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CS/CS/HB 1395, Engrossed 1

2008 Legislature

1 A bill to be entitled
 2 An act relating to the Council on the Social Status of
 3 Black Men and Boys; amending s. 16.615, F.S.; removing
 4 outdated provisions; providing additional duties and
 5 powers of the council; removing certain duties of the
 6 Attorney General; removing a provision that discontinues
 7 the council under certain conditions; creating s. 16.616,
 8 F.S.; creating a direct-support organization; specifying
 9 duties and requiring a contract; providing contract
 10 requirements; providing for appointment of members of the
 11 board of directors; requiring the direct-support
 12 organization to form strategic partnerships for specified
 13 purposes, including in specified counties; requiring
 14 certain reports; providing additional duties and powers of
 15 the direct-support organization; requiring the direct-
 16 support organization to consider the participation of
 17 certain other counties; providing an appropriation;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 16.615, Florida Statutes, is amended to
 23 read:

24 16.615 Council on the Social Status of Black Men and
 25 Boys.--

26 (1) The Council on the Social Status of Black Men and Boys
 27 is established within the Department of Legal Affairs and shall
 28 consist of 19 members appointed as follows:

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29 (a) Two members of the Senate who are not members of the
 30 same political party, appointed by the President of the Senate
 31 with the advice of the Minority Leader of the Senate.

32 (b) Two members of the House of Representatives who are
 33 not members of the same political party, appointed by the
 34 Speaker of the House of Representatives with the advice of the
 35 Minority Leader of the House of Representatives.

36 (c) The Secretary of Children and Family Services or his
 37 or her designee.

38 (d) The director of the Mental Health Program Office
 39 within the Department of Children and Family Services or his or
 40 her designee.

41 (e) The State Surgeon General or his or her designee.

42 (f) The Commissioner of Education or his or her designee.

43 (g) The Secretary of Corrections or his or her designee.

44 (h) The Attorney General or his or her designee.

45 (i) The Secretary of Management Services or his or her
 46 designee.

47 (j) The director of the Agency for Workforce Innovation or
 48 his or her designee.

49 (k) A businessperson who is an African American, as
 50 defined in s. 760.80(2)(a), ~~of black origin~~ appointed by the
 51 Governor.

52 (l) Two persons appointed by the President of the Senate
 53 who are not members of the Legislature or employed by state
 54 government. One of the appointees must be a clinical
 55 psychologist.

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56 (m) Two persons appointed by the Speaker of the House of
57 Representatives who are not members of the Legislature or
58 employed by state government. One of the appointees must be an
59 Africana studies professional.

60 (n) The deputy secretary for Medicaid in the Agency for
61 Health Care Administration or his or her designee.

62 (o) The Secretary of Juvenile Justice or his or her
63 designee.

64 (2) Each member of the council shall be appointed to a 4-
65 year term; however, for the purpose of providing staggered
66 terms, of the initial appointments, 9 members shall be appointed
67 to 2-year terms and 10 members shall be appointed to 4-year
68 terms. A member of the council may be removed at any time by the
69 member's appointing authority who shall fill the vacancy on the
70 council.

71 (3) (a) At the first meeting of the council each year, the
72 members shall elect a chair and a vice chair.

73 (b) A vacancy in the office of chair or vice chair shall
74 be filled by vote of the remaining members.

75 (4) (a) The council shall make a systematic study of the
76 conditions affecting black men and boys, including, but not
77 limited to, homicide rates, arrest and incarceration rates,
78 poverty, violence, drug abuse, death rates, disparate annual
79 income levels, school performance in all grade levels including
80 postsecondary levels, and health issues.

81 (b) The council shall propose measures to alleviate and
82 correct the underlying causes of the conditions described in
83 paragraph (a). These measures may consist of changes to the law

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84 or systematic changes that can be implemented without
85 legislative action.

86 (c) The council may study other topics suggested by the
87 Legislature or as directed by the chair of the council.

88 (d) The council shall receive suggestions or comments
89 pertinent to the applicable issues from members of the
90 Legislature, governmental agencies, public and private
91 organizations, and private citizens.

92 (e) The council shall monitor outcomes of the direct-
93 support organization created pursuant to s. 16.616.

94 (f) The council shall develop a strategic program and
95 funding initiative to establish local Councils on the Social
96 Status of Black Men and Boys.

97 (5) The council may:

98 (a) Access data held by any state departments or agencies,
99 which data is otherwise a public record.

100 (b) Make requests directly to the Joint Legislative
101 Auditing Committee for assistance with research and monitoring
102 of outcomes by the Office of Program Policy Analysis and
103 Government Accountability.

104 (c) Request, through council members who are also
105 legislators, research assistance from the Office of Economic and
106 Demographic Research within the Florida Legislature.

