

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 24

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Rouson and others

SUBJECT: Victims of Reform School Abuse

DATE: February 7, 2024 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------------|----------------|------------|---------------|
| 1. | <u>Limones-Borja</u> | <u>McVaney</u> | <u>GO</u> | <u>Fav/CS</u> |
| 2. | _____ | _____ | <u>ATD</u> | _____ |
| 3. | _____ | _____ | <u>FP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 24 creates the “Arthur G. Dozier School for Boys and Okeechobee School Victim Compensation Program,” to compensate living persons who were confined to those schools.

The bill requires the Department of Legal Affairs (DLA) to accept, review, and approve or deny applications for the payment of compensation claims under the bill. Applications for compensation under this section must be submitted by December 31, 2024. An application must be made by a living person who was confined to the Dozier School for Boys or the Okeechobee School. The bill sets forth the requirements for the application. Once a person is compensated under this bill, they are ineligible for any further compensation related to the person’s confinement at the Dozier School for Boys or the Okeechobee School.

The bill authorizes the Commissioner of Education to award a standard high school diploma to a person compensated under this program, if they have not completed high school graduation requirements.

This bill may have an indeterminate fiscal impact on the DLA associated with applications for compensation under this bill.

This act takes effect July 1, 2024.

II. Present Situation:

Victims of Florida Reform School Abuse

This bill defines a “victim of Florida reform school abuse” to mean a living person who was confined at the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and who was subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

The Arthur G. Dozier School for Boys

From 1900 to 2011, the state operated the Florida State Reform School in Marianna. In 1967, the name was changed to the Arthur G. Dozier School for Boys (Dozier School).¹ Children were committed to the Dozier school for criminal offenses such as theft and murder, but later on the law was amended to allow for children with minor offenses such as truancy to be committed too. Additionally, many children who had not been charged with a crime were committed to the school as wards of the state and orphans.²

Beginning as early as 1901, there were reports of children being chained to walls in irons, brutal whippings, and peonage.³ In the first 13 years of operation, six state-led investigations took place. Those investigations found that children as young as five years old were being hired out for labor, unjustly beaten, and were without education or proper food and clothing.⁴ In 2005, former students of the Dozier School began to publish accounts of the abuse they experienced at the school.⁵ These stories prompted Governor Charlie Crist to direct the Florida Department of Law Enforcement (FDLE) to investigate the Dozier School and the deaths that were alleged and occurred at the school. In 2008, Governor Charlie Crist directed the FDLE to investigate 32 unmarked graves located on the property surrounding the school in response to complaints lodged by former students at the Dozier School.⁶ The former students of Dozier alleged that students who died as a result of abuse were buried at the school cemetery.⁷

The Okeechobee School

Due to overcrowding at the Dozier School, the state opened a new reform school in Okeechobee. The first 50 boys were transferred to the Okeechobee campus from the Marianna campus along with 20 staff members.⁸ Interviews with former students in the school found that the former superintendent and deputy superintendent of the Florida School for Boys in Okeechobee

¹ David Built, *Arthur G. Dozier School for Boys* (Sep. 29, 2015), available at <https://www.abandonedfl.com/arthur-g-dozier-school-for-boys/> (last visited Feb. 1, 2024).

² Erin H. Kimmerle, Ph.D. et al., *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, The University of South Florida, pg. 22, January 18, 2016, available at <http://mediad.publicbroadcasting.net/p/wusf/files/201601/usf-final-dozier-summary-2016.pdf> (last visited Feb. 1, 2024).

³ See *supra* note 2, at 12.

⁴ See *supra* note 2, at 27.

⁵ Office of Executive Investigations, Florida Department of Law Enforcement, *FDLE Investigative Report* (May 14, 2009), available at <http://thewhitehouseboys.com/fdlereport.html> (last visited Feb. 1, 2024).

