

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 201 Gun Violence Reduction  
**SPONSOR(S):** Criminal Justice Subcommittee, Jones and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 652

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	14 Y, 0 N, As CS	Rochester	Hall
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

In 2017, firearms killed 39,773 people nationally; however, these shootings are disproportionately concentrated in urban areas that suffer from high rates of unemployment, poverty, and racial segregation. In 2018, 1,107 people in Florida died by firearm homicide at a rate of 5.3 homicides per 100,000 people. Firearms are the second leading cause of death among children and teens in Florida. An average of 175 children and teens die by firearms in Florida every year, and 68 percent of those deaths are homicides.

Urban cores are areas that have high population densities of 7,500 or more people per square mile and higher transit, walking, and cycling rates. Although law enforcement agencies do not specifically isolate urban core firearm violence statistics in Florida, statistics are available for areas in Florida with higher population densities. For example, Ocala experienced 26 firearm violence incidents in 2014 and 141 incidents in 2018, representing a 442.3 percent increase.

CS/HB 201 creates the Urban Core Gun Violence Task Force (Task Force) within the Florida Department of Law Enforcement (FDLE) to:

- Investigate system failures and the causes of high crime rates and firearm violence incidents in urban core neighborhoods and communities; and
- Develop recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies to help reduce crime and firearm violence in urban core neighborhoods and communities.

The section of law creating the task force is repealed on December 31, 2025.

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 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 bill will likely have an indeterminate fiscal impact on state government due to FDLE providing support services for the Task Force and the cost of implementing the pilot program. The bill does not appear to have a fiscal impact on local governments.

The bill provides an effective date of July 1, 2020.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Task Force

Under Florida law, a task force is an advisory body created without specific statutory enactment for a time not to exceed one year, or created by specific statutory enactment for a time not to exceed three years, and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.<sup>1</sup> The existence of a task force terminates upon the completion of its assignment.<sup>2</sup>

A statutorily created advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.<sup>3</sup> Florida law requires an advisory body to inform the Legislature and the public of the body's purposes, memberships, activities, and expenses.<sup>4</sup> Moreover, unless expressly permitted in statute, Florida law prohibits advisory board member compensation. Members are authorized to receive per diem and reimbursement of travel expenses.<sup>5</sup>

##### Firearm Violence

In 2017, firearms killed 39,773 people nationally; however, these shootings are disproportionately concentrated in urban areas that suffer from high rates of unemployment, poverty, and racial segregation.<sup>6</sup> 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.<sup>7</sup> Firearm homicide is the leading cause of death for black males ages 15 to 34.<sup>8</sup>

In 2018, 1,107 people in Florida died by firearm homicide at a rate of 5.3 homicides per 100,000 people.<sup>9</sup> Firearms are the second leading cause of death among children and teens in Florida. An average of 175 children and teens die by firearms in Florida every year, and 68 percent of those deaths are homicides.<sup>10</sup>

Urban cores are areas that have high population densities of 7,500 people or more per square mile and higher transit, walking, and cycling rates. Urban cores also include non-rural communities with median house construction dates before 1945.<sup>11</sup>

Although law enforcement agencies do not specifically isolate urban core firearm violence statistics in Florida, statistics are available for areas in Florida with higher population densities. For example, Ocala has experienced one of the highest percentage increases in the number of firearm violence incidents

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<sup>1</sup> S. 20.03(8), F.S.

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

<sup>3</sup> S. 20.052(1), F.S.

<sup>4</sup> S. 20.052(3), F.S.

<sup>5</sup> S. 20.052(4)(d), F.S.

<sup>6</sup> Melissa Chan, *How Likely is the Risk of Being Shot in America? It Depends*, Time Magazine (Aug. 19, 2019), <https://time.com/5476998/risk-of-guns-america/> (last visited Feb. 4, 2020).

<sup>7</sup> Ted Henrich, *Problem Management: The Federal Role in Reducing Urban Violence* (2012).

<sup>8</sup> Garen J. Wintemute, *The Epidemiology of Firearm Violence in the Twenty-First Century United States*, Annual Review of Public Health (2015), <http://www.annualreviews.org/doi/pdf/10.1146/annurev-publhealth-031914-122535> (last visited Feb. 4, 2020).

<sup>9</sup> Florida Department of Law Enforcement, *Florida Statewide Murder by Firearm* (2019), [https://www.fdle.state.fl.us/FSAC/Documents/PDF/1971\\_fwd\\_murder\\_firearms.aspx](https://www.fdle.state.fl.us/FSAC/Documents/PDF/1971_fwd_murder_firearms.aspx) (last visited Feb. 4, 2020).

