

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7101 PCB SAC 20-05 State Advisory Bodies

SPONSOR(S): Appropriations Committee, State Affairs Committee, Zika

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee	13 Y, 6 N	Darden	Williamson
1) Appropriations Committee	22 Y, 5 N, As CS	Jones	Pridgeon

SUMMARY ANALYSIS

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.

The bill creates the Local Government Efficiency Task Force (Efficiency Task Force) within the Legislature and the Urban Core Crime and Violence Task Force (Urban Core Task Force) within the Department of Law Enforcement. The Governor, the President of the Senate, and the Speaker of the House of Representatives must appoint the members of each task force.

The bill requires the Efficiency Task Force to review the structure and function of local governments and determine whether any changes are necessary to make such governments more efficient. The bill requires the Efficiency Task Force to begin meeting by November 15, 2020, and, thereafter, authorizes the task force to meet as often as necessary to fulfill its responsibilities. Meetings may be conducted in person or via teleconference or other electronic means.

The bill requires the Urban Core Task Force to review system failures and the causes of high crime rates and violence in urban core neighborhoods and communities and to develop recommendations for improved interagency communications between local and state government agencies to reduce crime and violence in such neighborhoods and communities. Meetings of the Urban Core Task Force occur at the call of its chair, at a time and location selected by the chair, and may not be conducted via teleconference or other electronic means.

The bill requires each task force to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date and provides an expiration date for each task force.

The bill has an indeterminate fiscal impact on state government and does not appear to have a fiscal impact on local governments. See Fiscal Comments.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Task Force

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.¹ The existence of a task force terminates upon the completion of its assignment.²

An advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose.³ Each advisory body must inform the Legislature and the public of the body's purposes, memberships, activities, and expenses.⁴ All meetings of an advisory body are public meetings and each advisory body must maintain minutes for each meeting, including a record of all votes cast.⁵

If an advisory body that is adjunct to an executive agency is abolished, the executive agency must appropriately store the records of the advisory body within 30 days of the date of abolition and reclaim any property assigned to the advisory body.⁶ An advisory body may not perform any activities after the effective date of its abolition.

Members of an advisory body serve without compensation, unless compensation is expressly permitted by statute.⁷ Members are authorized to receive reimbursement for per diem and travel expenses.

Local Governments

The Florida Constitution provides for three types of local government: counties, municipalities, and special districts.⁸

Counties

The Florida Constitution requires the state be divided into counties, which may be created, abolished, or changed by general law.⁹ Each county may adopt a charter, pursuant to general or special law and subject to approval by the electors of the county.¹⁰ A "county" is the largest territorial division for local government within a state.¹¹

Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.¹² The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. In the event of a conflict between county and municipal ordinances, the charter provides which provision will prevail.

¹ S. 20.03(8), F.S.

² *Id.*

³ S. 20.052(1), F.S.

⁴ S. 20.052(3), F.S.

⁵ S. 20.052(5)(c), F.S.

⁶ S. 20.052(5)(d), F.S.

⁷ S. 20.052(4)(d), F.S.

⁸ See Art. VIII, s. 4, Fla. Const. (authorizing counties, municipalities, or special districts to transfer or contract with one another to exercise powers or functions by law or resolution of the affected governing bodies).

⁹ Art. VIII, s. 1(a), Fla. Const.

¹⁰ Art. VIII, s. 1(c), Fla. Const.

¹¹ Black's Law Dictionary (11th ed. 2019).

¹² Art. VIII, s. 1(g), Fla. Const.

Non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹³ The governing body of the county not operating under a charter may enact, in a manner prescribed by general law, ordinances not inconsistent with general or special law.¹⁴ County ordinances in non-charter counties that are in conflict with a municipal ordinance are not effective within the municipality to the extent of the conflict.¹⁵

Municipalities

A “municipality” is a city, town, or other similar local political entity with the powers of self-government.¹⁶ The Florida Constitution provides that municipalities may be established or abolished pursuant to general or special law.¹⁷ Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except when expressly prohibited by law.¹⁸ Those powers generally include any subject matter upon which the Legislature may act, excluding annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitutions, county charter, or statute.¹⁹

Special Districts

A “special district” is a unit of local government created for a particular purpose with jurisdiction to operate within a limited geographic boundary. Special districts may be created by general law,²⁰ special act,²¹ local ordinance,²² or rule of the Governor and Cabinet.²³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.²⁴

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.²⁵ An “independent special district” is any district that is not a dependent special district.²⁶

Urban Core

An “urban core” is the baseline unit for determining the existence of an urban area.²⁷ Urban areas must exhibit a pattern of continuous development out from a central core. A place is included in an urban area if it has a “qualifying core.” A qualifying core is any area with a population density of at least 1,000 people per square mile that contains at least 50 percent of the place’s total population density and is contiguous with other qualifying urbanized territories that also meet the population density criterion.

¹³ Art. VIII, s. 1(f), Fla. Const.

¹⁴ *Id.* See also s. 125.01(1), F.S.

¹⁵ Art. VIII, s. 1(f), Fla. Const.

¹⁶ Black’s Law Dictionary (11th ed. 2019).

¹⁷ Art. VIII, s. 2(a), Fla. Const.

¹⁸ Art. VIII, s. 2(b), Fla. Const. A “municipal purpose” is any activity or power that may be exercised by the state or its political subdivisions. S. 166.021(2), F.S.

¹⁹ S. 166.021(3), F.S.

²⁰ S. 189.031(3), F.S.

²¹ *Id.*

²² S. 189.02(1), F.S.

