

**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.)

Prepared By: The Professional Staff of the Criminal and Civil Justice Appropriations Committee

**BILL:** CS/CS/SB 546

**INTRODUCER:** Criminal and Civil Justice Appropriations Committee; Governmental Operations Committee; and Senator Wilson

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

**DATE:** April 22, 2008      **REVISED:** \_\_\_\_\_

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

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

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The Committee Substitute for Committee Substitute for Senate Bill 546 makes several changes to s. 16.615, F.S., regarding the Council on the Social Status of Black Men and Boys. Specifically the bill gives the Council several tools to enhance their ability to further study both the causes and possible solutions for conditions that negatively affect black men and boys, and allows the Council to accept both public and private funding to defray clerical and administrative costs. The bill removes outdated provisions requiring the Attorney General to set up an initial meeting of the Council, authorizes the Council to develop a strategic program and funding initiative to establish local Councils on the Social Status of Black Men and Boys, and removes the 2012 sunset date.

The bill also creates s. 16.616, F.S., which authorizes the Department of Legal Affairs to establish a direct-support organization which will form strategic partnerships to foster the development of community and private sector resources; and act as a liaison with state agencies, other state governments, and the public and private sectors on matters that relate to underlying conditions that affect black men and boys to bring about an environment that promotes the values of learning, family, prosperity, unity, and self-worth. To that end, and in conjunction with

the Council, the bill requires the direct-support organization to develop a strategic program and funding initiative to:

- Implement the 5000 Role Models of Excellence program in specified counties;
- Implement the Reading 4 Success program in specified counties;
- Implement the One Church, One Child program statewide;
- Implement the Mapping the Future for Black Males program within specified community colleges;
- Develop a marketing and public awareness campaign showcasing programs funded by the direct-support organization and the Council; and
- Fund the clerical and administrative costs of the Council.

The bill requires the direct-support organization to operate under written contract with the Department of Legal Affairs, and provides for staggered appointment of a 13-member Board of Directors. The bill also requires the direct-support organization to consider the participation of other Florida counties that demonstrate a willingness to participate and an ability to be successful in any programs funded by the direct-support organization.

The act takes effect July 1, 2008.

This bill substantially amends s. 16.615, Florida Statutes, and creates s. 16.616, 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;

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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.

- 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;
- 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>

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

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

<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.

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 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:

**Section 1** makes several changes to s. 16.615, F.S., regarding the Council on the Social Status of Black Men and Boys. Specifically, the amended language:

- Eliminates the term "of black origin" and replaces it with "African American" as defined in s.760.80 (2), F.S.;<sup>17</sup>
- Eliminates the outdated initial responsibilities of the Attorney General's office to organize the first meeting of the Council, as such duties have already been performed;

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<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.*

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

<sup>17</sup> According to s. 760.80(2) F.S., an African American is a person having origins in any of the racial groups of the African Diaspora.

- Removes the automatic repeal of s. 16.615, F.S., on July 1, 2012. This, in effect, makes the council permanent.
- Requires the Council to monitor outcomes of the direct-support organization, created in s. 16.616, F.S.;
- Requires the Council to develop a strategic program and funding initiative to establish local Councils; and
- Allows the Council to:
  - Access data held by state agencies which is otherwise a public record;
  - Make requests directly to the Joint Legislative Auditing Committee for assistance with research and monitoring from OPPAGA;
  - Request through legislator-members assistance from the Legislature's Office of Economic and Demographic Research;
  - Request information and assistance from any state agency, political subdivision, municipal corporation, etc;
  - Apply for and accept funds, grants, gifts, and services for the purpose of defraying clerical and administrative costs;
  - Work directly with, or request information and assistance on issues pertaining to education from, the historically black colleges and universities of this state.

**Section 2** creates s. 16.616, F.S., which:

- Creates a direct-support organization (DSO) within the Department of Legal Affairs
- Requires the DSO to operate under written contract with the Department. The contract is required to provide for:
  - Approval of the articles of incorporation and bylaws by the Department;
  - Submission of an annual budget for approval by the Department;
  - Certification by the department that the DSO is complying with the contract in a manner consistent with statutory purposes and in the best interests of the state;
  - Reversion to the department of any money and property held in trust should the DSO cease to exist or is no longer approved to operate;
  - Disclosure of material provisions of the contract and the distinction between the Board of Directors and the DSO to donors;
  - An annual financial audit;
  - Fiscal year of the DSO to begin July 1 of each year and end June 30 of the following year;
  - Appointment of the board of directors to be made pursuant to statute; and
  - Authority to hire an executive director.
- Establishes that the DSO board of directors consist of 13 members appointed to staggered 4-year terms. Four appointments each by the Speaker and President; three by the Attorney General; two by the Council.
- Provides that the DSO and Council on the Social Status of Black Men and Boys are funded exclusively by the DSO. The DSO, in conjunction with the Council, is charged to:

- Develop a strategic program and funding initiative to implement the 5000 Role Models of Excellence<sup>18</sup> in Broward, Palm Beach, Duval, Orange, and Hillsborough Counties. Report to Legislature by 2/15/09.
- Develop a strategic program and funding initiative to implement the Reading 4 Success Program by the 100 Black Men of Florida<sup>19</sup> in Broward, Miami-Dade, Palm Beach, Duval, Orange, Pinellas, and Hillsborough Counties. Report back to Legislature by 2/15/09.
- Develop a strategic program and funding initiative to implement the One Church, One Child<sup>20</sup> program statewide. Report to Legislature by 2/15/09.
- Develop a strategic program and funding initiative to implement the Mapping the Future for Black Males program<sup>21</sup> within community colleges identified by the Council. Report back to the Legislature by 2/15/09.
- Develop a public awareness and marketing campaign showcasing programs funded by the DSO as well as other opportunities to implement the statutory duties of the DSO and the Council, and encourage the idea that each one of us has a responsibility to make a difference in the community.
- Fund the clerical and administrative costs of the Council as may be necessary in carrying out the Council's duties under s. 16.615, F.S.
- The DSO may also:
  - Develop a strategic program and funding initiative to implement a health-screening program using mobile screening services;
  - Hold a statewide black policy summit in conjunction with a Florida university;
  - Create a compendium of intervention programs in each county in order to determine how to maximize existing resources to address unmet needs.
- The DSO is required to consider the participation of Florida counties that demonstrate a willingness to participate and an ability to be successful in any programs funded by the DSO.

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

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<sup>18</sup> The 5000 Role Models of Excellence program was founded in 1993 as a dropout prevention/intervention program for minority boys at-risk of dropping out of school and/or choosing a life of crime. The program currently serves more than 6,000 students in 101 Miami-Dade County public schools, and 450 students in Pinellas County public schools. The program offers workshops; scholarships; peer, group, and one-on-one mentoring; and field trips to both colleges and prisons.

<sup>19</sup> The Reading 4 Success provides a combination of instructional and independent reading and comprehensive learning techniques to accommodate students between second and fourth grades in an effort to increase the number of black males reading and comprehending at grade level by the sixth grade. The intention is that successful implementation of the program will improve the students' educational experience, ultimately resulting in a lower rate of juvenile delinquency.

<sup>20</sup> The One Church, One Child program operates as a licensed child placing agency designed to find at least one family per church to adopt at least one child, and is a vital component in the State's efforts to recruit African American foster and adoptive parents.

<sup>21</sup> Mapping the Future for Black Males is a program designed to decrease the drop-out rate of black males in community colleges, and increase the number of black males who are admitted and successfully complete post-secondary education by reducing their need for remediation. The program includes a year-round instruction component, career advising, character development programs, visits to two-year colleges, pre-collegiate residential experiences, community outreach, and a parenting component for fathers.

**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.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Chapter 2006-123, Laws of Florida, created and established the council within the Department of Legal Affairs. The Department of Legal Affairs received non-recurring general revenue appropriations in the General Appropriations Acts for FY 2006-07 and FY 2007-08 to support the functions of the council (\$50,000 in FY 2006-07; \$100,000 in FY 2007-08). 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>22</sup> Currently, no appropriation is provided to the Department of Legal Affairs in appropriations bills in either the Senate or House, nor is an appropriation included in this bill to pay costs to support the functions of the council for FY 2008-09.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>22</sup> Rick Nuss, Bureau Chief, Criminal Justice Programs, Office of the Attorney General

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Criminal and Civil Justice Appropriations on April 22, 2008:**

The committee substitute amends s. 16.615, F.S., to remove outdated provisions, provide additional duties and powers of the Council on the Social Status of Black Men and Boys, and make the council permanent by removing a 2012 sunset date.

The committee substitute creates s. 16.616, F.S., which authorizes the Department of Legal Affairs to establish a direct-support organization (DSO), that is a Florida not-for-profit corporation, organized and operated exclusively to solicit funds, request and receive grants, gifts, and requests of money; acquire, receive, hold, invest, and administer in its own name, property and funds; and make expenditures.

The DSO, in conjunction with the Council is tasked with forming strategic partnerships to foster the development of community and private-sector resources and to act as a liaison with state agencies, and the public and private sectors on matters that relate to underlying conditions that affect black men and boys. In addition, the DSO is tasked to develop strategic program and funding initiatives to implement, or expand specific programs and initiatives.

**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.