⁶ *Id.*

⁷ *Id.*

⁸ Richard Marion, *OYDC closure brings an end to troubled history*, South Central Florida Life (Jul. 15, 2020), available at <https://www.southcentralfloridalife.com/stories/oydc-closure-brings-an-end-to-troubled-history,9159> (last visited Feb. 1, 2024).

(Okeechobee School), would administer corporal punishment himself.⁹ Several students at the Okeechobee School died in the 1960s, some of those under questionable circumstances. Two of them being a 13-year-old boy found floating face down in the school's sewage tank, and a teen shot dead during an alleged escape attempt.¹⁰

The Florida Crimes Compensation Act

The Florida Crimes Compensation Act¹¹ authorizes the Florida Attorney General's Division of Victim Services to administer a compensation program to ensure financial assistance for victims of crime. Injured victims of crime may file for compensation for financial assistance such as treatment costs, economic loss, disability, or loss of support.¹²

Section 960.065, F.S., provides that the following persons are eligible for compensation under ch. 960, F.S.:

- A victim.
- An intervenor, defined as any person who goes to the aid of another and suffers bodily injury or death as a result of acting, not recklessly, to prevent the commission of a crime, to apprehend a person suspected of having committed a crime, or to the aid of a crime victim.¹³
- A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor.
- Any other person who is dependent for his or her principal support upon a deceased victim or intervenor.¹⁴

The Department of Legal Affairs cannot award compensation pursuant ch. 960, F.S., unless it finds that a crime was committed and that it resulted in personal injury, psychiatric or psychological injury, or death to the victim or intervenor. Any award granted, must be granted on an "actual need" basis and may be based on myriad other factors—including, but not limited to, the claimant's risk of serious financial hardship as a result of the injury, and other claimants' rights to compensation based on the same claim.¹⁵ An award is provided only after all benefits provided by primary insurance carriers, including, but not limited to, health and accident insurers, workers' compensation, and automobile accident coverage.¹⁶ Payments under ch. 960, F.S., are considered payments "of last resort," that follow all other payments.¹⁷

⁹ *Id.*

¹⁰ WPBF News, *Investigation uncovers deaths of boys at Okeechobee Florida School for Boys* (April 10, 2015), available at <https://www.wpbf.com/article/investigation-uncovers-deaths-of-boys-at-okeechobee-florida-school-for-boys/1325188#> (Last visited Feb. 1, 2024).

¹¹ Sections 960.01-960.28, F.S.

¹² Attorney General, *Victim Compensation Brochure*, available at: <https://www.myfloridalegal.com/files/pdf/page/8DE75D8DEA1F3B2285256CFD00744575/BVCVictimCompensationBrochure.pdf> (last visited Feb. 1, 2024).

¹³ Section 963.03(9), F.S.

¹⁴ Section 960.065(1), F.S.

¹⁵ Section 960.13, F.S.

¹⁶ Section 960.13(2), F.S.

¹⁷ Section 960.13(3), F.S.

Claims will generally be denied if filed for, or on behalf of, a person who:

- Committed or aided in the commission of the crime upon which the claim for compensation was based;
- Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking;
- Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the compensation is based;
- Has been adjudicated as a habitual felony offender, habitual violent offender, or violent career criminal; or
- Has been adjudicated guilty of a forcible felony offense.¹⁸

Claims filed by or on behalf of a person who was in custody or confined, who are adjudicated as a habitual felony offender, or found guilty of a forcible felony may be eligible upon a finding by the Crime Victim's Service Office of mitigating or special circumstances that would render a disqualification unjust.¹⁹

III. Effect of Proposed Changes:

Section 1 creates the Dozier School for Boys and Okeechobee School Victim Compensation Program (Program) within the Department of Legal Affairs (DLA). The purpose of the Program is to compensate living persons who were confined to the Arthur G. Dozier School for Boys or the Okeechobee School at any time between 1940 and 1975 and were subjected to mental, physical, or sexual abuse perpetrated by school personnel during the period of confinement.

