

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCS for HB 21 Dozier School for Boys and Okeechobee School Victim Compensation Program

**SPONSOR(S):** Judiciary Committee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee		Mawn	Kramer

**SUMMARY ANALYSIS**

The Arthur G. Dozier School for Boys (“Dozier School”) opened in Marianna, Florida on January 1, 1900, as the Florida State Reform School. The Dozier School housed children as young as five committed for criminal and other offenses ranging from theft and murder to “incorrigibility” and truancy; the school also housed orphaned and abandoned children when other placements were unavailable. In 1955, the Florida School for Boys at Okeechobee (“Okeechobee School”) opened to address overcrowding at the Dozier School, and some of the Dozier School’s staff transferred to the Okeechobee School.

Allegations of abuse at the Dozier School began as early as 1901, with reports of children being chained to walls in irons, whippings, and peonage; allegations of abuse at the Okeechobee School began shortly after it opened, with reports of children receiving severe beatings and being forced to fight one another for the staff’s entertainment. Reports of sexual abuse, beatings, torture, and mysterious deaths at both reform schools continued in the subsequent decades, and a succession of reports and commissions called for reforms at the schools with little success. Indeed, a 2010 state investigation found no tangible physical evidence to support or refute the abuse allegations; however, the U.S. Department of Justice reported in 2011 that it had found “harmful practices” that put the reform school’s residents at “serious risk of avoidable harm.” The state closed the Dozier School in 2011, citing budget constraints, and the Okeechobee School in 2020.

In recent years, more than 400 men sent to the Dozier School or the Okeechobee School in the 1950s and 1960s have come forward to recount their experiences. Calling themselves the “White House Boys” after a white structure on Dozier School property where many beatings reportedly occurred, these men recount brutal whippings, sexual abuse, disappearances, deaths, and other tortures they either witnessed or suffered personally. Additionally, between 2012 and 2016, forensic anthropologists from the University of South Florida leading an excavation of Dozier School property uncovered human remains in 55 unmarked graves, some with gunshot wounds or signs of blunt force trauma. At least one set of remains belonged to a child listed as missing in school records. A similar excavation has not been possible at the Okeechobee School, as the land sits on what is now private property.

PCS for HB 21 creates the Dozier School for Boys and Okeechobee School Victim Compensation Program (“Program”) within the Department of Legal Affairs to compensate living persons who were confined to the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who were subjected to mental, physical, or sexual abuse perpetrated by school personnel while they were so confined. The PCS also directs the Commissioner of Education to award a standard high school diploma to a person so compensated who has not completed high school graduation requirements.

The PCS does not appear to have a fiscal impact on local governments but may have an indeterminate fiscal impact on state government if an appropriation is made to fund the Program. The PCS provides an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Florida Reform School History

##### *Dozier School History*

The Arthur G. Dozier School for Boys (“Dozier School”) opened in Marianna, Florida on January 1, 1900, as the Florida State Reform School.<sup>1</sup> The Dozier School housed children as young as five committed for criminal and other offenses ranging from theft and murder to “incurability” and truancy; the school also housed orphaned and abandoned children when other placements were unavailable.<sup>2</sup>

By design, the Dozier School was meant to be a refuge for the children housed there, a place where they would receive education and training intended to mold them into productive citizens.<sup>3</sup> However, archival records and documented narratives indicate that the State’s reform goal was quickly abandoned, replaced by a system of child labor and corporal punishment; even the name of the Dozier School changed, with the reference to “reform” discarded.<sup>4</sup>

Allegations of abuse at the Dozier School began as early as 1903, with reports of children being chained to walls in irons, whippings, and peonage.<sup>5</sup> Reports of inadequate medical care, sexual abuse, beatings, torture, and mysterious deaths at the Dozier School continued in the subsequent decades.<sup>6</sup> Indeed, in March of 1958, Miami Psychologist and former Dozier School staff member Dr. Eugene Byrd testified before the United States Senate Judiciary Committee that “[blows with a heavy, three-and-a-half-inch-wide leather strap approximately a half-inch thick and ten inches long on a wooden formed handle] are dealt with a great deal of force with a full arm swing over [the perpetrator’s] head and down.”<sup>7</sup> “The blows are severe,” said Dr. Byrd, and “it is brutality.”<sup>8</sup>

