

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 595 The Council on the Social Status of Black Men and Boys

SPONSOR(S): Civil Justice Subcommittee; Williams and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 402

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N, As CS	Ward	Bond
2) Government Operations Subcommittee			
3) Appropriations Committee			
4) Judiciary Committee			

SUMMARY ANALYSIS

The Council on the Social Status of Black Men and Boys was established within the Department of Legal Affairs in 2006. The council consists of 19 appointed volunteer members who serve a four year term. The council studies conditions affecting black men and boys, proposes measures to alleviate underlying conditions affecting black men and boys, and develops local councils. The Office of the Attorney General provides staff and administrative support to the council. In addition to its mandatory duties, the council may:

- Access public data;
- Request public officials and agencies for assistance and research;
- Seek state and federal grants;
- Accept gifts for defraying costs of administration; and
- Work with or request information from Florida's traditionally black colleges and universities.

The bill:

- Provides for removal of a member of the council for absences;
- Directs the council to perform some of those functions which were previously discretionary;
- Adds to the discretionary duties of the council;
- Changes the number of members required to form a quorum from eleven to nine;
- Provides that the council may reimburse per diem and travel expenses for individuals and entities that make presentations to the council regarding the council's mission or strategic vision; and
- Repeals the statute establishing a direct-support organization for the council.

The bill repeals the direct-support organization established for the council.

The bill may have an undetermined but likely minimal negative recurring fiscal impact on expenditures applicable to state government. The bill does not appear to have a fiscal impact on local governments.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Council on the Social Status of Black Men and Boys

The Council on the Social Status of Black Men and Boys was established within the Department of Legal Affairs in 2006.¹ The council consists of 19 appointed volunteer² members who serve a four year term.³ A quorum consists of 11 members of the council.⁴ The council is directed by statute to:

- Study conditions affecting black men and boys;
- Propose measures to alleviate negative underlying conditions affecting black men and boys;
- Study other topics as suggested by the Legislature or chair of the council;
- Receive suggestions pertinent to applicable issues;
- Monitor the direct support organization established by statute;⁵ and
- Develop a strategic program and funding initiative to establish local councils.⁶

The council may also:

- Access public data;⁷
- Request that public officials and agencies provide assistance and research;⁸
- Seek state and federal grants,
- Accept gifts to defray costs of administration;⁹ and
- Work with or request information from Florida's traditionally black colleges and universities.¹⁰

The Office of the Attorney General provides staff and administrative support to the council.¹¹ Council members are entitled to reimbursement for travel and per diem expenses.¹² The council is subject to the public records law,¹³ and its members must file a disclosure of financial interests.¹⁴

Effect of Proposed Changes

The bill provides that a member of the council is deemed to have vacated his or her position if the member has three consecutive unexcused absences, (defined as failure to notify the chair in advance), or the member is absent from at least half of the council meetings over a twelve month period. The bill changes the number of members required to obtain a quorum from eleven to nine.

The bill directs the council to perform some of those functions which were previously discretionary, directing the council to:

- Access public records held by any state department or agency;

¹ Section 16.615, F.S.

² Section 16.615(10), F.S.

³ Section 16.615(2), F.S.

⁴ Section 16.615(8), F.S.

⁵ Section 16.616, F.S.

⁶ Section 16.615(4), F.S.

⁷ Section 16.615(5)(a), F.S.

⁸ Section 16.615(5)(b)(c)(d), F.S.

⁹ Section 16.615(5)(e), F.S.

¹⁰ Section 16.615(5)(f), F.S.

¹¹ Section 16.615(6), F.S.

¹² Section 16.615(10), F.S.

¹³ Section 16.615(11), F.S.

¹⁴ Section 16.615(12), F.S., citing s. 112.3145, F.S.

- Make direct requests to the Joint Legislative Auditing Committee¹⁵ for assistance with research and monitoring of the outcomes provided by the Office of Program Policy Analysis and Government Accountability;¹⁶
- Request through member legislators research assistance from the office of Economic and Demographic Research;¹⁷
- Request information from the state or any political subdivision, municipal corporation, public officer, or governmental department thereof;
- Apply for and accept funds, grants, gifts, and services from the state, federal government, or other sources for administrative costs and for council duties; and
- Work directly with or request information from Florida's historically black colleges and universities.

