

**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.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 652

INTRODUCER: Senator Pizzo

SUBJECT: Urban Core Gun Violence Task Force

DATE: January 27, 2020

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Cellon	Jones	CJ	<b>Pre-meeting</b>
2. _____	_____	ACJ	_____
3. _____	_____	AP	_____

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## **I. Summary:**

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 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 a total expenditure of \$363,143 to support the Task Force. This does not include per diem. See Section V. Fiscal Impact Statement.

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.<sup>1</sup> 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

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<sup>1</sup> 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).

the national average.<sup>2</sup> Firearm homicide is the leading cause of death for black males ages 15–34.<sup>3</sup>

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.<sup>4</sup>

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.<sup>5</sup>

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 may be of some value in determining how much “gun violence” occurs in the “urban core” of these locations.

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. <sup>6</sup>		

### III. Effect of Proposed Changes:

The bill creates a task force within the FDLE. The Urban Core Gun Violence Task Force is created pursuant to s. 20.03, F.S., for the purposes of:

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

<sup>2</sup> *Id.* at 12.

<sup>3</sup> *Id.*

<sup>4</sup> 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).

<sup>5</sup> *Id.*

<sup>6</sup> 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).

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

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 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. 112.061, F.S.

The bill gives the Task Force the *power to investigate* and it may delegate to its investigators the *authority to administer oaths and affirmations*.<sup>8</sup> The Task Force is also 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

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<sup>8</sup> The authority of the Task Force to administer oaths and affirmations and, therefore, to delegate that authority to investigators would seem to be limited or even nonexistent despite the bill's intent because the authority to administer oaths and affirmations is not conveyed to the Task Force in the bill. *See, e.g.,* Section 27.04, F.S., authorizing state attorneys to subpoena witnesses and administer oaths.

such exempt or confidential and exempt status, and that the Task Force may not disclose any such information or records.<sup>9</sup>

The section of law created by the bill is repealed on December 31, 2025.<sup>10</sup>

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.

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.

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<sup>9</sup> 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.

<sup>10</sup> 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.

**C. Government Sector Impact:**

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 a total expenditure of \$363,143 to support the Task Force.<sup>11</sup>

Under the provisions in the bill, members of the Task Force are entitled to 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 by the Task Force members and staff. (The FDLE has estimated the annual travel and per diem cost for 10 Task Force members and 10 staff members to be \$51,040.)<sup>12</sup>

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.<sup>13</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of the Florida Statutes.

**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.

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

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

<sup>12</sup> *Id.*

<sup>13</sup> 2020 Agency Legislative Bill Analysis, Department of Juvenile Justice, December 30, 2019. (On file with the Senate Criminal Justice Committee).