

CHAPTER 2017-69

House Bill No. 7115

An act relating to the Arthur G. Dozier School for Boys; providing for the interment of certain remains exhumed from the Arthur G. Dozier School for Boys; providing definitions; providing responsibilities and duties of the Division of Purchasing of the Department of Management Services for reinterment of the remains; creating s. 265.007, F.S.; providing legislative intent; establishing the Arthur G. Dozier School for Boys Memorial; providing locations for such memorial; requiring the Department of Management Services to administer the memorial and coordinate with and consider recommendations by specified entities and persons; authorizing the department to adopt rules; requiring the Board of Trustees of the Internal Improvement Trust Fund to convey, maintain, and surplus certain lands associated with the Arthur G. Dozier School for Boys; requiring the Division of State Lands of the Department of Environmental Protection to prepare a proposal to conduct a feasibility study and submit the proposal to the Governor and the Legislature by a specified date; naming the Forensic Training Center; providing an appropriation; providing an effective date.

WHEREAS, the Florida State Reform School, also known as the “Florida Industrial School for Boys,” the “Florida School for Boys,” the “Arthur G. Dozier School for Boys,” and the “Dozier School,” was opened by the state 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, and

WHEREAS, throughout the Dozier School’s history, reports of abuse, suspicious deaths, and threats of closure plagued the school, and

WHEREAS, a forensic investigation funded by the Legislature and conducted by the University of South Florida from 2013 to 2016 found incomplete records regarding deaths and burials that occurred at the Dozier School between 1900 and 1960, and found that families were often notified after the child was buried or denied access to their remains at the time of burial, and

WHEREAS, on November 18, 1914, a fire consumed a school dormitory at the Dozier School in which children and school employees perished, some of whom died after returning to the burning building to assist in rescue efforts, and

WHEREAS, excavations conducted as part of the forensic investigation yielded 55 burial sites, 24 more sites than reported in official records, and

WHEREAS, due to the lack of documentation and contradictions in the historical record, questions persist regarding the identity of persons buried at the Dozier School and the circumstances surrounding their deaths, and

WHEREAS, the Dozier School closed in 2011 after investigations by the Florida Department of Law Enforcement and the Civil Rights Division of the United States Department of Justice, and

WHEREAS, in 2016, the Legislature created the Dozier Task Force, which recommended that the remains of the 1914 dormitory fire victims should be reinterred at Boot Hill Cemetery on the Dozier School's property; that all other unidentified or unclaimed remains should be reinterred in Tallahassee, with the location to be determined by the Legislature; and that two memorials should be established, one in Tallahassee and one in Jackson County, dedicated to the memories of the children who lived and died at the Dozier School, including the 1914 dormitory fire victims, and

WHEREAS, Thomas Varnadoe was 13 years old when he died on October 26, 1934, only 34 days after being admitted to the Florida School for Boys, and his remains were identified in 2014 by the forensic anthropologists and archeologists from the University of South Florida after being exhumed from an unmarked grave on school grounds, NOW THEREFORE,

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

Section 1. Notwithstanding s. 406.50, Florida Statutes, this act governs the disposition of unclaimed or unidentified remains that were exhumed from the Arthur G. Dozier School for Boys in Marianna during the forensic investigation conducted by the University of South Florida.

Section 2. (1) For purposes of this section, the term:

(a) “Division” means the Division of Purchasing of the Department of Management Services.

(b) “University” means the University of South Florida.

(2) For purposes of this section, the division shall be considered a legally authorized person as defined in ss. 406.49(6) and 497.005(43), Florida Statutes, to care for unclaimed or unidentified remains exhumed by the university from the Arthur G. Dozier School for Boys in Jackson County.

(3) In order to care for the remains of victims of the 1914 dormitory fire at the Arthur G. Dozier School for Boys in a respectful and dignified manner, the division shall:

(a) Pursuant to chapter 287, Florida Statutes, select a removal service, licensed under chapter 497, Florida Statutes, to transport such remains from Tampa to a funeral establishment in Jackson County, licensed under chapter 497, Florida Statutes, for preparation for reinterment of such remains.

(b) Pursuant to chapter 287, Florida Statutes, select a funeral establishment in Jackson County, licensed under chapter 497, Florida Statutes, to prepare such remains for reinterment.

(c) Ensure that such remains are reinterred at the Boot Hill Cemetery located at the Arthur G. Dozier School for Boys in Jackson County.

(d) After consulting with the university and the Division of Historical Resources of the Department of State, select and cause to be installed appropriate and respectful markers, including specific markers to preserve the accession numbers used by the university in its forensic investigation.

(4) In order to care for all other unclaimed or unidentified remains exhumed by the university from the Arthur G. Dozier School for Boys in Jackson County in a respectful and dignified manner, the division shall:

(a) Pursuant to chapter 287, Florida Statutes, select a removal service, licensed under chapter 497, Florida Statutes, to transport such remains from Tampa to a funeral establishment in Leon County for preparation for reinterment.

(b) Pursuant to chapter 287, Florida Statutes, select a funeral establishment in Leon County, licensed under chapter 497, Florida Statutes, to prepare such remains for interment.

(c) Select one cemetery in Leon County, licensed under chapter 497, Florida Statutes, at which such remains shall be buried.

(d) After consulting with the university and the Division of Historical Resources of the Department of State, select and cause to be installed an appropriate and respectful marker for each burial site, including specific markers to preserve the accession numbers used by the university in its forensic investigation.

