

**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 Rules

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BILL: CS/SR 1440

INTRODUCER: Judiciary Committee and Senator Rouson

SUBJECT: Arthur G. Dozier School for Boys

DATE: April 25, 2017

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SR 1440 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys (Dozier) in Marianna and Okeechobee, Florida.<sup>1</sup> The State of Florida operated the school in Marianna from 1900 to 2011.

The resolution further declares that:

- The Senate regrets that the treatment of children at the Dozier School for Boys and the Okeechobee school was cruel, unjust, and a violation of human decency, and acknowledges this shameful part of the state's history;
- The Senate apologizes to the boys sent to Dozier and the Okeechobee School and their family members for what happened to them by employees of the state;
- The Senate commits to ensuring that the children of Florida are protected from this kind of abuse and violations of fundamental human decency.

Legislative resolutions have no force of law and are not subject to the approval and veto powers of the Governor.

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<sup>1</sup> Due to overcrowding at the Marianna school, a second school opened in Okeechobee, Florida in 1955.

## II. Present Situation:

### Dozier School for Boys

Dozier was a state reform school located in Marianna, Florida, which operated from January 1, 1900 to June 30, 2011. Children were sent to the school for serious crimes, but also for “incorrigibility,” “truancy,” and “dependency.”<sup>2</sup> Originally, the school housed children as young as 5 years old. As early as 1901, reports surfaced of children being chained to walls in irons, brutal whippings, and peonage (involuntary servitude).<sup>3</sup> In the first 13 years of operation, more than six state-led investigations took place. Over the years, allegations of severe abuse, including physical and sexual abuse, and suspicious disappearances and death of children in the care of Dozier continued. Of the 100 deaths recorded in historical documents maintained by the school, and available for review up through the year 1960, just two persons who died were staff, and the remaining were boys ranging in age from 6 to 18.<sup>4</sup> Investigators noted that deaths were significantly underreported.<sup>5</sup> Also, investigators were able to ascertain a correlation between attempted escapes and mortality of the children.<sup>6</sup>

In 2005, former students of the school began to publish accounts of the abuse they experienced at Dozier.<sup>7</sup> In 2008, Governor Charlie Crist 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>8</sup> The former students of Dozier alleged that students who died as a result of abuse were buried at the school cemetery.<sup>9</sup> The University of South Florida (USF) subsequently conducted research which included excavations and exhumations.<sup>10</sup>

### University of South Florida Investigation

The University of South Florida received funding to determine the location of the missing children buried at the Arthur G. Dozier School for Boys in Marianna.<sup>11</sup> Funding was provided by

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<sup>2</sup> Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, pg. 12 (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 14.

<sup>5</sup> *Id.* at 22.

<sup>6</sup> *Id.* at 14.

<sup>7</sup> *Id.* at 30. The men who had been sent to Dozier from the late 1950’s through the 1960’s organized themselves as “The White House Boys Survivors Organization.”

<sup>8</sup> Office of Executive Investigations, Florida Department of Law Enforcement, *FDLE Investigative Report* (May 14, 2009); available at <http://thewhitehouseboys.com/fdlereport.html> (last visited March 31, 2017).

<sup>9</sup> *Id.* at 1.

<sup>10</sup> *Id.* at 4.

<sup>11</sup> Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, pg. 11 (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

the Legislature, USF, a grant from the National Institute of Justice, U.S. Department of Justice, and private donations.<sup>12</sup>

Using a forensic team, the USF employed at the site of the school a Ground Penetrating Radar (GPR) to detect graves, followed by archaeological test excavations in those areas.<sup>13</sup>

As of January 28, 2014, USF's work at Dozier has resulted in the discovery of 55 bodies.<sup>14</sup> Twenty-four of the 55 bodies found are unaccounted for in any official record.<sup>15</sup>

In January of 2016, the team submitted its report to the Florida Cabinet and Governor, and the Department of Environmental Protection.<sup>16</sup>

### **United States Department of Justice Investigation**

In 1983, Dozier was the subject of a class action regarding the conditions of confinement. Plaintiffs alleged that youth continued to be hogtied, shackled, and held in solitary confinement, amidst media reports that continued to emerge of significant abuse perpetrated by staff on the children.<sup>17</sup> In 2011, plaintiffs filed another class action lawsuit against the facility alleging abusive and unsafe conditions of confinement.<sup>18</sup>

On April 7, 2010, the U.S. Department of Justice (DOJ) launched its own investigation of practices at Dozier and at the Jackson Juvenile Offender Center (JJOC), which together comprised the North Florida Youth Development Center (NYFDC). The DOJ found reasonable cause that the NYFDC had committed and was continuing to commit unconstitutional practices and violations of federal law protecting youths from harm.

On May 26, 2011, Florida's Department of Juvenile Justice announced the pending closure of the two facilities at the NYFDC, based on budgetary limitations. The DOJ released its report on conditions at Dozier and JJOC on December 1, 2011.<sup>19</sup>

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<sup>12</sup> *Id.* at 4.

<sup>13</sup> *Id.* at 11.

<sup>14</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 March 31, 2017).

<sup>15</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 March 31, 2017).

<sup>16</sup> Erin H. Kimmerle, Ph.D.; E. Christian Wells, Ph.D.; and Antoinette Jackson, Ph.D.; Florida Institute for Forensic Anthropology & Applied Sciences, University of South Florida, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida* (Jan. 18, 2016) (on file with the Senate Judiciary Committee).

<sup>17</sup> In the case of *Bobby M v. Chiles*, 907 F.Supp. 368, 372-373 (N.D. Fla. 1995), the court dismissed with prejudice the consent decree that had been entered into by the class and the defendant, on the basis that the Dozier school had remedied the abuse.

