

1989

## Session Law 89-165

Florida Senate & House of Representatives

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**S 1272 GENERAL BILL/1ST ENG by Girardeau and others (Similar CS/H 860)**

**Youth & Street Gang Data Base:** provides legislative findings & intent; provides for D.L.E. to establish advisory group to develop statewide youth & street gang data base; provides for report. Creates 943.0572. Effective Date: 07/01/89.

04/10/89 SENATE Filed

04/14/89 SENATE Introduced, referred to Judiciary-Criminal; Community Affairs -SJ 167

04/28/89 SENATE Extension of time granted Committee Judiciary-Criminal

05/04/89 SENATE On Committee agenda—Judiciary-Criminal, 05/08/89, 3:15 pm, Room-2C-(301)

05/08/89 SENATE Comm. Report: Favorable with 2 amendment(s) by Judiciary-Criminal -SJ 292

05/09/89 SENATE Now in Community Affairs -SJ 292

05/12/89 SENATE Extension of time granted Committee Community Affairs

05/18/89 SENATE Withdrawn from Community Affairs -SJ 400; Placed on Calendar

05/25/89 SENATE Placed on Special Order Calendar -SJ 450

05/26/89 SENATE Placed on Special Order Calendar -SJ 477

05/29/89 SENATE Placed on Special Order Calendar -SJ 493; Passed as amended; YEAS 35 NAYS 0 -SJ 551

05/30/89 HOUSE In Messages

06/02/89 HOUSE Received, placed on Calendar; Read second time; Read third time; Passed; YEAS 115 NAYS 0 -HJ 1131

06/02/89 Ordered enrolled -SJ 1406

06/12/89 Signed by Officers and presented to Governor

06/27/89 Approved by Governor; Chapter No. 89-165

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: May 8, 1989

BILL NO. SB 1272

DATE: May 4, 1989

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Rudolph <i>HR</i>	Liepshutz <i>MLV</i>	1. JCR _____	Fav/2 amend. _____
2. _____	_____	2. CA _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Criminal Justice Information

BILL NO. AND SPONSOR:

SB 1272 by  
Senator Girardeau

I. SUMMARY:

A. Present Situation:

Currently, chapter 943, F.S., establishes the Division of Criminal Justice Information Systems within the Florida Department of Law Enforcement (FDLE), and sets forth the division's duties. s. 943.05, F.S. This division maintains a system which collects, stores, and disseminates essential criminal justice information to federal, state, and local agencies. Recently, the division developed new uniform offense and arrest report forms, as required by statute, for use at the local level and to assist the division in meeting its obligations for federal reporting of crime data. At this time, however, neither of those reports requires information indicating whether or not an offense was gang related.

Chapter 943 also creates the Division of Local Law Enforcement Assistance within FDLE, which houses the Florida Intelligence Center (FIC), a support bureau designed to provide intelligence support to law enforcement agencies. This support may include assisting law enforcement by supplying intelligence information on youth gang activity.

In 1988, FDLE conducted a survey to collect youth gang data and related information from local law enforcement agencies. A report was published, based on survey results, which documents the numbers of gangs and gang members and their geographic boundaries, as reported by individual agencies. The Florida Department of Law Enforcement, Youth Gangs in Florida (December, 1988). This report, however, represents the only compilation of statewide gang information at this time.

At the local level, some individual law enforcement agencies collect gang data on their own initiative for their specific jurisdictions.

B. Effect of Proposed Changes:

SB 1272 would require the Florida Department of Law Enforcement (FDLE) to establish an advisory group of law enforcement representatives from state law enforcement agencies to develop a plan to create and implement a statewide youth gang data base.

Specifically, the advisory group would be directed to identify and define the necessary data elements, to develop a working methodology for the collection, storage, and dissemination of data on a statewide basis, and to develop a strategy for implementation of the data base.

Further, the advisory group would be required to issue a final report with recommendations to the Governor and the Legislature by January 1, 1990.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to FDLE, passage of SB 1272 would result in an estimated fiscal impact of \$9,000, representing travel expenses for the youth gang advisory group.