The bill adds to the discretionary duties by providing that the council may:

- Identify initiatives and programs that support the council's mission and strategic vision;
- Study other topics suggested by the Legislature or as directed by the chair of the council; and
- Subject to legislative appropriations, use funds appropriated to the Department of Legal Affairs for the council to:
 - Conduct additional research and studies that support the council's vision and strategic mission;
 - Provide information and assistance in the establishment of local Councils on the Social Status of Black Men and Boys; and
 - Host an annual statewide conference.

The bill also:

- Provides that the council may present its strategic findings at an annual statewide conference; and
- Provides that the council may reimburse per diem and travel expenses for individuals and entities that make presentations to the council regarding the council's mission or strategic vision. Strategic issues include:
 - Removing the barriers to healthy lifestyles, health care, and community-based support and prevention services;
 - Ensuring a commitment to education and lifelong learning;
 - Addressing the disproportionately high rate of unemployment and unstable economic conditions;
 - Addressing crime prevention and criminal justice issues that adversely and disproportionately affect black men and boys; and
 - Promoting community awareness, leadership, and sustainable community and agency partnerships.

The bill also repeals s. 16.616, F.S., which directed the Department of Legal Affairs to establish a direct-support organization to support the council's goals. According to the Office of the Attorney General, the organization was not established.¹⁸ The repealed statute provides that in the event the organization is established and then ceases to exist, any moneys revert to the Department of Legal Affairs.¹⁹

The bill also makes grammatical and stylistic changes that do not affect the meaning of the statute.

The bill has an effective date of July 1, 2014.

¹⁵ Rule 4.1(1)(c), Joint Rules of the Florida Legislature.

¹⁶ See s. 11.51, F.S.

¹⁷ Rule 3.1(1)(a), Joint Rules of the Florida Legislature.

¹⁸ As reported on February 11, 2014 by Rob Johnson, Director of Legislative Affairs for the Office of the Attorney General, Department of Legal Affairs.

¹⁹ Section 16.616(2)(d), F.S.

B. SECTION DIRECTORY:

Section 1 amends s. 16.615, F.S., relating to Council on the Social Status of Black Men and Boys.

Section 2 repeals s. 16.616, F.S., relating to direct-support organization.

Section 3 provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The portion of the bill expanding per diem reimbursements could have a negative recurring fiscal impact on state expenditures. This amount may be minimal. See Fiscal Comments.

The remainder of the bill does not appear to have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

D. FISCAL COMMENTS:

Per diem change: The Office of the Attorney General did not provide an estimate of the additional cost of increasing the number of persons eligible for reimbursement of travel expenses. The office believes this additional expense can be absorbed within existing resources appropriated to the office for the benefit of the council. It is unclear how additional expenses can be absorbed within an existing budget unless other expenses of the office are somehow reduced.

Cooperation by other state agencies: The bill requires the council to ask other agencies for cooperation in providing research materials. At least one agency has commented that such may have an unknown negative fiscal impact.²⁰ However, even without the changes made by this bill, the council has the authority to ask state agencies for assistance and those agencies will not incur any financial cost unless they agree to provide the assistance. Accordingly, these portions of the bill do not appear to have a fiscal impact.

²⁰ According to the Agency Bill Analysis Request provided by the Office of Program Policy Analysis and Government Accountability, "The fiscal impact of HB 595 on OPPAGA cannot be determined at this time because the proposed language provides that the Council on the Social Status of Black Men and Boys shall make requests directly to the Joint Legislative Auditing Committee for assistance from OPPAGA with research and monitoring of outcomes on the broad range of issues within the mission of the council." Statement by the Office of Program Policy Analysis and Government Accountability uploaded on February 7, 2014 to <http://abar.laspbs.state.fl.us/ABAR/ABAR.aspx> [last reviewed February 11, 2014] and on file with the House of Representatives Civil Justice Subcommittee.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 11, 2014, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment repeals the statute creating the direct support organization, s. 16.616, F.S., thus eliminating the organization. This analysis is drafted to the committee substitute as passed by the Civil Justice Subcommittee.