The call for reform was eventually answered when, in 1968, Florida officially banned corporal punishment in its reform schools.<sup>9</sup> However, that same year, Florida Governor Claude Kirk visited the Dozier School and found holes in leaking ceilings, broken walls, bucket toilets, bunk beds crammed together, overcrowding, and a lack of heat in the winter.<sup>10</sup> Gov. Kirk said of the school that it was “a training ground for a life of crime,” and that “[i]f one of your kids were kept in such circumstances, you’d be up there with rifles.”<sup>11</sup>

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<sup>1</sup> The Dozier School originally housed both boys and girls but became The Florida School for Boys (“FSB”) in 1913 with the opening of a separate school for girls. In 1959, an overflow FSB campus opened in Okeechobee, Florida, as the Florida School for Boys at Okeechobee (“Okeechobee School”). For the purposes of this analysis, both campuses are referred to by the phrase “Dozier School.”

<sup>2</sup> Note that until 1968, the Dozier School was segregated into two campuses, one for white students and one for African-American and other “non-white” students. University of South Florida, *Florida’s Industrial Reform School System: Arthur G. Dozier School for Boys 1900-Present*, <https://guides.lib.usf.edu/dozier> (last visited Feb. 5, 2024).

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

<sup>4</sup> Arthur G. Dozier was a long-time Dozier School Superintendent. *Id.*

<sup>5</sup> The earliest report, from 1903, described the Dozier School not as a reform school but as a “prison for children,” with some children chained to the wall in irons, and others beaten, like “common criminals.” Ben Montgomery and Waveny Ann Moore, *They Went to Dozier School for Boys Damaged. They Came Out Destroyed*, Tampa Bay Times, Aug. 18, 2019,

<https://www.tampabay.com/investigations/2019/08/18/they-went-to-the-dozier-school-for-boys-damaged-they-came-out-destroyed/#:~:text=In%20March%201958%2C%20a%20Miami,Eugene%20Byrd%20testified>. (last visited Feb. 5, 2024).

<sup>6</sup> In its first two decades, investigators discovered that Dozier School administrators hired out the children to work with state convicts and brutally beat children with a leather strap attached to a wooden handle. In 1914, at least six children, and possibly as many as ten, died in a fire at the Dozier School while trapped on the top floor of their locked and burning dormitory; investigators learned that the superintendent and most staff were in town for a “pleasure bent” when the fire began, and differing reports meant that the actual number of children lost could not be determined. *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

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

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

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

In 1969, a reporter visited the school and found a 16-year old boy in solitary confinement; the boy had eaten a light bulb and used a glass diffuser from a lighting fixture to slash his arm a dozen times from wrist to elbow.<sup>12</sup> Around that time, a U.S. Department of Health official called the Dozier School a “monstrosity,” and a juvenile court judge noted, after touring the school, that it was so understaffed that children were left alone at night and “sexual perversion” was common; another juvenile court judge who toured the school around this time vowed to never again send any juvenile offenders there.<sup>13</sup>

Calls for additional reforms were again answered when Dozier School administrators were replaced, with new administrators adopting a reform-based program.<sup>14</sup> However, change was short-lived. In 1979, Jack Levine, a teacher at a Tallahassee short-term residential center for delinquent youths was speaking to residents of the center when they mentioned the Dozier School to him, saying it was “a bad place.” That November, Mr. Levine, who held Florida Health and Rehabilitative Services (“HRS”) credentials, went to the Dozier School unannounced; there he found a lockup facility at the back of the campus, consisting of a long hallway with metal doors enclosing cells reeking of body odor and urine.<sup>15</sup> A guard informed him that there were children in the cells and, upon asking to meet one, Mr. Levine discovered that the cells had bottom slip locks and bolts; one bolt on the cell door the guard intended to open stuck, so the guard had to whack it with a Bible until it loosened and the door could be opened.<sup>16</sup> Inside, Mr. Levine found a very thin, small boy with a shaved head and pajama bottoms but no shirt lying on a concrete slab with no mattress; the guard informed Mr. Levine that the boy had been in the cell for some time for his own protection, as the other boys were sodomizing him with a broom handle.<sup>17</sup> According to the guard, the boy’s head was shaved because he had been pulling out his own hair.<sup>18</sup>

