

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HR 1335 Arthur G. Dozier School for Boys  
**SPONSOR(S):** Davis  
**TIED BILLS:** **IDEN./SIM. BILLS:** SR 1440

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee		Camechis	Camechis
1) Rules & Policy Committee			

### SUMMARY ANALYSIS

PCS for HR 1335 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys (Dozier) in Marianna and the campus in Okeechobee, Florida. The State of Florida operated the school in Marianna from 1900 to 2011, and the Okeechobee campus from 1955 to 2011.

The resolution declares that:

- The House of Representatives regrets that the treatment of boys who were sent to the Dozier School and the Okeechobee School was cruel, unjust, and a violation of human decency, and acknowledges this shameful part of the State's history.
- The House of Representatives apologizes to the boys who were confined to the Dozier School and the Okeechobee School and their family members, for the wrongs committed against them by employees of the State of Florida.
- The House of Representatives expresses its commitment to ensuring that children who have been placed in the State's care are protected from abuse and violations of fundamental human decency.

Legislative resolutions do not have the force of law and are not subject to the approval and veto powers of the Governor.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### BACKGROUND

From January 1, 1900, to June 30, 2011, the state operated a reform school in the panhandle town of Marianna. Over the years, the school operated under several different names: the Florida State Reform School (1900-1913), the Florida Industrial School for Boys (1914-1957), the Florida School for Boys (1957-1967), and, lastly, the Arthur G. Dozier School for Boys (1967-2011).<sup>1</sup> This analysis will refer to the Marianna school as “Dozier School.”

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 6 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>

The state opened a new reform school in Okeechobee in 1955 to address overcrowding at Dozier School, and staff of Dozier School was transferred to the Okeechobee School where similar practices were implemented. Former students of the Okeechobee School report abuses similar to those practiced at the Dozier school in Marianna.

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> Former students of Dozier alleged that fellow 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 an investigation, which included excavations and exhumations.<sup>10</sup>

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<sup>1</sup> FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys, Marianna, Florida, Investigative Summary*, Case No. EI-73-8455 (May 14, 2009).

<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 House 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.

### **University of South Florida Investigation**

The University of South Florida received funding to determine the location of the children buried at Dozier School.<sup>11</sup> Funding was provided by the Legislature, USF, a grant from the National Institute of Justice, the U.S. Department of Justice, and private donations.<sup>12</sup> In January of 2016, the USF team submitted its report to the Florida Cabinet and Governor, and the Department of Environmental Protection.<sup>13</sup>

Using a forensic team, USF employed a Ground Penetrating Radar at the site of the school to detect graves, followed by archaeological test excavations in those areas.<sup>14</sup> During the course of its investigation, USF excavated 55 graves at Dozier school, discovering 51 sets of human remains.<sup>15</sup> As of April 2017, USF had made 7 positive identifications and 14 presumptive identifications.

### **Class Action Lawsuits**

In 1983, Dozier School 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>16</sup> In 2011, plaintiffs filed another class action lawsuit against the facility alleging abusive and unsafe conditions of confinement.<sup>17</sup>

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

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>18</sup>

### **2016 Legislation - Dozier Task Force and Funeral Expenses**

In 2016, the Legislature passed CS/CS/SB 708<sup>19</sup> to create the Dozier Task Force under DOS.<sup>20</sup> The task force was required to make recommendations to DOS regarding the creation and maintenance of

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<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).

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

<sup>13</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).

<sup>14</sup> *Id.* at 11.

<sup>15</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*, p. 11 (Jan. 18, 2016).

<sup>16</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>17</sup> *J.B. v. Walters, et al.*, 4:11-cv-00083-RH (N.D. Fla. 2011).

<sup>18</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).

<sup>19</sup> Chapter 2016-163, Laws of Fla. (CS/CS/SB 708).

