

**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.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SB 708

INTRODUCER: Senator Joyner

SUBJECT: Arthur G. Dozier School for Boys

DATE: January 25, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kim	McVaney	GO	<b>Pre-meeting</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 708 directs Department of State (DOS) to create a memorial for the victims of the Arthur G. Dozier School for Boys (Dozier). The bill authorizes DOS to spend up to \$7,500 for the cost of reintering a child who was exhumed during the investigations of the cemetery located at Dozier. The expenditures may take the form of reimbursements to the survivors for the costs of re-burial, or made directly to funeral homes if the families are unable to pay for re-burial of the disinterred remains.

The bill provides a nonrecurring appropriation of \$1.5 million dollars to the DOS from the General Revenue Fund for the 2016-2017 fiscal year.

The bill takes effect July 1, 2016.

**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.<sup>1</sup> The Department of Education administered the education program for the youths at Dozier.<sup>2</sup>

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.<sup>3</sup> The former student had lived at Dozier during

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<sup>1</sup> Section 985.03(56), F.S. (2010).

<sup>2</sup> Section 1003.52(20), F.S. (2013).

<sup>3</sup> *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

the 1950's and 1960's and alleged that students who died as a result of abuse were buried at the school cemetery.<sup>4</sup> FDLE identified 31 graves at Dozier but did not exhume any bodies.<sup>5</sup> The University of South Florida (USF) subsequently conducted research which included excavation and exhumation.<sup>6</sup> As of January 28, 2014, USF excavation and exhumation have resulted in 55 bodies being discovered.<sup>7</sup> There are no official records which account for 24 of the 55 bodies found.<sup>8</sup>

### **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.<sup>9</sup> DFS must make prompt payment of an invoice no later than 10 days after an agency's filing of an approved invoice.<sup>10</sup> 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 interest<sup>11</sup> on the unpaid balance until payment is issued to the vendor.<sup>12</sup>

### **III. Effect of Proposed Changes:**

The bill directs DOS to preserve historical resources and create a memorial for the victims of Dozier. DOS is directed to locate eligible family members of the exhumed children by July 1, 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 be reimbursements to the family members or payments directly to a funeral home, or other appropriate entity, if the family is unable to pay for the costs of re-burying the child. Reimbursements to family members must be made within 14 days of when DOS receives the request for reimbursement. The bill does not set a deadline on when payment must be made to a funeral home, and so payment deadlines which currently exist in statute will apply.

If remains are found after June 30, 2017, DOS may also make the same types of payments, subject to a future appropriation.

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[www.fdle.state.fl.us/Content/getattachment/7984bf67-8d1b-47f2-be9f-e1f9ab888874/FDLE-releases-response-regarding-Dozier-School.aspx](http://www.fdle.state.fl.us/Content/getattachment/7984bf67-8d1b-47f2-be9f-e1f9ab888874/FDLE-releases-response-regarding-Dozier-School.aspx). (last visited December 19, 2015)

<sup>4</sup> Id. at 1.

<sup>5</sup> Id. at 4.

<sup>6</sup> Id. at 4.

<sup>7</sup> 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).

<sup>8</sup> 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).

<sup>9</sup> Section 215.422(1), F.S.

<sup>10</sup> Section 215.422(2), F.S.

<sup>11</sup> 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.

<sup>12</sup> Section 215.422(3)(b), F.S.

The bill provides DOS rulemaking authority to administer the bill.

The bill appropriates a nonrecurring sum of \$1.5 million from the General Revenue Fund for the 2016-2017 fiscal year to the DOS for implementation purposes.

The bill takes effect July 1, 2016.

#### **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 \$1.5 million from the General Revenue Fund for FY 2016-2017 to the DOS to administer the act. Assuming that the remains of 55 children will be reinterred at a cost of up to \$7,500 the sum allocated for reburial will be \$412,500. The remaining sum of \$1,087,500 presumably will be used to locate family members of the deceased and for the cost of creating the memorial and maintaining artifacts.

#### **VI. Technical Deficiencies:**

The bill directs DOS to reimburse the next of kin of a child exhumed from Dozier within 14 days of DOS's receipt of the request for reimbursement and required documentation. As noted above in the "Present Situation" section, payments by the state may take up to 40 days before the state must start paying interest on a late payment. This longer period of payment allows the state agencies and the DFS to ensure appropriate use of taxpayer funds by subjecting these payments

to some level of auditing procedures. In addition, the legal consequence of the state's failure to reimburse a family within 14 days is not clear.

In lines 69-70, the bill provides that DOS may pay funeral homes directly if a family "cannot pay the funeral, reinternment, or grave marker expenses." Although the bill provides the DOS rule making authority to administer the bill, the bill does not provide clear guidance on how DOS will determine which families can or cannot pay for reburial expenses.

Section 3 of the bill provides that the act takes effect July 1, 2016. Lines 61-62 of the bill directs DOS to identify and locate eligible families of exhumed children "within 1 year after the effective date of this act." To clarify the time requirements, the Legislature may want to consider modifying lines 61-62 to read "by July 1, 2017."

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an unnumbered section of Florida law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.