

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 Committee on Appropriations

BILL: CS/CS/SB 708

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Governmental Oversight and Accountability Committee; and Senator Joyner

SUBJECT: Arthur G. Dozier School for Boys

DATE: February 22, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kim</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Sneed</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 708 authorizes the Department of State (DOS) to reimburse the next of kin or pay the provider or funeral home up to \$7,500 for funeral, reinterment, and grave marker expenses for each child's remains recovered from the Arthur G. Dozier (Dozier) School for Boys by the University of South Florida (USF). The historical resources and artifacts recovered from Dozier are to remain in the custody of the USF pending release to the DOS; and any recovered human remains are to be held by the USF pending release to the next of kin or reinterment.

The bill requires the DOS to contract with the USF for identification and location of next of kin. The DOS will notify the next of kin and make arrangements for the payment or reimbursement of eligible expenses.

The bill establishes a nine-member task force to submit recommendations to the DOS by October 1, 2016, about creating and maintaining a memorial and the location of a site for the reinterment of unidentified or unclaimed remains. The task force recommendations must be submitted to the Governor and Cabinet, the President of the Senate, the Speaker of the House or Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. The bill also provides for the repeal of the task force on December 31, 2016.

The bill also requires the DOS to submit a report by February 1, 2018, to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives on payments and expenditures required by the bill.

For Fiscal Year 2016-2017, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to the DOS to implement the provisions of the bill. Any unused funds will revert to the General Revenue Fund and are appropriated for Fiscal Year 2017-2018 for the same purpose.

The bill takes effect upon becoming law.

II. Present Situation:

Dozier School for Boys

Dozier was a state reform school located in Marianna, Florida and operated from January 1, 1900 to June 30, 2011. Dozier was one of two training schools operated by the Department of Juvenile Justice.¹ The Department of Education administered the education program for the youths at Dozier.²

In 2008, Governor Charlie Christ directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at Dozier.³ The former students had lived at Dozier during the 1950's and 1960's and alleged that students who died as a result of abuse were buried at the school cemetery.⁴ FDLE identified 31 graves at Dozier but did not exhume any bodies.⁵ The University of South Florida (USF) subsequently conducted research which included excavation and exhumation.⁶ As of January 28, 2014, USF's work at Dozier has resulted in the discovery of 55 bodies.⁷ There are no official records that account for 24 of the 55 bodies found.⁸

Prompt Payment Law

Section 215.422, F.S., governs the processing times of invoices submitted by a state agency for payment to the Chief Financial Officer (CFO) with the Department of Financial Services (DFS). Invoices submitted by agencies are required to be filed with the CFO no later than 20 days after receipt of the invoice and receipt, inspection, and approval of the goods or services.⁹ DFS must

¹ Section 985.03(56), F.S. (2010).

² Section 1003.52(20), F.S. (2013).

³ *Arthur G. Dozier School for Boys, Case Number EI-04-00005 and EI-73-8455*, Dated December 18, 2012, Office of Executive Investigations, Florida Department of Law Enforcement available at www.fdle.state.fl.us/Content/getattachment/7984bf67-8d1b-47f2-be9f-e1f9ab888874/FDLE-releases-response-regarding-Dozier-School.aspx (last visited December 19, 2015).

⁴ Id. at 1.

⁵ Id. at 4.

⁶ Id. at 4.

⁷ Ben Montgomery, *More Bodies Found Than Expected at the Dozier School for Boys*, MIAMI HERALD, Jan. 4, 2015, <http://www.miamiherald.com/news/state/florida/article5427669.html> (last visited December 19, 2015).

⁸ University of South Florida News, *USF Researchers Find Additional Bodies at Dozier School for Boys*, <http://news.usf.edu/article/templates/?a=5997> (last visited December 22, 2015).

⁹ Section 215.422(1), F.S.

make prompt payment of an invoice no later than 10 days after an agency's filing of an approved invoice.¹⁰ If a warrant in payment of an invoice is not made within 40 days after receipt of the invoice and receipt, inspection, and approval of the goods or services, the agency must pay the vendor interest¹¹ on the unpaid balance until payment is issued to the vendor.¹²

III. Effect of Proposed Changes:

This bill authorizes USF to retain custody of the following:

- Historical resources, records, archives, or artifacts recovered from Dozier until the DOS requests custody.
- Human remains exhumed from Dozier until the remains are returned to the next of kin or reburied.

The DOS is directed to contract with the USF for the university's continuing efforts to identify and locate the next of kin of the children whose remains were exhumed from Dozier.

