

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 Appropriations Subcommittee on Criminal and Civil Justice

BILL: PCS/CS/SB 652 (850900)

INTRODUCER: Appropriations Subcommittee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Pizzo

SUBJECT: Urban Core Gun Violence Task Force

DATE: February 20, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Jones	CJ	Fav/CS
2.	Dale	Jameson	ACJ	Recommend: Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 652 creates a 10-member task force within the Florida Department of Law Enforcement (FDLE). The Urban Core Gun Violence Task Force (Task Force) is tasked with investigating system failures and the causes of high crime rates and gun violence incidents in urban core neighborhoods and communities.

Also, the bill requires the Task Force to develop recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies which will help facilitate the reduction of crime and gun violence in urban core neighborhoods and communities.

The section of law creating the task force is repealed on December 31, 2023.

The bill also creates the Florida Firearm Violence Reduction Pilot Program within FDLE to support effective firearm violence reduction initiatives in counties that are disproportionately impacted by firearm violence. Specifically, the bill:

- Establishes an application process and eligibility requirements;
- Requires FDLE, subject to an appropriation in the General Appropriations Act, to use program funds to provide grants for up to six counties to implement the pilot program;
- Requires counties to match funds requested from the department;

- Requires FDLE to evaluate the effectiveness of the pilot program by measuring firearm violence reduction in the participating counties and reporting data to the Governor and Legislature annually; and
- Provides the pilot program expires on June 30, 2023.

The FDLE reports that, based on the number of hours committed by the FDLE to the Marjory Stoneman Douglas Commission for similar support efforts, it expects total expenditures including travel and per diem of \$414,183 to support the Task Force. See Section V.

The bill is effective July 1, 2020.

II. Present Situation:

In American urban centers with significant minority populations, like New Orleans, Detroit, and Baltimore, the homicide rate is up to 10 times higher than the national average—between 30 and 40 murders per 100,000 people.¹ One study calculated that young black men living in a high-crime area of Rochester, NY, had a murder rate of 520 per 100,000, over 100 times higher than the national average.² Firearm homicide is the leading cause of death for black males ages 15–34.³

Urban cores can be defined as areas that have high population densities (7,500 or more per square mile or 2,900 per square kilometer or more) and high transit, walking and cycling work trip market shares (20 percent or more). Urban cores also include non-exurban sectors with median house construction dates of 1945 or before.⁴

A study of adolescents participating in an urban violence intervention program showed that 26 percent of participants had witnessed a person being shot and killed, while half had lost a loved one to gun violence. The impact of this is compounded because exposure to firearm violence—being shot, being shot at, or witnessing a shooting—doubles the probability that a young person will commit a violent act within two years.⁵

Crime statistics collected from law enforcement agencies and compiled by the FDLE isolate for “gun violence” but not specifically for “urban core.” However, because the data is submitted by individual agencies, one can look at data from larger cities’ police or sheriff departments and assume that at least a part of those statistics come from an “urban core.” Having this limitation in mind, the following 2018 data provides examples of how much “gun violence” occurs in the “urban core” of these locations.

¹ Giffords Law Center to Prevent Gun Violence, *Healing Communities in Crisis, Lifesaving Solutions to the Urban Gun Violence Epidemic*, p. 11, available at <https://lawcenter.giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf> (last visited January 23, 2020).

² *Id.* at 12.

³ *Id.*

⁴ Wendell Cox, *Urban Cores, Core Cities and Principal Cities*, Newgeography, August 1, 2014, available at <http://www.newgeography.com/content/004453-urban-cores-core-cities-and-principal-cities> (last visited January 23, 2020).

⁵ *Id.*

Agency	Population in Agency Jurisdiction	2018 Total Firearm Involved Violent Crimes and Manslaughter
Miami – Dade Police	1,203,732	2,068
Jacksonville Sheriff's Office	908,512	2,695
Tampa Police Department	378,531	585
Orlando Police Department	285,099	611
From FDLE Florida Index Crime by Jurisdiction, Total Reported Firearm-Involved Violent Crimes and Manslaughter in Florida, by Offense and Jurisdiction, 2018. ⁶		

III. Effect of Proposed Changes:

Urban Core Gun Violence Task Force

The bill creates a task force within the FDLE at s. 943.6872, F.S. The Urban Core Gun Violence Task Force is created pursuant to s. 20.03, F.S., and must comply with the requirements of s. 20.052, F.S. The Task Force is created for the purposes of:

- Investigating system failures and the causes of high crime rates and gun violence incidents in urban core neighborhoods and communities;⁷ and
- Developing recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies which will help facilitate the reduction of crime and gun violence in urban core neighborhoods and communities.