107 (d) Request information and assistance from the state or
108 any political subdivision, municipal corporation, public
109 officer, or governmental department thereof.

110 (e) Apply for and accept funds, grants, gifts, and
111 services from the state, the Federal Government or any of its

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112 agencies, or any other public or private source for the purpose
 113 of defraying clerical and administrative costs as may be
 114 necessary for carrying out its duties under this section.

115 (f) Work directly with, or request information and
 116 assistance on issues pertaining to education from, Florida's
 117 historically black colleges and universities.

118 ~~(6)~~~~(5)~~ The Office of the Attorney General shall provide
 119 staff and administrative support to the council.

120 ~~(7)~~~~(6)~~ The council shall meet quarterly and at other times
 121 at the call of the chair or as determined by a majority of
 122 council members and approved by the Attorney General.

123 ~~(8)~~~~(7)~~ Eleven of the members of the council ~~shall~~
 124 constitute a quorum, and an affirmative vote of a majority of
 125 the members present is required for final action.

126 ~~(9)~~~~(8)~~(a) The council shall issue its first annual report
 127 by December 15, 2007, and by December 15 each following year,
 128 stating the findings, conclusions, and recommendations of the
 129 council. The council shall submit the report to the Governor,
 130 the President of the Senate, the Speaker of the House of
 131 Representatives, and the chairpersons of the standing committees
 132 of jurisdiction in each chamber.

133 (b) The initial report must include the findings of an
 134 investigation into factors causing black-on-black crime from the
 135 perspective of public health related to mental health, other
 136 health issues, cultural disconnection, and cultural identity
 137 trauma.

138 ~~(10)~~~~(9)~~ Members of the council shall serve without
 139 compensation. Members are entitled to reimbursement for per diem

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140 and travel expenses as provided in s. 112.061. State officers
 141 and employees shall be reimbursed from the budget of the agency
 142 through which they serve. Other members may be reimbursed by the
 143 Department of Legal Affairs.

144 (11)~~(10)~~ The council and any subcommittees it forms are
 145 ~~shall be~~ subject to the provisions of chapter 119, related to
 146 public records, and the provisions of chapter 286, related to
 147 public meetings.

148 (12)~~(11)~~ Each member of the council who is not otherwise
 149 required to file a financial disclosure statement pursuant to s.
 150 8, Art. II of the State Constitution or s. 112.3144, must file a
 151 disclosure of financial interests pursuant to s. 112.3145.

152 ~~(12) Notwithstanding subsection (6), the Attorney General~~
 153 ~~shall:~~

154 ~~(a) Within 60 days after the effective date of this act,~~
 155 ~~fix a date for the initial meeting of the council.~~

156 ~~(b) Notify each member of the council of the time, date,~~
 157 ~~and place where the initial meeting will be held.~~

158 ~~(c) Make any other arrangements concerning the initial~~
 159 ~~meeting of the council.~~

160 ~~(d) Serve as the presiding officer at the initial meeting~~
 161 ~~of the council until a chair is elected.~~

162 ~~(13) This section expires July 1, 2012, unless reenacted~~
 163 ~~by the Legislature.~~

164 Section 2. Section 16.616, Florida Statutes, is created to
 165 read:

166 16.616 Direct-support organization.--

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167 (1) The Department of Legal Affairs shall establish a
 168 direct-support organization that is:

169 (a) A Florida corporation, not for profit, incorporated
 170 under the provisions of chapter 617 and approved by the
 171 Secretary of State.

172 (b) Organized and operated exclusively to solicit funds;
 173 request and receive grants, gifts, and bequests of money;
 174 acquire, receive, hold, invest, and administer, in its own name,
 175 property and funds; and make expenditures for the benefit of the
 176 purposes as specified by this section.

177 (c) Certified by the department, after review, to be
 178 operating in a manner consistent with the statutory goals of the
 179 organization and in the best interests of the state.

180 (2) The direct-support organization shall operate under
 181 written contract with the Department of Legal Affairs. The
 182 contract must provide for:

183 (a) Approval of the articles of incorporation and bylaws
 184 of the direct-support organization by the department.

185 (b) Submission of an annual budget for the approval by the
 186 department.

187 (c) Certification by the department that the direct-
 188 support organization is complying with the terms of the contract
 189 and in a manner consistent with the statutory goals and purposes
 190 and in the best interests of the state. Such certification must
 191 be made annually.

192 (d) The reversion to the department of moneys and property
 193 held in trust by the direct-support organization if the direct-

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194 support organization is no longer approved to operate or ceases
 195 to exist.

196 (e) The disclosure of material provisions of the contract
 197 and the distinction between the board of directors and the
 198 direct-support organization to donors of gifts, contributions,
 199 or bequests, as well as on all promotional and fundraising
 200 publications.

