

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 this 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 providing that the applicant has 15 calendar days
15 after such notification to complete the application;
16 requiring the department to review and process a
17 completed application within a certain timeframe;
18 prohibiting the department from denying an application
19 for specified reasons and under certain circumstances;
20 requiring the department to notify the applicant of
21 its determination within a certain timeframe;
22 requiring the department to certify an applicant as a
23 victim of Florida reform school abuse if the
24 department determines his application meets the
25 requirements of this act; requiring the department to

26 submit a list of all certified victims to the
27 President of the Senate and the Speaker of the House
28 of Representatives; providing exceptions from
29 specified requirements for crime victim compensation
30 eligibility for applications by victims of Florida
31 reform school abuse; providing an effective date.

32
33 WHEREAS, the Florida State Reform School, also known as the
34 "Florida Industrial School for Boys," the "Florida School for
35 Boys," the "Arthur G. Dozier School for Boys," and the "Dozier
36 School," was opened by the state in 1900 in Marianna to house
37 children who had committed minor criminal offenses, such as
38 incorrigibility, truancy, and smoking, as well as more serious
39 offenses, such as theft and murder, and

40 WHEREAS, throughout the Dozier School's history, reports of
41 abuse, suspicious deaths, and threats of closure plagued the
42 school, and

43 WHEREAS, many former students of the Dozier School have
44 sworn under oath that they were beaten at a facility located on
45 the school grounds known as the "White House," and

46 WHEREAS, a psychologist employed at the Dozier School
47 testified under oath at a 1958 United States Senate Judiciary
48 Committee hearing that boys at the school were beaten by an
49 administrator, that the blows were severe and dealt with great
50 force with a full arm swing over the head and down, that a

51 leather strap approximately 10 inches long was used, and that
52 the beatings were "brutality," and

53 WHEREAS, a former Dozier School employee stated in
54 interviews with law enforcement that, in 1962, several employees
55 of the school were removed from the facility based upon
56 allegations that they made sexual advances toward boys at the
57 facility, and

58 WHEREAS, a forensic investigation funded by the Legislature
59 and conducted from 2013 to 2016 by the University of South
60 Florida found incomplete records regarding deaths and 45 burials
61 that occurred at the Dozier School between 1900 and 1960 and
62 found that families were often notified of the death after the
63 child was buried or were denied access to their child's remains
64 at the time of burial, and

65 WHEREAS, the excavations conducted as part of the forensic
66 investigation revealed more burials than reported in official
67 records, and

68 WHEREAS, in 1955, the state opened a new reform school in
69 Okeechobee called the Florida School for Boys at Okeechobee,
70 referred to in this act as the "Okeechobee School," to address
71 overcrowding at the Dozier School, and staff members of the
72 Dozier School were transferred to the Okeechobee School, where
73 similar disciplinary practices were implemented, and

74 WHEREAS, many former students of the Okeechobee School have
75 sworn under oath that they were beaten at a facility on school

76 grounds known as the "Adjustment Unit," and

77 WHEREAS, more than 500 former students of the Dozier School
 78 and the Okeechobee School have come forward with reports of
 79 physical, mental, and sexual abuse by school staff during the
 80 1940s, 1950s, 1960s, and 1970s and the resulting trauma that has
 81 endured throughout their lives, and

82 WHEREAS, this is a unique and shameful chapter in the
 83 history of the state during which children placed into custody
 84 of state employees were subjected to physical, mental, and
 85 sexual abuse rather than the guidance and compassion that
 86 children in state custody should receive, and

87 WHEREAS, during the 2017 legislative session, the
 88 Legislature unanimously issued a formal apology to the victims
 89 of abuse with the passage of CS/SR 1440 and CS/HR 1335,
 90 expressing regret for the treatment of boys who were sent to the
 91 Dozier School and the Okeechobee School; acknowledging that the
 92 treatment was cruel, unjust, and a violation of human decency;
 93 and expressing its commitment to ensure that children who have
 94 been placed in the state's care will be protected from abuse and
 95 violations of human decency, NOW, THEREFORE,

96
 97 Be It Enacted by the Legislature of the State of Florida:

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 99 Section 1. (1) This act may be known and cited as the
 100 "Arthur G. Dozier School for Boys and Okeechobee School Abuse

101 Victim Certification Act."

102 (2) As used in this act, the term "victim of Florida
103 reform school abuse" means a living person who was confined at
104 the Arthur G. Dozier School for Boys or the Okeechobee School at
105 any time between 1940 and 1975 and who was subjected to mental,
106 physical, or sexual abuse perpetrated by school personnel during
107 the period of confinement.