The Task Force will convene no later than September 1, 2020, and will be comprised of 10 members who will serve at the pleasure of the officer who appointed him or her. At least five of the members shall be women and at least six of the members shall be members of racial minority groups. The appointments will be made as follows:

- Two members will be appointed by the President of the Senate;
- Two members will be appointed by the Minority Leader of the Senate;
- Two members will be appointed by the Speaker of the House of Representatives;
- Two members will be appointed by the Minority Leader of the House of Representatives; and
- Two members will be appointed by the Governor.

The Governor will appoint the Chair from among the 10 members.

The General Counsel of the FDLE will serve as the general counsel for the task force. Additionally, the chair of the Task Force will assign staff from the FDLE and the Department of Juvenile Justice (DJJ) to assist the Task Force in performing its duties.

The Task Force will meet on a quarterly basis or as necessary to conduct its work at the call of the chair and at a time designated by him or her at a location in the state. It will submit an initial report on its findings and recommendations to the Governor, the President of the Senate, and the

⁶ FDLE Florida Index Crime by Jurisdiction, Total Reported Firearm-Involved Violent Crimes and Manslaughter in Florida, by Offense and Jurisdiction, 2018, available at <https://www.fdle.state.fl.us/FSAC/Data-Statistics/UCR-Offense-Data.aspx> (last viewed January 23, 2020).

⁷ The term “urban core neighborhoods and communities” is not defined in the bill.

Speaker of the House of Representatives by January 1, 2021, and may issue reports annually thereafter.

The Task Force may not conduct its meetings through teleconferences or other similar means. Members of the task force are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 20.052, F.S.

The Task Force is given the authority to request professional assistance from appropriate state agencies in the discharge of its duties. The bill requires those state agencies to provide any requested assistance in a timely manner.

The bill specifies that, notwithstanding any other law to the contrary, the Task Force may request and shall be provided with access to *any information or records* that pertain to crime and gun violence incidents in this state's urban core neighborhoods and communities. The bill recognizes that some amount of the information or records requested by the Task Force may be otherwise exempt or confidential and exempt. The bill states that the information or records shall retain such exempt or confidential and exempt status, and that the Task Force may not disclose any such information or records.⁸

Section 943.6872, F.S., the section of law created by the bill, is repealed on December 31, 2023.⁹

Florida Firearm Violence Reduction Pilot Program

The bill creates the Florida Firearm Violence Reduction Pilot Program within FDLE to support effective firearm violence reduction initiatives in counties that are disproportionately impacted by firearm violence.

A county that is disproportionately impacted by firearm violence has experienced:

- Twenty or more firearm related homicides per calendar year during two or more of the three calendar years immediately preceding the pilot program application; or
- Ten or more firearm related homicides per calendar year and had a homicide rate that was at least 50 percent higher than the statewide homicide rate during two or more of the three calendar years immediately preceding the pilot program application.

The bill requires a county interested in participating in the pilot program to apply to FDLE. The application must include:

- A statement indicating that the county is disproportionately impacted by firearm violence;
- Information related to the impact of firearm violence in the county within the previous three years;

⁸ Note that any discussion at an open meeting of the Task Force related to the protected information or records would likely violate the exempt or confidential or exempt status of the information or reports. However, SB 1802, the public meetings exemption bill linked to this bill would preserve the exempt or confidential and exempt status of the information or reports.

⁹ According to s. 20.03(8), F.S., under which the Task Force is created, the lifespan of the Task Force is 3 years. This date would be June 30, 2023. Because s. 20.03(8), F.S., also states that a task force's existence terminates upon the completion of its assignment, if it has not completed any final report by June 30, 2023, presumably the Members of the Task Force could continue to work on the report until it is complete, but certainly no later than December 31, 2025, when the section of law creating the Task Force is repealed.

