

CHAPTER 2016-163

Committee Substitute for Committee Substitute for Senate Bill No. 708

An act relating to the Arthur G. Dozier School for Boys; requiring certain historical resources, records, archives, artifacts, researches, medical records, and human remains to remain in the custody of the University of South Florida; providing exceptions; requiring the Department of State to contract with the university for the identification and location of eligible next of kin of certain children; requiring the department to notify the next of kin of certain payment or reimbursement provisions; requiring the department to reimburse the next of kin of children whose bodies are buried and exhumed at the Dozier School or to pay directly to a provider for the costs associated with funeral services, reinterment, and grave marker expenses; providing a process for reimbursement or payment by the department; providing that a charitable donation made toward funeral, reinterment, and grave marker expenses is not eligible for reimbursement; requiring the department to submit a report; establishing a task force to make recommendations regarding a memorial and a location of a site for the reinterment of unidentified or unclaimed remains; providing membership of the task force; requiring the task force to submit its recommendation to the department by a certain date; requiring the task force to submit its recommendations to the Governor and Cabinet and to the Legislature; authorizing the department to adopt rules; providing appropriations; providing an effective date.

WHEREAS, the Arthur G. Dozier School for Boys, or the Dozier School for Boys, operated from 1900 until it was closed in 2011 after allegations of abuse were confirmed in separate investigations by the Department of Law Enforcement in 2010 and the Civil Rights Division of the United States Department of Justice in 2011, and

WHEREAS, official records indicated that 31 graves had been dug at the facility between 1914 and 1952, and

WHEREAS, a forensic investigation by the University of South Florida found that there are no records of where children who died at the Dozier School for Boys are buried and that families were often notified after the child was buried or denied access to their remains at the time of burial, and

WHEREAS, exhumations of bodies began in August 2013, and the excavations yielded 55 burial sites, 24 more sites than reported in official records, and

WHEREAS, one of the bodies exhumed during the forensic investigation was of a child reported missing since 1940, and

WHEREAS, nearly 100 deaths were recorded at the school and 51 sets of remains were exhumed from burials, and additional victims of a fatal fire in 1914 are still buried with the fire debris on site, and

WHEREAS, many families of children whose bodies have been exhumed lack the resources to properly reinter those children at a suitable location, and

WHEREAS, the State of Florida recognizes an obligation to help the families of children formerly buried at the Dozier School for Boys reinter the bodies of those children, NOW, THEREFORE,

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

Section 1. (1)(a) Any historical resource, record, archive, artifact, public research, or medical record that was recovered from the Arthur G. Dozier School for Boys by the University of South Florida shall remain in the custody of the university for archival and preservation until the Department of State requests custody of such resource, record, archive, artifact, public research, or medical record.

(b) Any human remains exhumed from the Arthur G. Dozier School for Boys by the University of South Florida shall remain in the custody of the university for identification purposes until the remains are returned to the next of kin or reburied pursuant to this act.

(2)(a) The Department of State shall contract with the University of South Florida for the identification and location of eligible next of kin for such children and the update of information on associated artifacts and materials.

(b) No later than July 1, 2016, the University of South Florida must provide the Department of State with contact information for the next of kin for each set of human remains which has been returned to a next to kin.

(c) For any identification of next of kin occurring on or after July 1, 2016, the University of South Florida must provide location information of the next of kin to the Department of State at least 5 days before returning the human remains to the next of kin.

(d) Beginning July 1, 2016, the Department of State must notify the next of kin responsible for a set of human remains about the payment or reimbursement provisions under subsection (3). Such notification must be made within 15 business days after the department's receipt of the location information of the next of kin.

(3) The Department of State shall reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried at and exhumed, or otherwise recovered, from the Dozier School for Boys.

(a) In order to receive reimbursement, the next of kin must submit to the department receipts for, or documentation of, expenses. Reimbursement shall be made pursuant to s. 215.422, Florida Statutes.

(b) If expenses are to be paid directly to the provider, the funeral home or other similar entity must submit an invoice to the department for the cost of the child’s funeral, reinterment, and grave marker expenses. Payment shall be made pursuant to s. 215.422, Florida Statutes.

(c) A charitable donation made toward funeral, reinterment, and grave marker expenses is not eligible for reimbursement.

(4) By February 1, 2018, the Department of State shall submit a report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives regarding any payments and reimbursements made pursuant to this section.

(5) The department may adopt rules necessary to administer this section.

Section 2. (1) A task force is established adjunct to the Department of State to advise the department and, except as otherwise provided in this section, shall operate consistent with s. 20.052, Florida Statutes. The task force shall be known as the “Dozier Task Force.” The Department of State shall provide administrative and staff support services relating to the functions of the task force.

(2)(a) The task force shall consist of the following members:

1. The Secretary of State, or his or her designee, who shall serve as the chair.

2. One person appointed by the President of the Florida State Conference of the National Association for the Advancement of Colored People.

3. One representative of the Florida Council of Churches, appointed by the executive director of the council.

4. A next of kin of a deceased ward buried at the Dozier School for Boys appointed by the Attorney General.

5. One representative who promotes the welfare of people who are former wards of the Dozier School for Boys appointed by the Chief Financial Officer.

6. One person appointed by the President of the Senate.

7. One person appointed by the Speaker of the House of Representatives.

8. One person appointed by the Jackson County Board of County Commissioners.

9. One person who represents a youth development organization that promotes the welfare of at-risk youth, appointed by the Commissioner of Agriculture.

(b) By October 1, 2016, the task force shall submit its recommendations to the Department of State regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains. The recommendations shall also be submitted to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives.

(3) This section is repealed December 31, 2016.

Section 3. For the 2016-2017 fiscal year, the sum of \$500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of State for the purpose of implementing this act. Funds remaining unexpended or unencumbered from this appropriation as of July 1, 2017, shall revert and be reappropriated for the same purpose in the 2017-2018 fiscal year.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor March 30, 2016.

Filed in Office Secretary of State March 30, 2016.