

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

**SPONSOR(S):** Policy & Budget Council; Llorente

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

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Constitution &amp; Civil Law</u>	<u>6 Y, 0 N</u>	<u>Davis</u>	<u>Birtman</u>
2) <u>Safety &amp; Security Council</u>	<u>14 Y, 0 N, As CS</u>	<u>Birtman/Davis</u>	<u>Havlicak</u>
3) <u>Policy &amp; Budget Council</u>	<u>31 Y, 0 N, As CS</u>	<u>Leznoff</u>	<u>Hansen</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

The Florida Council on the Social Status of Black Men and Boys was established by the Florida Legislature in 2006. The Council was charged with studying the adverse conditions affecting black men and boys. Its goal was to propose measures to alleviate and correct the underlying causes of these conditions.

CS/HB 1395 makes several changes regarding the Council on the Social Status of Black Men and Boys. Specifically the bill gives the Council additional 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 The bill removes outdated provisions requiring the Attorney General to set up an initial meeting of the Council, authorizes the Council to establish local Councils on the Social Status of Black Men and Boys, and removes the 2012 sunset date.

The bill also 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 do the following:

- 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.

CS/HB 1395 appropriates \$50,000 for fiscal Year 2008-09 in non-recurring general revenue funds to the Department of Legal Affairs for the purpose of implementing this act. The bill has an effective date of July 1, 2008.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h1395e.PBC.doc  
**DATE:** 4/1/2008

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Limited Government:** The bill appropriates \$50,000 to maintain the Council and start up a direct-support organization which will then fund several initiatives with privately-raised funds; and removes the Council's 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.<sup>1</sup> 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:**<sup>2</sup>

###### **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.

###### **Education:**

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

<sup>2</sup> Id.

- 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 agencies serving foster youth should offer weekly Independent Living skills 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". "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.<sup>3</sup>
- 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).

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<sup>3</sup> "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.

- 15.) Support the study and recommendations of the Department of Juvenile Justice's Blueprint Commission.<sup>4</sup>

**The Bill:**

The bill makes several changes to s. 16.615, F.S., regarding the Council on the Social Status of Black Men and Boys:

- Eliminates the term "of black origin" and replaces it with "African American" as defined in s.760.80 (2), F.S.;<sup>5</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;
- Removes the sunset date of 2012;
- Requires the Council to monitor outcomes of the direct-support organization;
- 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.

The bill also creates s. 16.616, F.S., which does the following:

- 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:
  - Approval of the articles of incorporation and bylaws by the Department;
  - Submission of the 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 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.
- 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 Attorney General; 2 by the Council.
- Funded exclusively by the DSO, and working in conjunction with the Council, the DSO is charged with the following duties:

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

<sup>5</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.

- Develop a strategic program and funding initiative to implement the 5000 Role Models of Excellence<sup>6</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>7</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>8</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>9</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 do the following:
  - 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.

Lastly, the bill makes an appropriation of \$50,000 of non-recurring funds from General Revenue to the Department of Legal Affairs for the purpose of implementing the provisions of this act.

#### C. SECTION DIRECTORY:

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

Section 2: Creates s. 16.616, F.S., authorizing the creation of the direct-support organization.

Section 3. Provides an appropriation.

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<sup>6</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>7</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>8</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>9</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.

Section 4: 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.

2. Expenditures:

The bill includes a \$50,000 appropriation from non-recurring general revenue funds to the Department of Legal Affairs for the purpose of implementing the provisions of this act.

### 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 raise 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:

None.

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. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. Requires the Council to monitor outcomes of the DSO;
9. Requires the Council to develop a strategic program and funding initiative to establish local Councils;
10. 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.
11. Removes the \$250,000 appropriation.

**On March 26, 2008**, the Safety & Security Council adopted the strike-all amendment recommended by the Committee on Constitution & Civil Law, and also adopted two amendments to the strike-all. Those amendments allow the DSO to fund the clerical and administrative costs of the Council, clarify the DSO's marketing requirement, and makes a \$50,000 appropriation in non-recurring General Revenue to the Department of Legal Affairs to implement the provisions of the act.

**On April 1, 2008**, the Policy & Budget Council adopted an amendment to clarify that the non-recurring \$50,000 appropriation is for Fiscal Year 2008-09.

This analysis is drawn to the bill as amended.