

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1395 Council on the Social Status of Black Men and Boys

SPONSOR(S): Llorente

TIED BILLS: **IDEN./SIM. BILLS:** SB 546

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Constitution & Civil Law</u>	<u>6 Y, 0 N</u>	<u>Davis</u>	<u>Birtman</u>
2) <u>Safety & Security Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 1395 removes outdated provisions to eliminate the initial responsibilities of the Attorney General's office to organize the first meeting of the Council on the Social Status of Black Men and Boys (Council).

The bill provides an appropriation of \$250,000 from the General Revenue Fund to the Department of Legal Affairs for the purpose of paying administrative expenses necessary for the Council to carry out its responsibilities under s. 16.615, F.S., during the 2008-2009 fiscal year.

The bill removes the sunset date of 2012.

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

The Committee on Constitution & Civil Law recommended a strike-all amendment on March 19, 2008, that significantly alters the provisions of the bill. See the Amendments section of this analysis for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Limited Government: The bill appropriates \$250,000 to fund an advisory board and removes the 2012 sunset date.

B. EFFECT OF PROPOSED CHANGES:

Background:

In 2006, the Florida Legislature established The Florida Council on the Social Status of Black Men and Boys. The Council was charged with studying 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, health issues, and school performance.

The Council's goal was to propose measures to alleviate and correct the underlying causes of these conditions.

The Council is administratively located in the Office of the Attorney General, and has 19 members from the legislature, governmental agencies, public and private organizations and private citizens. Established in section 16.615, Florida Statutes, the Council is required to submit an annual report to the Governor, the President of the Senate, Speaker of the House of Representatives and chairpersons of the standing committees of jurisdiction in each chamber.

Annual Report:

On January 15, 2008, the Council submitted its first annual report per legislative mandate and the research presented in the report highlights numerous issues that are designed to alleviate the frequency and intensity of Black-on-Black crime.¹ The report includes findings from the Council's five committees: Improving Economic Outcomes, Improving Educational Outcomes, Improving Foster Care and Families, Improving Health Outcomes and Legislative Review.

The Council's Top 15 Recommendations include:²

Economics:

- 1.) Analyze the participation rates of Black-owned firms and the dollar amounts awarded through bidding and/or direct contracting with state agencies.
- 2.) In consultation with other entities such as the Florida Regional Minority Business Council and the Florida Minority Supplier Development Council, develop an assessment tool to identify business capacities, strengths and/or weaknesses.
- 3.) Encourage and support opportunities for joint-ventures between and among Black-owned businesses, to increase contract performance capacities, shared costs and increased outcomes.

¹ Florida Council on the Social Status of Black Men and Boys, 2007 Annual Report. (<http://www.cssbmb.com>)

² Id.

Education:

- 4.) Review the statewide and district level policies, procedures and outcomes of school discipline throughout Florida. Require all public and charter schools to collect student disciplinary data, including teacher/SRO referral rates, suspension rates and grade distributions (along with rationale and outcomes) for all K-12 teachers and staff. Require training of all principals, teachers and SRO officers on school disciplinary procedures.
- 5.) Identify intervention programs with proven records of success working with Black Males, such as Role Models of Excellence.

Foster Care and Adoption:

- 6.) Require school districts to implement Kinship Care Support Programs. Non-relative care givers should receive cash benefits for caring for a dependent child.
- 7.) Community based care (CBC) agencies serving foster youth should offer weekly Independent Living skills (IL) classes to all current and former foster youth age 13 to 23, as well as transportation for the youth to enable them to attend the classes.
- 8.) Promote adoption through "One Church, One Child" (OCOC). "One Church, One Child" of Florida needs to be restored to recruiting, preparing and approving families for children in foster care in need of adoption service.
- 9.) Invest in a public education drive about the benefits of early screening for health care.

Health:

- 10.) The state should invest in a public education campaign to promote the benefits of early screening for health care. This should include use of mass media, dissemination of information in public and private schools as well as non-traditional systems such as mobile medical units.

The Council also made these 5 recommendations for legislative review:

- 11.) Appropriate \$250,000 for the Council for fiscal year 2008-2009, including the hiring of an Executive Director (FTE with full benefits).
- 12.) Eliminate the Council's sunset date. The Council should also be made a permanent commission.³

³ "Commission," as defined in 20.03, F.S., unless otherwise required by the State Constitution, means a body created by specific statutory enactment within a department, the office of the Governor, or the Executive Office of the Governor and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department or the Governor. Section 20.052, (5)(b)F.S., requires that members of a commission must be confirmed by the Senate. "Council or Advisory Council" as defined in s. 20.03, F.S., means 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.