108 (3) (a) A person seeking to be certified as a victim of
109 Florida reform school abuse must submit an application to the
110 Department of State no later than September 1, 2021. The estate
111 of a decedent or the personal representative of a decedent may
112 not submit an application on behalf of the decedent.

113 (b) The application must include:

114 1. An affidavit stating that the applicant was confined at
115 the Arthur G. Dozier School for Boys or the Okeechobee School,
116 the beginning and ending dates of the confinement, and that the
117 applicant was subjected to mental, physical, or sexual abuse
118 perpetrated by school personnel during the period of
119 confinement;

120 2. Documentation from the Florida State Archives, the
121 Arthur G. Dozier School for Boys, or the Okeechobee School which
122 shows that the applicant was confined at the school or schools
123 for any length of time between 1940 and 1975; and

124 3. Positive proof of identification, including a current
125 form of photographic identification.

126 (c) Within 30 calendar days after receipt of an
127 application, the Department of State shall examine the
128 application and notify the applicant of any errors or omissions
129 or request any additional information relevant to the review of
130 the application. The applicant has 15 calendar days after
131 receiving such notification to complete the application by
132 correcting any errors or omissions or submitting any additional
133 information requested by the department. The department shall
134 review and process each completed application within 90 calendar
135 days after receipt of the application.

136 (d) The Department of State may not deny an application
137 due to the applicant's failure to correct an error or omission
138 or failure to submit any additional information requested by the
139 department if the department failed to timely notify the
140 applicant of such error or omission or timely request additional
141 information as provided in paragraph (c).

142 (e) The Department of State shall notify the applicant of
143 its determination within 5 business days after reviewing and
144 processing the application. If the department determines that an
145 application meets the requirements of this section, the
146 department must certify the applicant as a victim of Florida
147 reform school abuse.

148 (f) No later than December 31, 2021, the Department of
149 State must review and process all applications that were
150 submitted by September 1, 2021, and must submit a list of all

151 certified victims of Florida reform school abuse to the
152 President of the Senate and the Speaker of the House of
153 Representatives.

154 Section 2. (1) Notwithstanding s. 960.03(3), Florida
155 Statutes, for purposes of a claim under chapter 960, Florida
156 Statutes, by a victim of Florida reform school abuse, as defined
157 in s. 1 of this act, or an intervenor, as defined in s. 960.03,
158 Florida Statutes, the term "crime" means a felony or misdemeanor
159 offense committed by an adult or a juvenile which results in a
160 mental or physical injury or death. A mental injury must be
161 verified by a psychologist licensed under chapter 490, by a
162 physician licensed under chapter 458 or chapter 459 who has
163 completed an accredited residency in psychiatry, or by a
164 physician licensed under chapter 458 or chapter 459 who has
165 obtained certification as an expert witness pursuant to s.
166 458.3175, Florida Statutes.

167 (2) Notwithstanding s. 960.065(2)(c) and (3), Florida
168 Statutes, for purposes of a claim under chapter 960, Florida
169 Statutes, by a victim of Florida reform school abuse, as defined
170 in s. 1 of this act, is eligible to file a claim under chapter
171 960, Florida Statutes.

172 (3) Notwithstanding s. 960.07, Florida Statutes, for
173 purposes of a claim under chapter 960, Florida Statutes, by a
174 victim of Florida reform school abuse, as defined in s. 1 of
175 this act, the victim or intervenor may file a claim relating to

176 | such abuse within 1 year after the effective date of this act.

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