<sup>20</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

a memorial, and the location of a site for the reinterment of unidentified or unclaimed remains.<sup>21</sup> The task force was required to submit, by October 1, 2016, its recommendations to DOS, the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

The task force submitted the following recommendations:

1. The remains of the 1914 dormitory fire should be reinterred at Boot Hill Cemetery on the Dozier property.
2. Unidentified or unclaimed remains should be reinterred in Tallahassee, with the location to be determined by the Legislature.
3. Two memorials should be established, one in Jackson County and one in Tallahassee. Both memorials should be dedicated to the memories of the boys who lived and died at Dozier, as well as the 1914 dormitory fire victims.

The Legislature also 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, reinterment, and grave marker expenses. 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, the bill included 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.

## **EFFECT OF PROPOSED CHANGES**

HR 1335 recognizes the widespread and considerable abuse that took place at the Arthur G. Dozier School for Boys in Marianna, which the state operated the school from 1900 to 2011, and the campus in Okeechobee, Florida.

The resolution declares that:

- The House of Representatives regrets that the treatment of boys who were sent to the Dozier School and the Okeechobee School was cruel, unjust, and a violation of human decency, and acknowledges this shameful part of the State's history.
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- The House of Representatives expresses its commitment to ensuring that children who have been placed in the State's care are protected from abuse and violations of fundamental human decency.

In support of the resolution, HR 1335 states that:

- The Florida State Reform School, also called the Florida Industrial School for Boys and later known as Arthur G. Dozier School for Boys, was opened by the State of Florida in 1900 in Marianna to house children who had committed minor criminal offenses such as incorrigibility, truancy, and smoking, as well as more serious offenses such as theft and murder.

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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>21</sup> Ch. 2016-163, Laws of Florida.

- Many of the children who were sent to Dozier School were sentenced without legal representation before the court, often without a known basis for being sent to the school or specific duration of confinement.
- Within the first 13 years of Dozier School's operation, 6 state-led investigations were conducted in response to reports of children being chained to walls in irons, severely beaten, and used for child labor
- Throughout Dozier School's history, reports of abuse, suspicious deaths, and threats of closure plagued the school.
- Many former students of Dozier School have sworn under oath that they were beaten at a facility known as the "White House" located on school grounds.
- A psychologist employed at Dozier School testified under oath at a 1958 U.S. Senate Judiciary Hearing that boys at the school were beaten by an administrator, that the blows were severe and dealt with a great deal of force with a full arm swing over the head and down, that a leather strap approximately 10 inches long was used, and that the beatings were "brutality".
- A former Dozier School employee stated in interviews with law enforcement that in 1962 several employees of the school were removed from the facility based upon allegations that they made sexual advances towards boys at the facility.
- A forensic investigation funded by the Florida Legislature and conducted from 2013 to 2016 by the University of South Florida found incomplete records regarding deaths and burials that occurred at Dozier School between 1900 and 1960, and that families were often notified after the child was buried or denied access to their remains at the time of burial.
- The excavations conducted as part of the forensic investigation yielded 55 burial sites, 24 more sites than reported in official records.
- Given the lack of documentation and contradictions in the historical record, questions persist regarding the identity of persons buried at Dozier School and the circumstances surrounding their deaths.
- The State of Florida opened a new reform school in Okeechobee ("Okeechobee School") in 1955 to address overcrowding at Dozier School, and staff of Dozier School were transferred to the Okeechobee School where similar practices were implemented.
- Many former students of the Okeechobee School have sworn under oath that they were beaten at a facility known as the "Adjustment Unit" located on school grounds.
- Former Governor Claude Kirk toured Dozier School in 1968 and stated, "If one of your kids were kept in such circumstances, you'd be up there with rifles".
- Dozier School was closed in 2011 after investigations by the Florida Department of Law Enforcement and the Civil Rights Division of the United States Department of Justice.
- More than 500 former students of Dozier School and the Okeechobee School have come forward with reports of physical, mental, and sexual abuse by school staff during the 1940s, 1950s, and 1960s, and resulting trauma that has endured throughout their adult lives.

B. SECTION DIRECTORY: N/A

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None
2. Expenditures: None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None

2. Expenditures: None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None

D. FISCAL COMMENTS: None

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: N/A

2. Other: None

B. RULE-MAKING AUTHORITY: N/A

C. DRAFTING ISSUES OR OTHER COMMENTS: None

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

N/A