

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Justice Appropriations Committee

BILL: CS/CS/SB 436

INTRODUCER: Justice Appropriations Committee, Governmental Oversight and Productivity Committee, Senators Wilson and Hill

SUBJECT: The Social Status of Black Men and Boys

DATE: April 24, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Goltry</u>	<u>Whiddon</u>	<u>CF</u>	<u>Fav/5 amendments</u>
2.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	<u>Butler</u>	<u>Sadberry</u>	<u>JA</u>	<u>Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the Council on the Social Status of Black Men and Boys adjunct to the Department of Legal Affairs and provides for the appointment and qualification of members. This bill requires the Attorney General to organize the initial meeting of the council and to provide staff and administrative support to the council. The council is directed to make a systematic study of the conditions affecting black men and boys, including the homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, and health issues.

The council is directed to propose measures to alleviate and correct the underlying causes of the conditions described above. The council is to issue its initial annual report by December 15, 2007, with its findings, conclusions, and recommendations and issue a report by December 15 of each year thereafter.

The bill creates an undesignated section of law.

II. Present Situation:

For a number of reasons, several groups in Florida are concerned about the social status of black men and boys. It has been shown, for example, that black men and boys are disproportionately represented in Florida's correctional facilities. According to the Department of Corrections, on June 30, 2005, there were 84,901 inmates in the Florida prison system. The majority of these inmates were male (79,221 or 93.3 percent) and black (43,306 or 51.0 percent). The percentage

of black inmates in prison is, however, decreasing (58.0 percent in June 1994 to 51.0 percent in June 2005).¹

There is also concern about the number of black students dropping out of high school. The Department of Education reports that dropout rates are highest among black and Hispanic students. The dropout rate for blacks fell from 5.5 percent in 1999-2000 to 4.1 percent in 2004-2005. Dropout rates also vary by gender group, with males having a higher percentage of dropouts than females. Although black students made up only 25 percent of the total students enrolled in grades 9-12 in 2004-2005 (899,353), they accounted for 32 percent (9,167) of the students who were counted as dropouts for that year.²

According to the 2000 census summary report, the median income for black males 15 and over was \$18,601 compared to \$27,763 for white males. For full-time, year-round workers, the median income was \$22,364 for black males and \$36,198 for white males.³

According to the Florida Department of Health (DOH), in 2004, 9,400 black males died in Florida. The age-adjusted death rate for non-whites was 8.6 per 1,000 people in 2004, which was an improvement from 2003 when the rate was 9.1 deaths per 1,000 people. In 2004, nonwhite males born in Florida had a life expectancy of 73 years. Life expectancy has increased since 2000 when it was 71.2 years. However, nonwhite males have the lowest life expectancy. The life expectancy for nonwhite males born in 2004 was 3.9 years less than for white males.⁴ The HIV rate for black males was 46.4 per 100,000 in 2004.⁵

Organizational Structure of the Executive Branch - The State Constitution contemplates the separation of powers within state government among the legislative, executive, and judicial branches of the government. The legislative branch has the broad purpose of determining policies and programs and reviewing program performance. The executive branch has the purpose of executing the programs and policies adopted by the Legislature and of making policy recommendations to the Legislature. The judicial branch has the purpose of determining the constitutional propriety of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws.⁶

Structural reorganization is a continuing process under ch. 20, F.S., and requires careful executive and legislative appraisal of the placement of proposed new programs.⁷ The responsibility for the implementation of programs must be clearly fixed and ascertainable.⁸ Departments are to be organized along function or program lines, and overlapping activities are required to be eliminated.⁹

¹ Florida Department of Corrections FY 2004-2005 Annual Report (Draft), page 20-21.

² Florida Department of Education, 2004-05 Dropout Rate Numerators and Denominators by District and Subgrouping, Unpublished data, December 15, 2005.

³ U.S. Bureau of the Census, Census 2000 Summary File 4, Tables QT-P33 and PCT 130.

⁴ Florida Department of Health, Florida Vital Statistics Annual Report 2004.

⁵ Florida Department of Health, Bureau of HIV/AIDS, HIV/AIDS in Florida as of December 31, 2004.

⁶ Section 20.02 (1), F.S.

⁷ Section 20.02 (3), F.S.

⁸ Section 20.02 (4), F.S.

⁹ Section 20.02 (5), F.S.

Units within the executive branch are defined in ch. 20, F.S., in order to provide a uniform nomenclature. The chapter does not contain a general definition of the term “office.”

Section 20.03(7), F.S., defines the term “council” or “advisory council” to mean “an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.”

III. Effect of Proposed Changes:

This bill establishes the Council on the Social Status of Black Men and Boys, an advisory council as defined in ch. 20, F.S., adjunct to the Department of Legal Affairs. The purpose of the council is to study the conditions affecting black men and boys, including homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death rates, disparate annual income levels, and health issues. This bill specifies that the council must:

- Propose measures to alleviate and correct the underlying causes of the conditions described above;
- Study other topics suggested by the Legislature or as directed by the chairperson of the council;
- Receive suggestions or comments pertinent to the applicable issues from members of the Legislature, governmental agencies, public and private organizations, and private citizens;
- Issue its initial annual report by December 15, 2007, and by December 15th of each following year, stating the findings, conclusions, and recommendations of the council;
- Include in the initial report the findings of an investigation into factors causing black-on-black crime from the perspective of public health related to mental health, other health issues, cultural disconnection, and cultural identity trauma;
- Meet quarterly with additional meetings to be held at the call of the chairperson or a majority of the council members.

Each member of the council is appointed to a four-year term. Members of the council serve without compensation. Members of the council are allowed to receive per diem and travel reimbursement as provided in s. 112.061, F.S. State officers and employees shall be reimbursed from the budget of the agency through which they serve. Other members may be reimbursed by the Department of Legal Affairs. The Office of the Attorney General is directed to provide staff and administrative support to the council. A member of the council may be removed at any time by the member’s appointing authority, who shall fill the resulting vacancy on the council. The council shall include:

- Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the minority leader of the Senate;
- Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the minority leader of the House of Representatives;
- The Secretary of Children and Family Services or his or her designee;

- The Director of the Mental Health Program Office within the Department of Children and Family Services or his or her designee;
- The Secretary of Health or his or her designee;
- The Commissioner of Education or his or her designee;
- The Secretary of Corrections or his or her designee;
- The Attorney General or his or her designee;
- The Secretary of Management Services or his or her designee;
- The Director of Workforce Innovation or his or her designee;
- A business person of African-American origin appointed by the Governor;
- Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of these appointments must be a clinical psychologist;
- Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of these appointments must be an Africana studies professional;
- The Deputy Secretary for Medicaid in the Agency for Health Care Administration or his or her designee;
- The Secretary of Juvenile Justice or his or her designee.

The bill has an effective date of January 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

As an advisory council, the council is subject to open government requirements.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Attorney General's office estimates the fiscal impact of this bill to be approximately \$234,750 annually, with non-recurring costs of \$18,000. This estimate includes salary and benefits for three full-time employees, other personal services, expenses, and operating capital outlay to provide staff and administrative support to the council.

The sum of \$50,000 in non-recurring general revenue is appropriated in SB 2700, General Appropriations for Fiscal Year 2006-07, for reimbursement of travel and per diem and to cover some costs in providing support to the council. HB 5001, General Appropriations for Fiscal Year 2006-07, currently contains no funding for this issue. This will be an issue that will be addressed in conference between the Senate and House appropriations committees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires one appointee who is appointed by the Speaker of the House to be an "Africana studies professional." This term is undefined and, therefore, the qualifications that are necessary to meet this requirement are uncertain.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