- 13.) Establish at least one local Council on the Social Status of Black Men and Boys in each of Florida's sixty-seven counties, to serve as a network for communication, education and action.
- 14.) Reestablish the Governor's Ex-Offender Task Force (Governor Bush's original task force sunsetted in January 2007).
- 15.) Support the study and recommendations of the Department of Juvenile Justice's Blueprint Commission.⁴

The Bill:

- The bill eliminates the term "of black origin" and replaces it with an "African American" as defined in s.760.80 (2), F.S.⁵
- The bill 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.
- The bill removes the sunset date of 2012.
- The bill provides an appropriation of \$250,000 from the General Revenue Fund to the Department of Legal Affairs for the purpose of paying administrative expenses necessary for the Council on the Social Status of Black Men and Boys to carry out its responsibilities under s. 16.615, F.S., during the 2008-2009 fiscal year.

C. SECTION DIRECTORY:

Section 1: Amends s. 16.615, F.S., removing outdated provisions and removing the 2012 sunset date.

Section 2: Appropriates the sum of of \$250,000 from the General Revenue Fund to the Department of Legal Affairs.

Section 3: Provides an effective date of July 1, 2008.

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 government revenues.

⁴ The Florida Department of Juvenile Justice's Blueprint Commission Annual Report(<http://www.djj.state.fl.us/blueprint/index.html>).

⁵ 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.

2. Expenditures:

The bill includes a \$250,000 appropriation from the General Revenue Fund to the Department of Legal Affairs for the purpose of paying administrative expenses necessary for the Council to carry out its responsibilities under s. 16.615, F.S., during the 2008-2009 fiscal year.

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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require counties or cities to: spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raises revenues in the aggregate; or reduce the percentage of a state tax shared with counties or cities.

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:

Note that SB 546 by Senator Wilson has passed two committees of reference and has been amended to remove the \$250,000 appropriation.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 19, 2008, the Committee on Constitution & Civil Law recommended a strike-all amendment by Rep. Llorente. The amendment makes the following changes:

1. Removes the Council's 2012 sunset date;
2. Removes duties of the AG regarding setting up the initial meetings of the Council, as this has been accomplished;
3. Requires the Council to monitor outcomes of the direct-support organization (DSO);
4. Requires the Council to develop a strategic program and funding initiative to establish local Councils;
5. Allows the Council to:
 - a. Access data held by state agencies which is otherwise a public record;
 - b. Make requests directly to the Joint Legislative Auditing Committee for assistance with research and monitoring from OPPAGA;
 - c. Request through legislator-members assistance from the Legislature's Office of Economic and Demographic Research;
 - d. Request information and assistance from any state agency, political subdivision, municipal corporation, etc;
 - e. Apply for and accept funds, grants, gifts, and services for the purpose of defraying clerical and administrative costs.
6. Creates a direct-support organization (DSO) within the Department of Legal Affairs, which is required to operate under written contract with the department. The contract is required to provide for:
 - a. Approval of the articles of incorporation and bylaws by the Department;
 - b. Submission of the annual budget for approval by the Department;
 - c. 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;
 - d. 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;
 - e. Disclosure of material provisions of the contract and the distinction between the Board of Directors and the DSO to donors;
 - f. An annual financial audit;
 - g. Fiscal year to begin July 1 of each year and end June 30 of the following year;
 - h. Appointment of the Board of Directors to be made pursuant to statute;
 - i. Authority to hire an executive director.
7. Requires the DSO to consist of 13 members appointed to staggered 4-year terms. Four appointments each by the Speaker and President; 3 by the AG; 2 by the Council.
8. Funded exclusively by the DSO, and working in conjunction with the Council, the DSO is charged with the following duties:
 - a. Develop a strategic program and funding initiative to implement the 5000 Role Models of Excellence in Broward, Palm Beach, Duval, Orange, and Hillsborough Counties. Report to Legislature by 2/15/09.

- b. Develop a strategic program and funding initiative to implement the Reading 4 Success Program by the 100 Black Men of Florida in Broward, Miami-Dade, Palm Beach, Duval, Orange, Pinellas, and Hillsborough Counties. Report back to Legislature by 2/15/09.
 - c. Develop a strategic program and funding initiative to implement the One Church, One Child program statewide. Report to Legislature by 2/15/09.
 - d. Develop a strategic program and funding initiative to implement the Mapping the Future for Black Males program within community colleges identified by the Council. Report back to the Legislature by 2/15/09.
 - e. Develop a public awareness and marketing campaign showcasing programs funded by the DSO based on the Project One Campaign developed by Mad 4 Marketing, which recognizes that each one of us has a responsibility to make a difference in the community.
9. The DSO may also do the following:
- a. Develop a strategic program and funding initiative to implement a health-screening program using mobile screening services;
 - b. Hold a statewide black policy summit in conjunction with a Florida university;
 - c. Create a compendium of intervention programs in each county in order to determine how to maximize existing resources to address unmet needs.
10. The DSO is required 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 DSO.
11. The \$250,000 appropriation has been removed.