

By Senator Rouson

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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 specified date; prohibiting
7 the estate of a decedent or the personal
8 representative of a decedent from submitting an
9 application on behalf of the decedent; requiring that
10 the application include certain information and
11 documentation; requiring the department to examine the
12 application, notify the applicant of any errors or
13 omissions, and request any additional information
14 within a certain timeframe; providing that the
15 applicant has 15 calendar days after such notification
16 to complete the application; requiring the department
17 to review and process a completed application within a
18 certain timeframe; prohibiting the department from
19 denying an application for specified reasons and under
20 certain circumstances; requiring the department to
21 notify the applicant of its determination within a
22 certain timeframe; requiring the department to certify
23 an applicant as a victim of Florida reform school
24 abuse if the department determines his application
25 meets the requirements of this act; requiring the
26 department to submit a list of all certified victims
27 to the Legislature by a specified date; providing
28 exceptions from specified requirements for crime
29 victim compensation eligibility for applications by

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30 victims of Florida reform school abuse; providing an
31 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 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

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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

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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 reform
103 school abuse" means a living person who was confined at the
104 Arthur G. Dozier School for Boys or the Okeechobee School at any
105 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, 2022. 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

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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 due
137 to the applicant's failure to correct an error or omission or
138 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

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146 department must certify the applicant as a victim of Florida
147 reform school abuse.

148 (f) No later than December 31, 2022, the Department of
149 State must review and process all applications that were
150 submitted by September 1, 2022, 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 section 1 of this act, or an intervenor, as defined in s.
158 960.03(9), Florida Statutes, the term "crime" means a felony or
159 misdemeanor offense committed by an adult or a juvenile which
160 results in a mental or physical injury or death. A mental injury
161 must be verified by a psychologist licensed under chapter 490,
162 Florida Statutes, by a physician licensed under chapter 458 or
163 chapter 459, Florida Statutes, who has completed an accredited
164 residency in psychiatry, or by a physician licensed under
165 chapter 458 or chapter 459, Florida Statutes, who has obtained
166 certification as an expert witness pursuant to s. 458.3175,
167 Florida Statutes, or s. 459.0066, Florida Statutes.

168 (2) Notwithstanding s. 960.065(2)(c) and (3), Florida
169 Statutes, a victim of Florida reform school abuse or an
170 intervenor may file a claim under chapter 960, Florida Statutes.

171 (3) Notwithstanding s. 960.07, Florida Statutes, a victim
172 of Florida reform school abuse or an intervenor may file a claim
173 under chapter 960, Florida Statutes, within 1 year after the
174 effective date of this act.

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