²³ S. 190.005(1), F.S.; see generally, s. 189.012(6), F.S.

²⁴ 2018 – 2020 *Local Gov’t Formation Manual* at p. 64, available at

<https://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?Committeed=3074> (last visited Feb. 14, 2020).

²⁵ S. 189.012(2), F.S.

²⁶ S. 189.012(3), F.S.

²⁷ United State Census Bureau, *Geographic Areas Reference Manual 12-7* (May 16, 2018),

<https://www2.census.gov/geo/pdfs/reference/GARM/Ch12GARM.pdf> (last visited Feb. 14, 2020).

Neighborhoods within urban cores are often older and follow a traditional development pattern with a gridded street network.²⁸

Urban areas generally experience higher rates of violent crime compared to more sparsely populated areas.²⁹ However, the violent crime rate may vary significantly between similarly situated municipalities both within a given year and over time.³⁰

Effect of Proposed Changes

Local Government Efficiency Task Force

The bill creates the Local Government Efficiency Task Force (Efficiency Task Force) within the Legislature. The Efficiency Task Force consists of the following members:

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

Members of the Efficiency Task Force must be appointed no later than September 1, 2020.

The Efficiency Task Force is responsible for selecting a chair from among its members. If a vacancy occurs on the Efficiency Task Force, the position is filled for the unexpired term in the same manner as the original appointment. Members of the Efficiency Task Force serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill requires the Efficiency Task Force to review the structure and function of local governments and determine whether any changes are necessary to make such governments more efficient.

The bill requires the Efficiency Task Force to begin meeting by November 15, 2020, and, thereafter, authorizes the task force to meet as often as necessary to fulfill its responsibilities. Meetings may be conducted in person or via teleconference or other electronic means.

By June 1, 2022, the Efficiency Task Force must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill provides for expiration of the Efficiency Task Force on June 30, 2022.

Urban Core Crime and Violence Task Force

The bill creates the Urban Core Crime and Violence Task Force (Urban Core Task Force) within the Department of Law Enforcement (FDLE) to:

- Review system failures and the causes of high crime rates and violence 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 violence in urban core neighborhoods and communities.

The Urban Core Task Force is comprised of 15 members:

- Four members appointed by the Governor;
- Four members appointed by the President of the Senate, two of which must be members of the Legislative Black Caucus of the Florida Senate;
- Four members appointed by the Speaker of the House of Representatives, two of which must be members of the Legislative Black Caucus of the Florida House of Representatives;

²⁸ See e.g. *The Urban Core And Downtown: Some Definitions*, The Jaxson, <https://www.thejaxsonmag.com/article/the-urban-core-and-downtown-some-definitions/> (last visited Feb. 14, 2020).

²⁹ See generally Nathan James, *Recent Violent Crime Trends in the United States*, Congressional Research Service, <https://fas.org/sgp/crs/misc/R45236.pdf> (last visited Feb. 14, 2020).

³⁰ See *Id.* at 8-9 (comparing 48 largest U.S. cities from 2014-2015 and showing most violent crime rate variance came from changes in 10 or fewer cities).

- One representative from the Florida Sheriffs Association;
- One representative from the Florida Police Chiefs Association; and
- The Secretary of the Department of Children and Families, or his or her representative.

Members of the Urban Core Task Force must be appointed by August 1, 2020. Members serve at the pleasure of the officer who appointed them and those respective officers must appoint a member to serve any unexpired term if a vacancy occurs. The Governor must appoint the chair from among the nine members. Members of the Urban Core Task Force serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

Meetings of the Urban Core Task Force occur upon the call of the chair at a time and location designated by the chair. The Urban Core Task Force may not conduct its meetings through teleconference or other electronic means.

The bill requires FDLE to provide staffing and administrative assistance to the Urban Core Task Force to aid in the performance of its duties. The Urban Core Task Force may also request professional assistance from other state agencies as appropriate. The bill requires those state agencies to provide any requested assistance in a timely manner.

The bill specifies that the Urban Core Task Force may request, and must be provided with, access to any information or records that pertain to crime and violent incidents in the state's urban core neighborhoods and communities. Information or records obtained by the Urban Core Task Force that are otherwise exempt or confidential and exempt retain such status and may not be disclosed.

By June 1, 2022, the Urban Core Task Force must submit a report on its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill provides for expiration of the Urban Core Task Force on June 30, 2022.

B. SECTION DIRECTORY:

Section 1: Creates an undesignated section of law creating the Local Government Efficiency Task Force.

Section 2: Creates an undesignated section of law creating the Urban Core Crime and Violence Task Force.

Section 3: Provides that the bill takes effect July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill would have an indeterminate negative fiscal impact on FDLE and could have a negative fiscal impact on other state agencies. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill creates two task forces and allows task force members to be reimbursed for travel and per diem expenses. As such, the fiscal impact to the state will depend on the nature and extent of the travel conducted by the task force members. The bill also requires FDLE to staff and provide administrative assistance to the Urban Core Task Force and requires state agencies to provide that task force with professional assistance, as needed. Dependent upon the nature of the assistance requested, the bill might have an indeterminate negative fiscal impact on state agencies.

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:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 25, 2020, the Appropriations Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment increased the number of members of the Urban Core Task Force (from nine to 15) and modified the makeup and specifications for appointment of such members. The amendment also extends the date, by one year, that:

- The Urban Core Task Force must submit a report of its findings and recommendations, to June 1, 2022; and
- The Urban Core Task Force expires, to June 30, 2022.

This analysis is drafted to the committee substitute as passed by the Appropriations Committee.