- A description of:
 - The evidence-based firearm violence reduction model the county will utilize during the program period;
 - The program implementation organization¹⁰ the county will consult to develop and implement the program;
 - Any public or private organization the county intends to collaborate with to provide services;
 - The criteria the county will use to identify eligible participants; and
 - The county's strategy to coordinate the evidence-based firearm violence reduction model and any existing violence prevention and intervention programs to minimize duplication of services.

Subject to an appropriation in the General Appropriations Act, FDLE is required to use program funds to provide grants for up to six counties to implement the pilot program. Each county must match grant funds requested from FDLE with \$1 for every \$1 requested. FDLE will determine the appropriate grant amount awarded to each county based on the pilot program eligibility requirements and other needs-based criteria established by FDLE.

Each pilot program county must appoint a program steering committee to collaborate with a program implementation organization to implement an appropriate evidence-based firearm violence reduction model.

To maintain eligibility for participation in the program, each county must submit an annual report to FDLE. The bill requires FDLE to evaluate the effectiveness of the pilot program by measuring firearm violence reduction in participating counties and report data to the Governor and Legislature annually.

The pilot program expires June 30, 2023.

The bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ A program implementation organization is an organization with experience implementing an evidence-based firearm violence reduction strategy including providing training, collecting and analyzing data, and conducting program evaluations.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE reports that, based on the number of hours committed by the FDLE to the Marjory Stoneman Douglas Commission (MSD) for similar support efforts, it expects total expenditures to support the Task Force as follows:¹¹

- Expenditures include per diem and travel expenses pursuant to s. 112.061 F.S. This amount cannot be quantified since the amount of travel and per diem is indeterminate until the expenses are incurred; however, FDLE's estimated costs are \$51,040.
- If the task force meets quarterly, average expenses for meeting travel would be \$638 per person (\$150 (lodging) + \$36 (meals) x 3 days = \$558 + \$80 per diem = \$638). Annual travel costs for four meetings for 10 task force members and 10 staff members = \$51,040 (\$638 x 20 = \$12,760 x 4 meetings/year = \$51,040).
- Based on hours committed by FDLE members to the MSD Commission this calendar year for similar support efforts, FDLE requires five FTE positions including three Government Analyst II and two Government Analyst I totaling \$363,143 (\$343,668 recurring).
- Total Fiscal: \$414,183 (\$394,708 recurring)

The bill allows the chair of the Task Force to assign staff from the DJJ to assist the Task Force in performing its duties. DJJ states that any research or consultation DJJ is required to provide would increase the workload on DJJ staff. There is no specific expected fiscal impact from the bill attached to the potential increased workload.¹²

Subject to an appropriation in the General Appropriations Act, the bill requires FDLE to use program funds to provide grants for up to six counties to implement the pilot

¹¹ 2020 FDLE Legislative Bill Analysis, October 2019. (On file with the Senate Criminal Justice Committee).

¹² 2020 Agency Legislative Bill Analysis, Department of Juvenile Justice, December 30, 2019. (On file with the Senate Criminal Justice Committee).

program. Each county must match grant funds requested from FDLE with \$1 for every \$1 requested. This grant program is not currently funded in SB 2500, the Senate's General Appropriation Bill for Fiscal Year 2020-2021.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 943.6872 and 943.6873.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Criminal and Civil Justice on February 18, 2020:

The committee substitute:

- Amends the repeal date for the Task Force;
- Removes the requirement in the underlying bill that at least five of the task force members must be women and at least six must be members of racial minority groups; and
- Creates the Florida Firearm Violence Reduction Pilot Program within the FDLE to support effective firearm violence reduction initiatives in counties that are disproportionately impacted by firearm violence.

CS by Criminal Justice on January 28, 2020

The committee substitute:

- Creates s. 943.6872, F.S., a new section of law.
- Clarifies that the Urban Core Gun Violence Task Force, an advisory body, will comply with the requirements of s. 20.052, F.S.
- Removes reference in the bill to members' per diem, because s. 20.052(4)(d), F.S., specifies that members of the advisory body are authorized to receive per diem.
- Removes the Task Force's authorization to investigate and delegate authority to its investigators to administer oaths and affirmations.

- B. **Amendments:**

None.