(5) The division shall consult with the Division of Funeral, Cemetery, and Consumer Services of the Department of Financial Services to develop terms and conditions applicable to the procurement of contractual services pursuant to this section, including, but not limited to:

(a) The tasks and verifiable deliverables that the contractors are required to perform or furnish in order to ensure the appropriate and respectful handling, transportation, preparation, and burial of the remains of victims of the 1914 dormitory fire and all other unclaimed or unidentified remains, and the installation of funeral or other appropriate markers at the burial sites.

(b) Evaluation and selection criteria to be used in determining the acceptability and relative merit of proposals to perform these services.

Section 3. Section 265.007, Florida Statutes, is created to read:

265.007 Arthur G. Dozier School for Boys Memorial.—

(1) It is the intent of the Legislature to memorialize the boys who lived and died at the Arthur G. Dozier School for Boys, including the victims of the 1914 dormitory fire.

(2) There is established the Arthur G. Dozier School for Boys Memorial at two locations, one of which shall be located in Tallahassee, and one of which shall be located in Jackson County.

(3) The memorials shall be administered by the Department of Management Services.

(4)(a) The Department of Management Services shall designate an appropriate public area for the Arthur G. Dozier School for Boys Memorial in Tallahassee, on the premises of the Capitol Complex, as defined in s. 281.01, not including the State Capital Circle Office Complex. The department shall consider recommendations by the Florida Historical Commission as required pursuant to ss. 265.111 and 267.0612(9), coordinate with the Division of Historical Resources of the Department of State regarding the design and placement of the memorial, and consider recommendations by former students of the Arthur G. Dozier School for Boys regarding the design of the memorial.

(b) The Department of Management Services, in consultation with the Division of State Lands of the Department of Environmental Protection and the Jackson County Administrator, shall designate an appropriate public area for the Arthur G. Dozier School for Boys Memorial in Jackson County. The department shall coordinate with the Division of Historical Resources of the Department of State regarding the design and placement of the memorial, and consider recommendations by former students of the Arthur G. Dozier School for Boys regarding the design of the memorial.

(5) The Department of Management Services may adopt rules necessary to implement this section.

Section 4. (1) The Board of Trustees of the Internal Improvement Trust Fund shall, upon conveyance of the lands formerly associated with the Arthur G. Dozier School for Boys, include a deed restriction to memorialize and maintain the structure known as the "White House" and the land upon which the structure is located, to include a 50-foot buffer, excluding existing roadways, surrounding the structure. There shall be a perpetual public easement reserved in the deed for ingress and egress to the White House.

(2) The Board of Trustees of the Internal Improvement Trust Fund shall, upon conveyance of the lands formerly associated with the Arthur G. Dozier School for Boys, include a deed restriction to memorialize and maintain the Boot Hill Cemetery, to include a 100-foot buffer surrounding the cemetery. There shall be a perpetual public easement reserved in the deed for ingress and egress to the Boot Hill Cemetery.

(3) The Board of Trustees of the Internal Improvement Trust Fund shall convey to Jackson County the lands historically known as the “North Campus,” the “South Campus,” and the Boot Hill Cemetery formerly associated with the Arthur G. Dozier School for Boys in fee simple, subject to the restrictions, reservations, and easements referenced in subsections (1) and (2), and any portion encumbered by a lease shall hereby be extinguished. If, after notice of the intended conveyance, Jackson County declines acceptance of title, then the Board of Trustees of the Internal Improvement Trust Fund may surplus such property pursuant to s. 253.0341, Florida Statutes, subject to the restrictions, reservations, and easements referenced in subsections (1) and (2).

(4) The Board of Trustees of the Internal Improvement Trust Fund may surplus the remaining property formerly associated with the Arthur G. Dozier School for Boys in fee simple, and shall offer Jackson County the right of first refusal to purchase those lands subject to any reservations and easements. If, after notice of the intent to surplus such lands, Jackson County declines the right of first refusal to purchase such property, then the Board of Trustees of the Internal Improvement Trust Fund may surplus such property pursuant to s. 253.0341, Florida Statutes.

Section 5. The Division of State Lands of the Department of Environmental Protection shall prepare a proposal with various options to conduct a feasibility study to locate previously unidentified potential burial sites through surface and subsurface evaluations on all lands formerly associated with the Arthur G. Dozier School for Boys, and shall incorporate technological options, including ground-penetrating radar, methodology of data collection, and the estimated cost for each option. The department may select a qualified entity that has an existing state term contract, a university, or an entity with expertise in forensic research and applied sciences to assist in the preparation of some or all portions of the proposal, and may coordinate with the Department of Management Services and the Department of State in the development of the proposal. The department shall submit a copy of the proposal to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2018.

Section 6. The Forensic Training Center, which is appropriated for in Specific Appropriation 1234 of the General Appropriations Act, is hereby named the “Thomas Varnadoe Forensic Center for Education and Research.”

Section 7. For the 2017-2018 fiscal year, the sum of \$1.2 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Management Services for the purpose of implementing sections 2 and 3 of this act. Funds remaining unexpended or unencumbered from such appropriation as of July 1, 2018, shall revert and be reappropriated for the same purpose in the 2018-2019 fiscal year.

Section 8. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2017.

Filed in Office Secretary of State June 2, 2017.