Mr. Levine informed his supervisors in Tallahassee of the conditions at Dozier School but nothing was done until he brought his concerns to the attention of an Americans for Civil Liberties Union attorney, who, in 1983, filed a class-action lawsuit on behalf of students at the Dozier School and two other State-run reform schools.<sup>19</sup> The lawsuit raised numerous allegations, including that some students were held in isolation cells for weeks at a time, sometimes “hogtied” – in other words, they were forced to lie on their stomachs with their wrists and ankles shackled together behind their backs.<sup>20</sup> However, the allegations were never brought before a jury as the State settled the lawsuit in 1987, on the eve of trial; in the settlement, the State agreed to sharply reduce the population at Dozier and another reform school.<sup>21</sup> Again, however, these reforms did not last, as by the early 1990s, attitudes towards juvenile offenders were hardening.<sup>22</sup> By 1994, the State had asked a federal court to throw out the population caps at the reform schools after teenagers attacked and killed two British tourists at a rest stop near Monticello, Florida; the court granted the State’s request.<sup>23</sup>

From July 2004 to March 2009, the Florida Department of Children and Families investigated 316 allegations of abuse at the Dozier School, 17 of which were verified and 33 of which had “some indicator of legitimacy.”<sup>24</sup> After a 2007 abuse incident was caught on a security camera and uploaded to YouTube, state officials criticized the Dozier School for operational problems spanning “the chain of command from top to bottom” and fired the superintendent.<sup>25</sup>

The U.S. Department of Justice (“DOJ”) reported in 2011 that its own investigation had found “harmful practices” that put the children confined to the Dozier School at “serious risk of avoidable harm in

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

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

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

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*; *Bobby M. v. Chiles*, 907 F. Supp. 368, 369 (N.D. Fla. 1995).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Montgomery and Moore, *supra* note 5.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

violation of their rights protected by the Constitution of the United States.”<sup>26</sup> Many of the problems, found the DOJ, were the result of “systematic, egregious, and dangerous practices exacerbated by a lack of accountability and controls.”<sup>27</sup> Specific findings included:

- Use of excessive force on youth (including prone restraints), sometimes in off-camera areas not subject to administrative review;
- Discipline for minor infractions through inappropriate use of isolation and extended confinement for punishment and control;
- Staff inappropriately trained to address the safety of suicidal youth and dismissive of suicidal behavior; and
- A failure to provide necessary and appropriate rehabilitative services to address addiction, mental health, or behavioral needs, which failure served as a barrier to the youths’ ability to return to the community without reoffending.<sup>28</sup>

The State ultimately closed the Dozier School in 2011, citing budget constraints.<sup>29</sup>

### *Recent Investigations*

In recent years, more than 400 men confined to the Dozier School in the 1950s and 1960s have come forward to recount their experiences. Calling themselves the White House Boys Survivors Organization (“White House Boys”) after a white structure on Dozier School property where many abuses reportedly occurred, these men recount brutal whippings, sexual batteries, disappearances, deaths, and other tortures they either witnessed or suffered personally while confined to the Dozier School.

In 2008, the State directed the Florida Department of Law Enforcement (“FDLE”) to determine, in pertinent part, whether any crimes warranting criminal prosecution were committed at the Dozier School from 1940 through 1969 and, if so, the identity of the perpetrators of such crimes.<sup>30</sup> In its Investigative Summary issued on January 9, 2010, FDLE concluded that “school administrators used corporal punishment as a tool to encourage obedience,” noting that former students and staff generally agreed about how the punishment was administered but disagreed as to the number of “spankings” administered and their severity.<sup>31</sup> The report ends with FDLE’s ultimate conclusion that, “with the passage of over fifty years, no tangible physical evidence was found to either support or refute the allegations of physical or sexual abuse [such that would warrant criminal prosecution].”<sup>32</sup>

However, between 2012 and 2016, forensic anthropologists and archaeologists from the University of South Florida (“USF”) leading an excavation of the former Dozier School’s campus uncovered human remains in 55 unmarked graves, some with signs of blunt force trauma and others belonging to children listed as “missing” in school records.<sup>33</sup> The USF team’s investigation focused on deaths occurring between 1900 and 1960; school records from this time period were, according to the report ultimately issued by the team, “incomplete and often provide conflicting information.”<sup>34</sup> “The cause and manner of death for the majority of cases is unknown,” noted the report, and “infectious disease, fires, physical

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<sup>26</sup> U.S. Dept. 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/sites/default/files/crt/legacy/2011/12/02/dozier\\_findltr\\_12-1-11.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/12/02/dozier_findltr_12-1-11.pdf) (last visited Feb. 5, 2024).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> The Okeechobee School was privatized in 1982 amid allegations of abuse and deplorable living conditions and finally closed in December of 2020 when the State declined to renew its service contract. *Id.*

<sup>30</sup> Florida Department of Law Enforcement, Office of Executive Investigations, *Arthur G. Dozier School for Boys Abuse Investigation*, Jan. 9, 2010, <https://i.cdn.turner.com/cnn/2010/images/03/11/dozier.pdf> (last visited Feb. 5, 2024).

