

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 Governmental Oversight and Accountability

BILL: CS/SB 708

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Joyner

SUBJECT: Arthur G. Dozier School for Boys

DATE: January 27, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 708 authorizes the Department of State (DOS) to spend up to \$7,500 for the cost of reinterring remains exhumed during the investigation of the cemetery located at the Arthur G. Dozier School for Boys (Dozier). The expenditures may take the form of reimbursements to the next of kin for the costs of re-burial or payments made directly to funeral homes.

The bill establishes a task force which will make recommendations about a memorial and where unclaimed remains should be reinterred. The bill requires historical resources and artifacts discovered at Dozier to be transferred to DOS.

The bill provides a nonrecurring appropriation of \$500,000 to the DOS from the General Revenue Fund for the 2016-2017 fiscal year (FY), and any remaining funds may be used in FY 2017-2018.

The bill takes effect upon becoming law.

II. Present Situation:

Dozier School for Boys

Dozier was a reform school located in Mariana, Florida and closed in 2011. Dozier was one of two training schools within 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 student 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 excavation and exhumation have resulted in 55 bodies being discovered.⁷ There are no official records which account for 24 of the 55 bodies found.⁸

Prompt Pay 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 invoice and receipt, inspection, and approval of the goods or services.⁹ DFS must 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

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.

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.

III. Effect of Proposed Changes:

The bill directs that historical resources and artifacts recovered from Dozier should be transferred to DOS for preservation. DOS is directed to identify and locate the next of kin of the exhumed children by December 31, 2017.

The bill authorizes DOS to spend up to \$7,500 for the costs of a funeral, a grave marker and reintering the exhumed remains. 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 pay laws. Charitable contributions made towards a burial cannot be reimbursed. DOS must submit a report on that status of its expenditures to the Legislature by February 1, 2018.

The bill establishes a task force under DOS which will make recommendations about the creation and maintenance of a memorial as well as make recommendations about where unidentified or unclaimed remains should be reinterred. The Secretary of the DOS will appoint the members of the task force. DOS must submit a report of the recommendation made by the task force by October 1, 2016, at which time the task force will be abolished. Task force members will not be paid, however, they may be reimbursed for per diem and travel expenses.

The bill provides DOS rulemaking authority to administer the bill.

The bill appropriates a nonrecurring sum of \$500,000 from the General Revenue Fund for the FY 2016-2017 to DOS for implementation purposes. Unused funds may be used in FY 2017-2018.

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:

Indeterminate.

C. Government Sector Impact:

The bill appropriates \$500,000 from the General Revenue Fund for FY 2016-2017 to the DOS to administer the act. Unused funds will revert back to the General Revenue Fund on July 1, 2017, and will be appropriated for the same purpose in FY 2017-2018.

VI. Technical Deficiencies:

The bill does not identify who will be on the taskforce.

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 by Governmental Oversight and Accountability on January 26, 2016:

- Removes provisions requiring DOS to perform research and develop evidence taken from Dozier.
- Removes a requirement that 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 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 DOS should locate the next of kin by December 31, 2017. More time was given so that DOS would have sufficient time to locate the next of kin.
- Provides that 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 \$500,000 to be spent over FY 2016-2017 and FY 2017-2018.

B. Amendments:

None.

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