Section 1 requires the DLA to accept, review, and approve or deny applications for the payment of compensation claims under this section. An application for compensation must be signed by the applicant under oath and be submitted by December 31, 2024. An application must be made by a living person who was confined at the schools between 1940 and 1975, thus preventing a personal representative or estate from receiving compensation. The application must include:

- The applicant's name, date of birth, mailing address, telephone number, and, if available, electronic mail address.
- The name of the school in which the applicant was confined and the approximate dates of the applicant's confinement.
- Reasonable proof submitted as attachments establishing that the applicant was both:
 - Confined to the Dozier School for Boys or the Okeechobee School between 1940 and 1975, which proof may include school records submitted with a notarized certificate of authenticity signed by the records custodian or certified court records.
 - A victim of mental, physical, or sexual abuse perpetrated by school personnel during the applicant's confinement, which proof may include a notarized statement signed by the applicant attesting to the abuse the applicant suffered.
- A signed statement from the applicant acknowledging that, by accepting compensation under this section, the applicant waives any right to further compensation related to the applicant's

¹⁸ Section 960.065(2), F.S.

¹⁹ Section 960.065(3), F.S.

confinement at the Dozier School for Boys or the Okeechobee School or any abuse suffered during such confinement.

An application for compensation under this section must be signed by the applicant under oath. A false statement in such application, including in any attachment or exhibit submitted is subject to the penalty of perjury under s. 837.012, F.S. Section 837. 12, F.S., provides that whoever makes a false statement, which he or she does not believe to be true, under oath, not in an official proceeding, in regard to any material matter shall be guilty of a misdemeanor of the first degree.

The bill requires the DLA to maintain a page on its official website titled “The Dozier School for Boys and Okeechobee School Victim Compensation Program.” The website must maintain any relevant forms for the Program available for download. Once the DLA has completed review of an application the DLA must:

- Approve a one-time payment, subject to appropriation, to those whose applications meet the criteria specified in this section.
- Deny the payment of compensation under this section to an applicant whose application does not meet the criteria specified in this section.

The bill specifies that each approved applicant shall receive an equal share of the funds appropriated for this purpose.

The DLA is required to provide written notice of such approval or denial by certified mail with return receipt requested to the mailing address provided by the applicant on the application form. An applicant whose application is rejected for providing insufficient information may submit a new application by December 31, 2024.

Section 1 prevents a person who receives compensation under this section to receive further compensation related to the person’s confinement at the Dozier School for Boys or the Okeechobee School or any abuse suffered during such confinement.

The bill provides the DLA with rule making authority to administer this Program.

Section 2 authorizes the Commissioner of Education to award a standard high school diploma to a person compensated under this program, if they have not completed high school graduation requirements.

Section 3 provides that the act takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. 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 state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None. The bill directs the DLA administer compensation to applicants if they meet the criteria if funds are appropriated for that purpose.

C. Government Sector Impact:

The bill is not expected to impact state or local government revenues and expenditures because no funds are appropriated in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under the linked bill, the Commissioner of Education would have no way of knowing who was awarded compensation under this Program as that information is made confidential and exempt.

VIII. Statutes Affected:

This bill creates section 16.63 of the Florida Statutes.

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 February 6, 2024:

The committee substitute retains the programmatic pieces of the bill, but makes the following changes:

- The Department of Legal Affairs will accept, review, and approve or deny applications instead of the Department of State.
- An application for compensation must be made by a living person who was confined at the Dozier School for Boys and the Okeechobee School.
- Prevents the estate, personal representative, next of kin, or lineal descendants of a decedent from submitting an application for compensation.
- Extends the submission deadline for the applications for compensation to December 31, 2024.
- Authorizes the Commissioner of Education to award a standard high school diploma to a person compensated under this program, if they have not completed high school graduation requirements.

- B. **Amendments:**

None.