<sup>31</sup> According to FDLE’s report, this disagreement cannot be neatly divided amongst students and staff. *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Though there were 55 graves uncovered, the graves only yielded 51 sets of human remains; this is because the remains of the 1914 fire victims were comingled and scattered in several graves. Erin H. Kimmerle, Ph.D., *et al.*, Univ. of S. Fla., FL Inst. of Forensic Anthropology and Applied Sciences, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, (Jan. 2016) <https://mediad.publicbroadcasting.net/p/wusf/files/201601/usf-final-dozier-summary-2016.pdf> (last visited Feb. 5, 2024).

<sup>34</sup> *Id.*

trauma, and drowning are the most common recorded causes of death when [such a cause was] listed.”<sup>35</sup>

The USF report also noted:

- A correlation between deaths following escape attempts;
- A high number of deaths occurring within the deceased child’s first three months of confinement;
- An inconsistency in the issuance of death certificates;
- An absence of a listed burial location (whether on the property or at another location) for many recorded deaths;
- A complete lack of contemporary grave markers on the property; and
- A consistent underreporting of deaths by school administrators to the State.<sup>36</sup>

Taken together, this information suggested to the USF team an intent on the part of former Dozier School administrators to obfuscate the true number of burials on school property and to “hinder later potential investigations into the true causes of specific individuals’ deaths.”<sup>37</sup>

### *Legislative History*

In recent years, the Legislature has passed several bills to address Florida reform school abuse, including:

- 2013 SB 7040, which appropriated \$200,000 to aid in USF’s documentation and analysis of burials on the former Dozier School’s property.
- 2016 CS/CS/SB 708, which appropriated \$500,000 to the Department of State (“DOS”) to reimburse the next of kin or pay directly to service providers up to \$7,500 for funeral, reinternment, and grave marker expenses for each child whose remains were found on the former Dozier School’s property by the USF team.
- 2017 CS/SR 1440, in which the Legislature acknowledged the abuses at the Dozier School and apologized to the victims.
- 2017 HB 7115, which established the Arthur G. Dozier School for Boys Memorial,<sup>38</sup> provided for the reinternment of unclaimed remains exhumed from the former Dozier School’s property, directed DOS to conduct a feasibility study on locating other grave sites on such property, and appropriated \$1.2 million for these purposes.

With the exception of the funeral and related expenses authorized in 2016 CS/CS/SB 708, the State has not paid any form of financial compensation directly to the victims of Dozier School abuse.

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<sup>35</sup> The report noted that even where a cause of death is listed, such as “gunshot wounds in chest,” the manner (such as homicide or suicide) maybe listed as “unknown.” This information should have been determinable at the time of death. *Id.*

<sup>36</sup> Grave markers were first added to an area known as the Boot Hill Cemetery, where the USF excavation occurred, in the 1960s; such markers did not correlate to the location of actual graves but were meant instead to commemorate the general area of rumored burials. Replacements were erected in the 1990s. *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> The Memorial includes the establishment of two monuments, one in Marianna, Florida and the other at the State Capitol in Tallahassee, Florida The Marianna memorial’s dedication occurred on January 13, 2023; the Tallahassee memorial is pending. James Call, *White House Boys Thankful for Dozier Memorial But Continue to Search For Justice*, Tallahassee Democrat, Jan. 14, 2023, <https://www.tallahassee.com/story/news/politics/2023/01/14/memorial-unveiled-on-former-grounds-of-dozier-school-for-boys/69801977007/> (last visited Feb. 5, 2024).

