

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 Committee on Governmental Oversight and Accountability

BILL: SB 626

INTRODUCER: Senator Osgood

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

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 626 reduces the number of members necessary to constitute a quorum for the Council on the Social Status of Black Men and Boys to hold a meeting and vote for final actions. The bill additionally allows members to appear at meetings electronically and still count towards the Council's quorum requirements for purposes of conducting business.

The bill is not expected to impact state and local revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

The Council on the Social Status of Black Men and Boys

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,¹ the Legislature created the Council on the Social Status of Black Men and Boys (Council) within the Department of Legal Affairs in the Office of the Attorney General. The Office of the Attorney General supplies staff and administrative support to the council.

The Council was established, in part, to make a systematic study of the 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 in all grade levels including postsecondary levels, and health issues, and to propose measures to alleviate and correct the underlying causes of these conditions in their annual report.² The

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

² See, Florida Council on the Social Status of Black Men & Boys, *Annual Reports*, <https://cssbmb.com/annual-reports/> (last visited Mar. 26, 2025).

Legislature may request the Council to conduct additional studies on other topics.³ The Council can request information from any political subdivision of the state; and ask for assistance from the Office of Program Policy Analysis and Government Accountability and the Office of Economic and Demographic Research within the Florida Legislature.⁴

The Council is comprised of 19 appointed members who serve four-year terms.⁵ 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 State Surgeon General, 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 executive director of the Department of Economic Opportunity, or his or her designee;
- A businessperson 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 psychologist;
- Two people 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.⁶

Currently, eleven members constitute a quorum.⁷ Members of the Council are entitled to reimbursement for per diem and travel expenses.⁸

The Council is subject to the provisions of chapter 119, related to public records, and the provisions of chapter 286, related to public meetings.⁹

³ Section 16.615(4), F.S.

⁴ Section 16.615(5), F.S.

⁵ Section 16.615(1) and (2), F.S.

⁶ Section 16.615(1), F.S.

⁷ Section 16.615(8), F.S.

⁸ Section 16.615(10), F.S.

⁹ Section 16.615(11), F.S.

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2., F.S., requires the Administration Commission¹⁰ to create uniform rules for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology (CMT).¹¹ Specifically, a notice for a public meeting, hearing, or workshop that will use CMT must state:

- That the public meeting will be conducted using CMT;
- If attendance may be provided for through CMT;
- How persons who wish to attend¹² the meeting may do so; and
- The locations at which CMT facilities will be available to allow participation in the meeting.

Other laws relating to public meetings, hearings, and workshops, including penal and remedial provisions, apply to meetings conducted by means of CMT, and must be “liberally construed in their application to such public meetings, hearings, and workshops.”¹³

A body subject to public meetings laws that will conduct its meeting exclusively using CMT must provide a means for a member of the public to attend, which must include physical attendance if the available technology is insufficient to permit all interest persons to attend.¹⁴ The public access to the meeting must be provided via a “designated place where a person interested in attending a CMT proceeding may go for the purpose of attending the proceeding.”¹⁵

Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions. In the absence of any law otherwise, local government bodies that require a quorum to conduct their business may only use communications media technology to do so if either a statute permits a quorum to be present by means other than in-person or the in-person requirement for constituting a quorum is lawfully suspended.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 16.615(8), F.S., to reduce the number of council members needed to constitute a quorum from eleven to nine. The bill additionally allows council members who appear by communications media technology to count towards quorum requirements. For the

¹⁰ Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).

¹¹ Section 120.54(5)(b)2., F.S. The term “communications media technology” means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. *See also* Rules 28-109.001-.006, F.A.C.

¹² Rule 28-109.002 of the Florida Administrative Code defines attendance as having access to the CMT network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues considered at the proceeding. The entity must also publish a public meeting notice which includes the address of each access point (a designated place where a person interested in attending a CMT proceeding may go for the purpose of attending). *See*, Rules 28-109.002, and .005, Fla. Admin. Code.

¹³ Section 120.54(5)(b)2., F.S.

¹⁴ *See* Rule 28-109.004, F.A.C.

¹⁵ Rule 28-109.002(1), F.S.

¹⁶ Op. Att’y Gen. Fla. 2020-03.

purposes of the bill, “communications media technology” means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.¹⁷ This presumably allows the council to hold meetings and take action with fewer members in physical attendance and voting for the proposition. For example, under current law, with 19 members, 11 are needed to meet quorum requirements, and six are needed to approve council action. Under the bill, with 19 members but only 9 needed to meet quorum requirements, only 5 are needed to approve council action.

Section 2 provides the bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not 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.

B. Public Records/Open Meetings Issues:

Section 286.011, F.S., the Government in the Sunshine Law, ensures a right of access to government proceedings. A fundamental requirement of the Government in the Sunshine Law is that meetings of entities subject to its provisions are “open to the public,” which means open to all persons who choose to attend.¹⁸ Therefore, the Council must, in its use of CMT for the purpose of allowing its members to attend Council meetings, ensure that members of the public are afforded access not only to the physical meeting, but also to the portions held via CMT.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

Article I, s. 24(b) of the Florida Constitution and the Sunshine Law “aim[s] to prevent the evil of closed door operation of government without permitting public scrutiny and participation.”¹⁹ It is possible that a member of the Council could operate with lessened scrutiny, or be influenced by other individuals during the meeting (without obvious knowledge of such communication by a viewing member of the public).

¹⁷ See s. 120.54(5)(b)2., F.S.

¹⁸ Op. Att’y Gen. Fla. 2009-56.

¹⁹ *Transparency for Fla. v. City of Port St. Lucie*, 240 So.2d 780, 784 (Fla. Dist. Ct. App. 2018), quoting *City of Miami Beach v. Berns*, 245 So.2d 38, 41 (Fla. 1971).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The Council will be able to conduct its meetings and take action via communications media technology (CMT), such as zoom. This may reduce costs associated with the Council's meetings by lowering travel expense reimbursements to members who participate via CMT.

VI. Technical Deficiencies:

The Council is directed to "receive suggestions or comments pertinent to the applicable issues from [...] public and private organizations, and private citizens." This may require such citizens and public and private organizations' participation in the Council's public meetings. While the bill adopts the definition of CMT provided in s. 120.54, F.S., it does not adopt its meeting notice requirements for meetings that will use CMT. Therefore, the bill may need to add language directing that a notice for a public meeting or workshop must state whether the meeting or workshop will be conducted using communications media technology, how an interested person may participate, and the location of facilities where communications media technology will be available during the meeting or workshop.

VII. Related Issues:

Public meetings of a state agency may already be held by communications media technology (CMT), pursuant to s. 120.54, F.S. A state agency, in this instance, includes "governmental entit[ies] in the state having statewide jurisdiction,"²⁰ such as the Council on the Social Status of Black Men and Boys (Council). Accordingly, the language allowing the Council to meet via CMT is duplicative of existing statutory language. Should, however, the Council's status as a state agency ever be called into question, the language of this bill ensures the Council may still meet and conduct business via CMT.

VIII. Statutes Affected:

This bill substantially amends section 16.615 of the Florida Statutes.

²⁰ See s. 120.52(1)(b), F.S.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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