

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Government Operations Subcommittee; 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	10 Y, 0 N, As CS	Stramski	Williamson
3) Judiciary Committee	15 Y, 0 N	Ward	Havlicak

SUMMARY ANALYSIS

The Council on the Social Status of Black Men and Boys (Council) was established within the Department of Legal Affairs in 2006. The Council consists of 19 appointed volunteer members who serve four year terms. 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 funds and 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;
- Removes the Council's authority to make requests directly to the Joint Legislative Auditing Committee and the Office of Economic Demographic Research for assistance with research;
- 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 does not appear to have a fiscal impact on local governments. The bill may have an undetermined but likely minimal recurring negative fiscal impact on state expenditures applicable to state government. See FISCAL COMMENTS.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Council on the Social Status of Black Men and Boys (Council) 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 funds and 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 public records and meetings laws,¹³ and its members must file a disclosure of financial interests.¹⁴

Effect of Bill

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 directs the Council to perform some of those functions that were previously discretionary, directing the Council to:

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

¹ Section 16.615, F.S.

² Section 16.615(1), 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.

- Work directly with, or request information from, Florida's historically black colleges and universities.

The bill removes the Council's authority to 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 and the authority to request through member legislators research assistance from the Office of Economic and Demographic Research.¹⁷

The bill adds to the discretionary duties of the Council by providing that it 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 at the same rate provided for public employees under s. 112.061, F.S. 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 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 makes grammatical and stylistic changes that do not affect the meaning of the statute.

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

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 the direct-support organization.

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.

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.

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.²⁰

Cooperation by other state agencies: The bill requires the Council to ask other agencies for cooperation in providing research materials. However, even without the changes made by this bill, the Council has existing 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 likely to have a fiscal impact.

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.

²⁰ See *supra*, fn. 18
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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

Civil Justice Subcommittee

On February 11, 2014, the Civil Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment repealed the statute creating the direct support organization of the Council established in s. 16.616, F.S., thus eliminating the organization.

Government Operations Subcommittee

On March 25, 2014, the Government Operations Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The amendments removed the provision reducing the number of members required to constitute a quorum, removed the requirement that the Council make direct requests to the Joint Legislative Auditing Committee for assistance with research and monitoring of the outcomes provided by the Office of Program Policy Analysis and Government Accountability, and removed the requirement that the Council request through member legislators research assistance from the Office of Economic and Demographic Research.

This analysis is drafted to the committee substitute as passed by the Government Operations Subcommittee.