<sup>18</sup> *J.B. v. Walters, et al.*, 4:11-cv-00083-RH (N.D. Fla. 2011).

<sup>19</sup> U.S. Department of Justice, *Investigation of the Arthur G. Dozier School for Boys and the Jackson Juvenile Offender Center, Marianna, Florida* (Dec. 1, 2011), <https://www.justice.gov/opa/pr/departments-justice-releases-investigative-findings-arthur-g-dozier-school-boys-and-jackson> (last visited March 31, 2017).

### **Payment for Funeral Expenses and Creation of the Dozier Task Force**

In 2016, the Legislature approved payment of up to \$7,500 for each child whose body was buried at and exhumed from the Dozier School for Boys, for funeral, reinternment, and grave marker expenses.<sup>20</sup> The legislation requires the Department of State (Department) to contract with the University of South Florida to identify and locate eligible next of kin for the children. By February 1, 2018, the Department must submit a report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives regarding payments and reimbursements made for these expenses.

To fund these provisions, ch. 2016-163, Laws of Fla., includes an appropriation from the General Revenue Fund in the amount of \$500,000 in nonrecurring funds to the Department. The legislation directed any amount remaining as of July 1, 2017, to revert back to General Revenue and be reappropriated for the same purpose in the 2017-2018 fiscal year.

Additionally, the bill created the Dozier Task Force to make a recommendation on the creation and maintenance of a memorial and a site for the reinternment of unidentified or unclaimed remains.<sup>21</sup>

The Task Force submitted the following recommendations to the Department of State, Governor and Cabinet, and the Legislature:

- Provide two memorials, one in Tallahassee and one in Jackson County; and
- Provide for the reburial of unclaimed remains in Tallahassee, at a location to be determined by the Legislature.<sup>22</sup>

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

CS/SR 1440 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys (Dozier) in Marianna and Okeechobee, Florida. The state operated the school from 1900 to 2011.

In support of the resolution, SR 1440 specifically finds that:

- The Dozier school for boys opened in 1900 to house children who had committed serious offenses, but also for incorrigibility, truancy, and smoking;
- Many of the children were sentenced to Dozier for an indeterminate time without legal representation or a proper trial;

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<sup>20</sup> Chapter 2016-163, Laws of Fla. (CS/CS/SB 708).

<sup>21</sup> The Legislature provided for the membership of the task force to include: the Secretary of State, or his or her designee, to serve as chair; an appointee by the President of the Florida State Conference of the National Association for the Advancement of Colored People (NAACP); an appointee from the Florida Council of Churches; an appointee by the Attorney General who is a next of kin of a child buried at Dozier; an appointee by the Chief Financial Officer who promotes the welfare of people who were formerly sent to Dozier; an appointee each by the President of the Senate and the Speaker of the House of Representatives; an appointee by the Jackson County Board of County Commissioners; and an appointee by the Commissioner of Agriculture. *Id.*

<sup>22</sup> WFSU, *Task Force Recommends Tallahassee, Jackson County as Sites for Dozier Memorials* (Aug. 19, 2016), <http://news.wfsu.org/post/task-force-recommends-tallahassee-jackson-county-sites-dozier-memorials> (last visited March 31, 2017).

- Within the first 13 years of operation six state-led investigations took place at Dozier, based on reports of children being chained to walls in irons, severely beaten, and used for child labor;
- Throughout Dozier’s history, threats of closure plagued the school based on allegations of abuse and suspicious deaths;
- At a United States Senate Judiciary Committee hearing in 1958, a psychologist employed at Dozier testified having heard that boys were severely beaten by the administrator, which constituted “brutality”;
- A former Dozier employee told law enforcement officers that several employees were terminated based on allegations that they made sexual advances towards boys at the facility;
- A team of forensic anthropologists from the University of South Florida, funded by the Legislature to investigate deaths at Dozier, found incomplete records of deaths and burials at Dozier between 1900 and 1960 and discovered that parents were often told of their child’s death after burial;
- Forensic anthropologists also excavated the site at Dozier and found 55 burial sites, which was 24 more than reported in official records;
- In 1955, the state transferred some Dozier staff to a new school, the Okeechobee School, and similar practices followed;
- Dozier closed in 2011 after the Department of Law Enforcement and the Civil Rights Division of the United States Department of Justice confirmed harmful conditions; and
- The abuse has been substantiated by more than 500 former students of Dozier from the 1940’s through the 1960’s.

The resolution further declares that:

- The Senate regrets that the treatment of children at the Dozier School for Boys and the Okeechobee school was cruel, unjust, and a violation of human decency, and acknowledges this shameful part of the state’s history.
- The Senate apologizes to the boys sent to Dozier and the Okeechobee School and their family members for what happened to them by employees of the state.
- The Senate commits to ensuring that the children of Florida are protected from this kind of abuse and violations of fundamental human decency.

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#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **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:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**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 Judiciary on April 4, 2017:**

The CS revises the resolution and the facts set forth in the whereas clauses to provide:

- Children were often sent to the schools without a known basis for being sent or a specific duration of confinement;
- Within the first 13 years of operation six state-led investigations took place at Dozier, based on reports of children being chained to walls in irons, severely beaten, and used for child labor;
- Throughout Dozier’s history threats of closure plagued the school, based on allegations of abuse and suspicious deaths;
- At a United States Senate Judiciary Committee hearing in 1958, a psychologist employed at Dozier testified having heard that boys were severely beaten by the administrator, which constituted “brutality”;

- A former Dozier employee told law enforcement officers that several employees were terminated based on allegations that they made sexual advances towards boys at the facility; and
- In 1955, the state transferred some Dozier staff to a new school, the Okeechobee School, and similar practices followed.

B. Amendments:

None.

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

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