The bill authorizes the DOS to spend up to \$7,500 for the cost of each child's funeral, reinterment, and grave marker. These expenditures may take the form of reimbursements to the next of kin, or payments made directly to a funeral home or other appropriate entity. The expenditures are to be made in accordance with current prompt payment laws. Charitable contributions made toward a burial are not eligible for reimbursement. DOS is required to submit a report to the Legislature by February 1, 2018 on the status of its expenditures. The bill provides the DOS rulemaking authority to administer these provisions.

The bill establishes a nine-member task force under the DOS which is responsible for advising the department about the creation and maintenance of a memorial, and the location of a site for reinterment of unidentified or unclaimed remains. The bill designates the following task force members:

- The Secretary of State, or his or her designee, who shall serve as the chair.
- One person appointed by the President of the Florida State Conference of the National Association for the Advancement of Colored People.
- One representative of the Florida Council of Churches, appointed by the executive director of the council.
- A next of kin of a deceased ward buried at the Dozier School for Boys appointed by the Attorney General.
- One representative who promotes the welfare of people who are former wards of the Dozier School for Boys appointed by the Chief Financial Officer.
- One person appointed by the President of the Senate.
- One person appointed by the Speaker of the House of Representatives;
- One person appointed by the Jackson County Board of County Commissioners.
- One person who represents a youth development organization that promotes the welfare of at-risk youth, appointed by the Commission of Agriculture.

¹⁰ Section 215.422(2), F.S.

¹¹ The CFO calculates the interest rate, which is based on the interest rates set by the Federal Reserve Bank. Sections 215.422(3)(b) and 55.03(1), F.S.

¹² Section 215.422(3)(b), F.S.

Task force recommendations must be submitted to the DOS by October 1, 2016. The task force recommendations are also required to be submitted to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives. The bill repeals the task force on December 31, 2016.

The bill appropriates the nonrecurring sum of \$500,000 from the General Revenue Fund for the 2016-2017 fiscal year to the DOS to implement the bill. Any unused funds will revert to the General Revenue Fund on July 1, 2017, and are appropriated for the 2017-2018 fiscal year to continue funding the provisions of the bill.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

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:

The impact of CS/CS/SB 708 is indeterminate. Identified next of kin shall be reimbursed for costs related to reinterment of any human remains recovered from the Dozier site.

C. Government Sector Impact:

The bill appropriates \$500,000 from the General Revenue Fund for the 2016-2017 fiscal year to the DOS to implement the bill's provisions. Unexpended funds will revert to the General Revenue Fund on July 1, 2017, and will be appropriated for the same purpose in the 2017-2018 fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of Florida law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on February 18, 2016:

The committee substitute:

- Clarifies that USF will retain custody of all artifacts and human remains until such time that the remains can be returned to the next of kin or reburied or the DOS is ready to take custody of the artifacts for preservation purposes.
- Requires the USF rather than the DOS, to identify and locate the next of kin and notify the DOS.
- Requires the DOS to promptly notify the next of kin about payment provisions.
- Adds the Governor and Cabinet to the list of recipients of the February report from the DOS.
- Provides for the following task force changes:
 - Refers to the task force as the “Dozier Task Force”;
 - Designates the task force members;
 - Adds additional report recipients; and
 - Adjusts its repeal date to December 31, 2016.
- Adds a member to the Dozier Task Force appointed by the Commissioner of Agriculture.

CS by Governmental Oversight and Accountability on January 26, 2016:

- Removes provisions requiring the DOS to perform research and develop evidence taken from Dozier.
- Removes a requirement that the DOS create a memorial and in its place creates a task force to make recommendations about the creation of a memorial and where unclaimed remains should be reinterred. The task force must produce a report by October 1, 2016.
- Removes the condition that payment be made to a funeral home only when the next of kin cannot pay for funeral and reinterment costs.
- Removes the requirement that the DOS make payment to the next of kin within 14 days and replaces that requirement with the current prompt payment law.

- Provides that charitable donations made for the funeral and burial costs will not be reimbursed or paid by the state.
- Provides that the DOS should locate the next of kin by December 31, 2017. More time was given so that the DOS would have sufficient time to locate the next of kin.
- Provides that the DOS should file a report with the Legislature on the status of payments made by February 1, 2018, so that the report will be available prior to the 2018 legislative session.
- Reduces funding to a total of \$500,000 to be spent over the next two fiscal years.

B. Amendments:

None.