<sup>10</sup> Centers for Disease Control, *Firearm Mortality by State* (2019), [https://www.cdc.gov/nchs/pressroom/sosmap/firearm\\_mortality/firearm.htm](https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm) (last visited Feb. 4, 2020).

<sup>11</sup> Wendell Cox, *Urban Cores, Core Cities and Principal Cities*, Newgeography, (Aug. 1, 2014), <http://www.newgeography.com/content/004453-urban-cores-core-cities-and-principal-cities> (last visited Feb. 4, 2020).

between 2014 and 2018 in the nation. Ocala experienced 26 firearm violence incidents in 2014 and 141 incidents in 2018, representing a 442.3 percent increase.<sup>12</sup>

### Evidence-Based Firearm Violence Reduction Models

Evidence-based violence intervention models apply a localized approach to gun violence prevention in neighborhoods disproportionately affected by gun violence.<sup>13</sup> These programs identify individuals who are at the highest risk of becoming the victim or perpetrator of firearm violence, and work to reduce violence through targeted interventions.<sup>14</sup> All evidence-based violence intervention programs are based on the premise that a small percentage of the population is responsible for the vast majority of violence.<sup>15</sup> Intervening directly with those at highest risk for perpetrating shootings or being shot themselves has proven to significantly reduce violence.<sup>16</sup>

#### *Group Violence Intervention Program*

The Group Violence Intervention (GVI) Program, which first operated as Operation Ceasefire in Boston, Massachusetts, relies on direct communication with violent groups through a partnership of law enforcement, social service providers, and community figures.<sup>17</sup> Law enforcement coordinates meetings with gang members and communicates that they will be targets of expanded law enforcement tactics if violent gang activity continues.<sup>18</sup> Social service providers are also available during the meeting to help provide referrals for education, job training, counseling, and other services.<sup>19</sup>

Gun violence in Boston declined quickly after GVI was initiated in 1996.<sup>20</sup> Murders in Boston, which had reached a high in 1990 of 151, fell from 95 in 1995, to 43 in 1997. By 1999, Boston had only 31 murders which was lower than the national rate.<sup>21</sup> Boston's murder rate remained low until 2000, when the city abandoned the program.<sup>22</sup> In 2001, murders in Boston increased to 65.<sup>23</sup>

#### *Cure Violence Program*

Cure Violence was founded in 1995 at the University of Illinois at Chicago's School of Public Health and was designed to mediate high-risk conflicts before they became violent.<sup>24</sup> The Cure Violence program is based on the World Health Organization's approach to reversing the epidemic spread of infectious diseases.<sup>25</sup> In this program, outreach workers work in the community to reduce violence by:

- Directly communicating with those at the highest risk of engaging in violent behavior;
- Discussing the physical, economic, and psychological costs of engaging in violence; and
- Helping high-risk participants obtain support and social services such as:
  - Education;
  - Job training; and
  - Drug treatment.<sup>26</sup>

Research has shown large reductions in violence where the Cure Violence model is applied.<sup>27</sup> When Cure Violence was implemented in Chicago, the city experienced a 100 percent reduction in retaliatory

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<sup>12</sup> Howard Cohen, *This Major Florida City Has the Most Gun Violence in the Country, Survey Says*, Miami Herald (Nov. 15, 2019), <https://www.miamiherald.com/news/state/florida/article237395479.html> (last visited Feb. 4, 2020).

<sup>13</sup> Henrich, *supra* note 7.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 26-28.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Cure Violence Global, *Creating a World Without Violence* (2019), [https://1vp6u534z5kr2qmr0w11t7ub-wpengine.netdna-ssl.com/wp-content/uploads/2019/09/CVGBrochure\\_2019\\_v5.pdf](https://1vp6u534z5kr2qmr0w11t7ub-wpengine.netdna-ssl.com/wp-content/uploads/2019/09/CVGBrochure_2019_v5.pdf) (last visited Feb. 4, 2020).

<sup>25</sup> *Id.* at 2.