201 (f) An annual financial audit in accordance with s.
 202 215.981.

203 (g) The fiscal year of the direct-support organization, to
 204 begin July 1 of each year and end June 30 of the following year.

205 (h) Appointment of the board of directors to be made
 206 pursuant to this section.

207 (i) Authority of the board of directors of the direct-
 208 support organization to hire an executive director.

209 (3) The board of directors of the direct-support
 210 organization shall consist of 13 members. Each member of the
 211 board of directors shall be appointed to a 4-year term; however,
 212 for the purpose of providing staggered terms, the Speaker of the
 213 House of Representatives and the President of the Senate shall
 214 each initially appoint two members to serve a 2-year term, and
 215 the Attorney General and the chair of the Council on the Social
 216 Status of Black Men and Boys shall each initially appoint one
 217 member to serve a 2-year term. All subsequent appointments shall
 218 be for 4-year terms. Any vacancy that occurs shall be filled in
 219 the same manner as the original appointment and shall be for the
 220 unexpired term of that seat. The board of directors shall be
 221 appointed as follows:

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222 (a) Two members of the Council on the Social Status of
 223 Black Men and Boys, appointed by the council chair.

224 (b) Three members appointed by the Attorney General.

225 (c) Four members appointed by the Speaker of the House of
 226 Representatives.

227 (d) Four members appointed by the President of the Senate.

228 (4) In conjunction with the Council on the Social Status
 229 of Black Men and Boys, and funded exclusively by the direct-
 230 support organization, the direct-support organization shall form
 231 strategic partnerships to foster the development of community
 232 and private sector resources and shall act as a liaison with
 233 state agencies, other state governments, and the public and
 234 private sectors on matters that relate to underlying conditions
 235 that affect black men and boys to bring about an environment
 236 that promotes the values of learning, family, prosperity, unity,
 237 and self-worth. To that end, the direct-support organization is
 238 charged with the following duties:

239 (a) Develop a strategic program and funding initiative to
 240 expand the 5000 Role Models of Excellence in Miami-Dade and
 241 Pinellas Counties and implement the 5000 Role Models of
 242 Excellence in Broward, Palm Beach, Duval, Orange, and
 243 Hillsborough Counties. The strategic program and funding
 244 initiative shall be reported to the Legislature by February 15,
 245 2009.

246 (b) Develop a strategic program and funding initiative to
 247 implement the Reading 4 Success Program by the 100 Black Men of
 248 Florida in Broward, Miami-Dade, Palm Beach, Duval, Orange,
 249 Pinellas, and Hillsborough Counties. The strategic program and

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250 funding initiative shall be reported to the Legislature by
 251 February 15, 2009.

252 (c) Develop a strategic program and funding initiative to
 253 implement the One Church, One Child program statewide. The
 254 strategic program and funding initiative shall be reported to
 255 the Legislature by February 15, 2009.

256 (d) Develop a strategic program and funding initiative to
 257 implement the Mapping the Future for Black Males Program within
 258 community colleges identified by the Council on the Social
 259 Status of Black Men and Boys. The strategic program and funding
 260 initiative shall be reported to the Legislature by February 15,
 261 2009.

262 (e) Develop a public awareness and marketing campaign
 263 showcasing programs funded by the direct-support organization,
 264 as well as other opportunities to implement the statutory duties
 265 of the direct-support organization and the Council on the Social
 266 Status of Black Men and Boys, pursuant to s. 16.615(4). The
 267 campaign should also encourage the idea that each one of us has
 268 a responsibility to make a difference in the community.

269 (f) Fund the clerical and administrative costs of the
 270 Council on the Social Status of Black Men and Boys, as may be
 271 necessary for carrying out the council's duties under s. 16.615.

272 (5) The direct-support organization may:

273 (a) Develop a strategic program and funding initiative to
 274 implement a health-screening program using mobile screening
 275 services.

276 (b) Hold a statewide Black Policy Summit in conjunction
 277 with a university in this state.

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278 (c) Create a compendium of intervention programs in each
279 county, which can be used to determine how to maximize existing
280 resources and address under-served populations or unmet needs.

281 (6) The direct-support organization shall consider the
282 participation of counties, in addition to those specified in
283 subsection (4), that demonstrate a willingness to participate
284 and an ability to be successful in any programs funded by the
285 direct-support organization.

286 Section 3. For fiscal year 2008-2009, the sum of \$50,000
287 in nonrecurring funds is appropriated from the General Revenue
288 Fund to the Department of Legal Affairs for the purpose of
289 implementing the provisions of this act.

290 Section 4. This act shall take effect July 1, 2008.