## High School Diplomas

Generally speaking, for the Commissioner of Education to award a high school diploma to a Florida student, such student must earn a cumulative grade point average of 2.0 on a 4.0 scale and complete at least 24 credits in a standard curriculum, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>39</sup> For a standard high school diploma, such credits must include:

- Four credits in English language arts;
- Four credits in mathematics;
- Three credits in science;
- Three credits in social studies;
- One credit in fine or performing arts, speech and debate, or career and technical education;
- One credit in physical education;
- Eight credits in electives; and
- One-half credit in personal financial literacy.<sup>40</sup>

Students must also pass specified statewide assessments.<sup>41</sup> In certain instances, however, the Legislature authorizes the Commissioner of Education to award a standard high school diploma to persons who have not completed the high school graduation requirements.<sup>42</sup>

### **Effect of Proposed Changes**

PCS for HB 21 creates the Dozier School for Boys and Okeechobee School Victim Compensation Program (“Program”) within the Department of Legal Affairs (“DLA”) to compensate living persons who were confined to the Dozier School or the Okeechobee School at any time between 1940 and 1975 and who were subjected to mental, physical, or sexual abuse perpetrated by school personnel while they were so confined. The PCS requires DLA to:

- Approve or deny compensation applications;
- Give notice of the availability of such compensation and make available for download any relevant forms on a page of DLA’s official website accessible through a direct link on the website’s homepage, which link and page must be titled “The Dozier School for Boys and Okeechobee School Victim Compensation Program.”
- Adopt by rule procedures and forms necessary to administer the Program.

### Applications

Under the PCS, a compensation application must be made by a living person who was confined to the Dozier School for Boys or the Okeechobee School between 1940 and 1975; thus, the personal representative or estate of a decedent may not file an application for or receive compensation through the Program. Further, the PCS requires that such application be made on a form approved by DLA and include:

- The applicant’s name, date of birth, mailing address, phone 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:

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<sup>39</sup> A student may also complete 18 credit hours in an Academically Challenging Curriculum to Enhance Learning program. Ss. 1002.3105 and 1003.4282, F.S.

<sup>40</sup> These are the credit requirements for students entering 9th grade in the 2023-2024 school year. Different credit requirements previously applied. Further, the required credits may be earned through equivalent, applied, or integrated courses or career education, including State Board of Education-approved work-related internships S. 1003.4282, F.S.

<sup>41</sup> Fla. Department of Education, Standard Diploma Requirements, <https://www.fldoe.org/core/fileparse.php/7764/urlt/standarddiplomarequirements.pdf> (last visited Feb. 5, 2024).

<sup>42</sup> See, e.g., s. 1003.4286, F.S., authorizing the Commissioner of Education to award a standard high school diploma to an honorably discharged veteran who has not completed the high school graduation requirements.

- 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; and
- 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 through the Program, the applicant waives any right to further compensation related to the applicant's confinement at the Dozier School for Boys or the Okeechobee School or any abuse suffered during such confinement.

The PCS also requires that the compensation application be submitted no later than December 31, 2024, and signed by the applicant under oath. Under the PCS, a person who makes a false statement in such an application, including in any attachment or exhibit submitted therewith, is subject to the penalty of perjury under s. 837.012, F.S.<sup>43</sup>

### Application Review

The PCS requires DLA, upon completed review of a compensation application, to either:

- Approve a one-time payment to an applicant whose application meets the criteria specified in the PCS.
- Deny compensation payment to an applicant whose application does not meet the criteria specified in the PCS.

Under the PCS, written notice of such approval or denial must be sent by certified mail, 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.

### High School Diplomas

The PCS directs the Commissioner of Education to award a standard high school diploma to a person compensated through the Program who has not completed high school graduation requirements.

### Effective Date

The PCS provides an effective date of July 1, 2024.

## B. SECTION DIRECTORY:

**Section 1:** Creates s. 16.63, F.S., relating to Dozier School for Boys and Okeechobee School Victim Compensation Program.

**Section 2:** Authorizes the Commissioner of Education to award a standard high school diploma.

**Section 3:** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

*See Fiscal Comments.*

#### 2. Expenditures:

*See Fiscal Comments.*

<sup>43</sup> S. 837.012, F.S., provides that perjury is a first-degree misdemeanor, punishable by imprisonment for up to one year and a \$1,000 fine.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The PCS may have a positive economic impact on the private sector to the extent that a living person who was confined to the Dozier School for Boys or the Okeechobee School during the relevant time period is awarded:

- Financial compensation for the abuses such person suffered while so confined; or
- A standard high school diploma where the award enables the person to obtain employment or enroll in a college or university and thereby improve his financial prospects.

**D. FISCAL COMMENTS:**

The PCS may have an indeterminate fiscal impact on the State if an appropriation is made to fund the Program.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The PCS does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The PCS requires the DLA to adopt by rule procedures and forms necessary to administer the Program.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**