<sup>26</sup> *Id.* at 2.

killings and 48 percent fewer shootings during the pilot program.<sup>28</sup> Loiza, Puerto Rico, experienced a 50 percent decrease in killings in the first year of implementation.<sup>29</sup> Three counties in Baltimore, Maryland, went without a shooting during the one year period the program was implemented.<sup>30</sup>

### *Hospital-Based Violence Intervention Program*

A hospital-based violence intervention program (HVIP) includes a brief intervention in the emergency department or at the hospital bedside, followed by intensive community-based case management services in the months following a violent injury.<sup>31</sup> HVIP services are provided by intervention specialists who often also serve as mentors to the injured participants.<sup>32</sup> The HVIP model is based on evidence suggesting that, in the immediate aftermath of a violent assault, victims are receptive to making life changes and altering behavior to prevent future injury, giving intervention specialists an opportunity to break cycles of violence.<sup>33</sup>

Program participants in an Indianapolis, Indiana, HVIP experienced a 4.4 percent violent reinjury rate<sup>34</sup> after the program was implemented.<sup>35</sup> The median violent reinjury rate nationally is 27.3 percent.<sup>36</sup> Moreover, predominantly African American men with a history of a previous violent injury receiving HVIP services were half as likely to be convicted of any crime, four times less likely to be convicted of a violent crime, and six times less likely to be hospitalized for a violent injury than those in a control group.<sup>37</sup>

## **Effect of Proposed Changes**

### Urban Core Gun Violence Task Force

CS/HB 201 creates the Urban Core Gun Violence Task Force (Task Force) within the FDLE to:

- Investigate system failures and the causes of high crime rates and firearm violence incidents in urban core neighborhoods and communities; and
- Develop recommendations for solutions, programs, services, and strategies for improved interagency communications between local and state government agencies to help reduce crime and firearm violence in urban core neighborhoods and communities.

The Task Force must convene no later than September 1, 2020, and 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 must be women and at least six of the members shall be members of racial minority groups. The Task Force must be composed of two members appointed by each of the following, the:

- President of the Senate;
- Minority Leader of the Senate;
- Speaker of the House of Representatives;
- Minority Leader of the House of Representatives; and
- Governor.

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

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<sup>27</sup> *Id.* at 4.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> National Network of Hospital-based Violence Intervention Programs, *Hospital-based Violence Intervention: Practices and Policies to End the Cycle of Violence* (Mar. 2019), <https://static1.squarespace.com/static/5d6f61730a2b610001135b79/t/5d83c0d9056f4d4cbdb9acd9/1568915699707/NNHVIP+White+Paper.pdf> (last visited Feb. 4, 2020).

<sup>32</sup> *Id.* at 2.

<sup>33</sup> *Id.*

<sup>34</sup> A violent reinjury rate is the rate at which violent injury victims experience subsequent violent injuries.

<sup>35</sup> *Id.* at 8.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

The bill requires the General Counsel of the FDLE to 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 must meet on a quarterly basis or as necessary to conduct its work at the call of the chair, at a time and location in the state designated by the chair. The Task Force must 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 authorized to receive reimbursement for per diem and travel expenses.

The Task Force is also authorized to request professional assistance from appropriate state agencies in performing its duties. The bill requires those state agencies to provide any requested assistance in a timely manner.

The bill specifies that the Task Force may request and shall be provided with access to any information or records that pertain to crime and firearm violence incidents in 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 and provides that such information or records shall retain exempt or confidential and exempt status, and may not be disclosed to a third party.

The section of law created by the bill is repealed on June 30, 2023.

#### 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;
  
- A description of:
  - The evidence-based firearm violence reduction model the county will utilize during the program period;
  - The program implementation organization<sup>38</sup> 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

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<sup>38</sup> 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.

- 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. 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 provides an effective date of July 1, 2020.

#### B. SECTION DIRECTORY:

**Section 1:** Creates s. 943.6872, F.S., relating to Urban Core Gun Violence Task Force.

**Section 2:** Creates s. 943.6873, F.S., relating to Florida Firearm Violence Reduction Pilot Program.

**Section 3:** Provides an effective date of July 1, 2020.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

The bill will likely have an indeterminate fiscal impact on state government. FDLE estimates, based on the number of hours committed by the FDLE to the Marjory Stoneman Douglas Commission for similar support efforts, it will incur initial costs of \$414,183 and recurring costs of \$394,708 to support the Task Force.<sup>39</sup>

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 program. Each county must match grant funds requested from FDLE.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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<sup>39</sup> Florida Department of Law Enforcement, Agency Analysis of 2020 House Bill 201, p. 3 (Sep. 28, 2019).

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not define the term "urban core."

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2020, the Criminal Justice Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The bill:

- Clarified that the Urban Core Gun Violence Task Force, an advisory body, must comply with the requirements of s. 20.052, F.S.
- Removed the Task Force's authorization to investigate and delegate authority to its investigators to administer oaths and affirmations.
- Amended the repeal date for the Task Force.
- Created 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.
- Established an application process and eligibility requirements for counties interested in participating in the pilot program.
- Required FDLE to use program funds to provide grants for up to six counties to implement the pilot program.
- Required counties to match funds requested from the department.
- Required each county to use an evidence-based violence reduction model during the program period.
- Required 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.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.