

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Governmental Operations Committee

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BILL: CS/SB 546

INTRODUCER: Governmental Operations Committee and Senator Wilson

SUBJECT: Council on the Social Status of Black Men and Boys

DATE: March 13, 2008      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Linton/Toman</u>	<u>Jameson</u>	<u>CF</u>	<b>Fav/2 amendments</b>
2.	<u>Rhea</u>	<u>Wilson</u>	<u>GO</u>	<b>Fav/CS</b>
3.	_____	_____	<u>JA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**Please see Section VIII. for Additional Information:**

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The Committee Substitute for Senate Bill 546 deletes obsolete provisions relating to duties of the Attorney General regarding the initial establishment of the Council on the Social Status of Black Men and Boys. The bill also strikes language that would repeal the council July 1, 2012, unless reenacted by the Legislature.

The act takes effect July 1, 2008.

This bill amends s. 16.615, Florida Statutes.

**II. Present Situation:**

In 2006, in response to concerns about issues such as the disproportionate representation of black males in Florida's correctional facilities, the number of black students dropping out of high school, and the disparity between the income levels and life expectancies of black and white

males,<sup>1</sup> the Legislature created the Council on the Social Status of Black Men and Boys (the council)<sup>2</sup> within the Department of Legal Affairs in the Office of the Attorney General.<sup>3</sup>

The council is comprised of 19 appointed members who serve four-year terms.<sup>4</sup> These members include representatives of state agencies and the Legislature, as well as citizens who represent relevant areas of interest. The members 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 (DCF), or his or her designee;
- The director of the Mental Health Program Office within DCF, 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 the Agency for Workforce Innovation, or his or her designee;
- A business person of black 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 physiologist;
- 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; and
- The Secretary of Juvenile Justice, or his or her designee.<sup>5</sup>

Members serve without compensation, but are allowed to receive *per diem* and travel expenses as provided in s. 112.061, F.S.<sup>6</sup>

The council is charged with making a systematic study of the negative conditions affecting black men and boys, including, but not limited to:

- Homicide rates;

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<sup>1</sup> See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 436 (April 24, 2006).

<sup>2</sup> 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.”

<sup>3</sup> Section 16.615(1), F.S.

<sup>4</sup> Section 16.615(1) and (2), F.S.

<sup>5</sup> Section 16.615 (1), F.S.

<sup>6</sup> Section 16.615 (9), F.S.

- Arrest and incarceration rates;
- Poverty;
- Violence;
- Drug abuse;
- Death rates;
- Disparate annual income levels;
- School performance; and
- Health issues.<sup>7</sup>

The council is further charged with proposing measures to alleviate and correct the underlying causes of the above conditions.<sup>8</sup>

The council is required to submit an annual report by December 15 of each year.<sup>9</sup> The initial report, due December 15, 2007, was to include findings resulting from an investigation into factors causing black-on-black crime.<sup>10</sup>

Section 16.615, F.S., authorizing the council, is set to expire on July 1, 2012, unless reenacted by the Legislature.<sup>11</sup>

The council held its inaugural meeting on February 27, 2007,<sup>12</sup> and established the following five subcommittees:

- Committee on Improving Economic Outcomes;
- Committee on Improving Educational Outcomes;
- Committee on Improving Health Status;
- Committee on Improving Foster Care and Families Issues; and
- Committee on Legislative Review.

On January 15, 2008, the council published its first annual report.<sup>13</sup> This inaugural report identifies the council's top fifteen recommendations on issues related to black-owned businesses, school discipline and mentoring programs, kinship care, independent living and adoption promotion for foster children, and early screening for health care.<sup>14</sup>

The council's annual report suggests that its recommendations are "designed to alleviate the frequency and intensity of Black-on-Black crime,"<sup>15</sup> but the report does not specifically discuss

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<sup>7</sup> Section 16.615(4)(a), F.S.

<sup>8</sup> Section 16.615(4)(b), F.S.

<sup>9</sup> Section 16.615(8)(a), F.S.

<sup>10</sup> Section 16.615(8)(b), F.S.

<sup>11</sup> Section 16.615(13), F.S.

<sup>12</sup> See <http://myfloridalegal.com/newsrel.nsf/newsreleases/9760691407C127AD8525728F0080AEA1> (last visited February 4, 2008).

<sup>13</sup> See <http://myfloridalegal.com/newsrel.nsf/newsreleases/B20CCBCCC280D205852573D1005331A5> (last visited February 4, 2008).

<sup>14</sup> 2007 Florida Council on the Social Status of Black Men and Boys Annual Report at p. 8, available at [http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7AVKYG/\\$file/FinalReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7AVKYG/$file/FinalReport.pdf) (last visited February 4, 2008).

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

an investigation into the issue of black-on-black crime, and it does not appear to identify specific findings or make specific recommendations with respect to that issue.

In its legislative section, the report recommends that the council's sunset date be repealed, and that an appropriation of \$250,000 be made for FY 2008-2009. According to the report, the appropriation should include the hiring of an executive director for the council (one FTE position with full benefits).<sup>16</sup>

### **III. Effect of Proposed Changes:**

The Committee Substitute for Senate Bill 546 amends s. 16.615, F.S., to prevent the automatic repeal of the section on July 1, 2012. This amendment, in effect, makes the council permanent.

The bill deletes obsolete language in the statute regarding the council's initial meeting, which has already occurred.

The bill replaces "businessperson of black origin" with "businessperson who is an African American as defined in s. 760.80 (2)" in the list of Council members.<sup>17</sup>

The bill has an effective date of July 1, 2008.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

As an advisory council, the Council on the Social Status of Black Men and Boys will continue to be subject to open government requirements.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>16</sup> *Id.* at p. 10.

<sup>17</sup> Section 760.80(2)(a), F.S., defines African American as "a person having origins in any of the racial groups of the African Diaspora."

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The council was created in FY 2006-2007 with an appropriation of \$50,000 in non-recurring general revenue funds. An additional \$100,000 was appropriated for FY 2007-2008. These funds were used to pay for the costs of two part-time OPS staff, as well as for travel and other administrative expenses.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Governmental Operations on March 13, 2008:**

The committee substitute replaces "businessperson of black origin" with "businessperson who is an African American as defined in s. 760.80 (2)" and strikes language specifying an appropriation.

**B. Amendments:**

None.

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

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<sup>18</sup> Rick Nuss, Bureau Chief, Criminal Justice Programs, Office of the Attorney General