 (3) Notwithstanding s. 960.07, Florida Statutes, for  
172 purposes of a claim under chapter 960, Florida Statutes, by a  
173 "victim of Florida reform school abuse," as defined in section 1  
174 of this act, the victim or intervenor may file a claim relating

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175 to such abuse within 1 year after the effective date of this  
176 act.

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