

By the Committee on Criminal Justice; and Senator Rouson

591-01271-21

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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
155 defined in section 1 of this act, or an intervenor, as defined
156 in s. 960.03(9), Florida Statutes, the term "crime" means a
157 felony or misdemeanor offense committed by an adult or a
158 juvenile which results in a mental or physical injury or death.
159 A mental injury must be verified by a psychologist licensed
160 under chapter 490, Florida Statutes; by a physician licensed
161 under chapter 458 or chapter 459, Florida Statutes, who has
162 completed an accredited residency in psychiatry; or by a
163 physician licensed under chapter 458 or chapter 459, Florida
164 Statutes, who has obtained certification as an expert witness
165 pursuant to s. 458.3175 or s. 459.0066, 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, as defined in s.

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175 960.03(9), Florida Statutes, may file a claim relating to such
176 abuse within 1 year after the effective date of this act.

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