

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 Committee on Governmental Oversight and Accountability

BILL: SB 836

INTRODUCER: Senator Jones and others

SUBJECT: Gun Violence Reduction

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	Pre-meeting
2.			ACJ	
3.			AP	

I. Summary:

SB 836 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The task force is repealed June 30, 2024.

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; and
- 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.

The pilot program expires on June 30, 2024.

FDLE will likely incur significant increases in workload and associated costs. FDLE estimates, based on the number of hours committed by the FDLE to the Marjory Stoneman Douglas

Commission for similar support, it will incur initial costs of \$414,183 and recurring costs of \$394,708 to support the Task Force.

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.

The bill takes effect July 1, 2021.

II. Present Situation:

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

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.³ Florida law requires an advisory body to inform the Legislature and the public of the body's purposes, memberships, activities, and expenses.⁴ Moreover, unless expressly permitted in statute, Florida law prohibits advisory board member compensation. Members may receive per diem and reimbursement of travel expenses.⁵

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.⁶ 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.⁷ Firearm homicide is the leading cause of death for black males ages 15 to 34.⁸

In 2018, 1,107 people in Florida died by firearm homicide at a rate of 5.3 homicides per 100,000 people.⁹ Firearms are the second leading cause of death among children and teens in Florida. An

¹ Section 20.03(8), F.S.

² *Id.*

³ Section 20.052(1), F.S.

⁴ Section 20.052(3), F.S.

⁵ Section 20.052(4)(d), F.S.

⁶ 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 March 19, 2021).

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

⁸ 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 March 19, 2021).

⁹ 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 (last visited March 19, 2021).

average of 175 children and teens die by firearms in Florida every year, and 68 percent of those deaths are homicides.¹⁰

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 1945.¹¹

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 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.¹²

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.¹³ 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.¹⁴ 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.¹⁵ Intervening directly with those at highest risk for perpetrating shootings or being shot themselves has proven to reduce violence significantly.¹⁶

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.¹⁷ Law enforcement coordinates meetings with gang members and communicates that they will be targets of expanded law enforcement tactics if violent gang activity continues.¹⁸ Social service providers are also available during the meeting to help provide referrals for education, job training, counseling, and other services.¹⁹

Gun violence in Boston declined quickly after GVI was initiated in 1996.²⁰ Murders in Boston, which had reached a high in 1990 of 151, fell from 95 in 1995, to 43 in 1997. By 1999, Boston

¹⁰ Centers for Disease Control, *Firearm Mortality by State* (2019)

https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm (last visited March 19, 2021).

¹¹ 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 March 19, 2021).

¹² 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 March 19, 2021).

¹³ Henrich, *supra* note 7.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 26-28.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

had only 31 murders, which was lower than the national rate.²¹ Boston's murder rate remained low until 2000, when the city abandoned the program.²² In 2001, murders in Boston increased to 65.²³

Cure Violence Program

Cure Violence, founded in 1995 at the University of Illinois at Chicago's School of Public Health, was designed to mediate high-risk conflicts before they became violent.²⁴ The Cure Violence program is based on the World Health Organization's approach to reversing the epidemic spread of infectious diseases.²⁵ 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.²⁶

Research has shown large reductions in violence where the Cure Violence model is applied.²⁷ When Cure Violence was implemented in Chicago, the city experienced a 100 percent reduction in retaliatory killings and 48 percent fewer shootings during the pilot program.²⁸ Loiza, Puerto Rico, experienced a 50 percent decrease in killings in the first year of implementation.²⁹ Three counties in Baltimore, Maryland, went without a shooting during the one-year period the program was implemented.³⁰

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.³¹ HVIP services are provided by intervention specialists who often also serve as mentors to the injured participants.³² 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.³³

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Cure Violence Global, *Creating a World Without Violence* (2019), https://1vp6u534z5kr2qmr0w11t7ub-wpengine.netdna-ssl.com/wp-content/uploads/2019/09/CVGBrochure_2019_v5.pdf (last visited March 19, 2021).

²⁵ *Id.* at 2.

²⁶ *Id.* at 2.

²⁷ *Id.* at 4.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ 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 March 19, 2021).

³² *Id.* at 2.

³³ *Id.*

Program participants in an Indianapolis, Indiana, HVIP experienced a 4.4 percent violent reinjury rate³⁴ after the program was implemented.³⁵ The median violent reinjury rate nationally is 27.3 percent.³⁶ 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.³⁷

III. Effect of Proposed Changes:

Section 1 creates s. 943.6872, F.S., to create 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, 2021, 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.

Appointments must be made by August 1, 2021. The Governor will appoint the Chair from among the 10 members.

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, 2022, and may issue reports annually thereafter.

³⁴ A violent reinjury rate is the rate at which violent injury victims experience subsequent violent injuries.

³⁵ *Id.* at 8.

³⁶ *Id.*

³⁷ *Id.*

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 must 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 some information or records requested by the Task Force may be otherwise exempt or confidential and exempt. Such information and records retain their 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, 2024.

Section 2 creates s. 943.6873, F.S., to create 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 organization³⁸ 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.

³⁸ 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.

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, 2024.

Section 3 provides the bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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.

C. Government Sector Impact:

FDLE will likely incur significant increases in workload and associated costs. 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.

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates sections 943.6872 and 943.6873 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.