In addition, there may be a future fiscal impact on the department when the advisory group finalizes recommendations regarding implementation of a statewide youth gang data base. If FDLE should be designated as the central repository and reporting agency for this information, four additional positions would be required at an estimated cost of \$120,402.

III. COMMENTS:

None.

IV. AMENDMENTS:

#1 by Judiciary-Criminal:

Expands the legislative mandate for development of a statewide data base on youth gangs to also include information on street gang activity. Provides that members of the law enforcement advisory group may be entitled to per diem as well as travel expenses.

#2 by Judiciary-Criminal:

Title.

SENATE COMMITTEE AMENDMENT

SB 1272

No. 1  
(reported favorably)

HB \_\_\_\_\_

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page 2, line 4, after the word "youth", strike rest of said line

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			—	

and insert:

and street gang activity. Members of the advisory group shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

CODING: Words stricken are deletions; words underlined are additions.

\*\*\*\*\*  
 \* Amendment No. 1, taken up by committee: 5/8/89 Adopted x \*  
 \* Offered by Senator Girardeau Failed \_ \*  
 \*\*\*\*\*  
 (Amendment No. \_\_\_\_\_ Adopted \_\_\_ Failed \_\_\_ Date \_\_/\_\_/\_\_)

SENATE COMMITTEE AMENDMENT

SB 1272

No. 2  
(reported favorably)

HB \_\_\_\_\_

The Committee on..Judiciary-Criminal..recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

In title, on page 1....., line 7.....,  
after the word "youth"

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	Yes	No

insert:

and street

CODING: Words stricken are deletions; words underlined are additions.

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 \* Amendment No. 2, taken up by committee: 5/8/89 Adopted x \*  
 \* Offered by Senator Girardeau Failed \_ \*  
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(Amendment No. \_\_\_\_ Adopted \_\_\_\_ Failed \_\_\_\_ Date \_\_/\_\_/\_\_)

STORAGE NAME: H860s.yo.F  
DATE: June 20, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON CHILDREN AND YOUTH  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/HB 860 (PASSED AS CS/SB 1272)  
RELATING TO: Criminal Justice Information  
SPONSOR(S): Rep. Ritchie  
EFFECTIVE DATE: July 1, 1989 or upon becoming law, whichever occurs later  
DATE BECAME LAW: June 27, 1989  
CHAPTER NUMBER: 89-165, Laws of Florida  
COMPANION BILL(S): Identical to CS/SB 1272  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

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I. SUMMARY:

This bill requires the Department of Law Enforcement to establish an advisory group of law enforcement officials to develop a plan to create and implement a statewide youth gang data base.

A. PRESENT SITUATION:

Currently, Chapter 943, F.S., creates the divisions of the Department of Law Enforcement and their responsibilities. The Division of Criminal Justice Information Systems maintains a system which collects, stores, and disseminates essential criminal justice information to state and local criminal justice agencies. In 1987 and 1988, the department developed a forced-choice uniform offense report and arrest report, both of which must meet statutory criteria, for use at the local level and to assist the department in its obligations for federal reporting of crime data. However, neither of these reports provide for information indicating whether or not the offense or offender was gang related.

In 1988, the Department of Law Enforcement conducted a survey collecting youth gang data and information from local agencies which resulted in a report, FDLE Youth Gangs in Florida, December 1988. This report documents the numbers of gangs and gang members, and their geographic boundaries as reported by individual agencies. However, this is the only statewide information available at this time. The Division of Local Law Enforcement Assistance collects, analyzes, stores, and disseminates crime specific intelligence data for use by local law enforcement agencies during investigative efforts. Some

individual law enforcement agencies collect gang data on their own initiative for their specific jurisdiction. However, the state does not solicit specific information on youth gang members and activities.

**B. EFFECT OF PROPOSED CHANGES:**

HB 860 directs the Department of Law Enforcement to form an advisory group of law enforcement officials for the purpose of developing a specific methodology and implementation plan for a statewide data base on youth gangs.

**C. SECTION-BY-SECTION ANALYSIS:**

**Section 1.**

This section provides legislative intent regarding the need for a youth gang data base and illustrates some of the types of information which would be useful for the development of policy, the implementation of programmatic strategies, and law enforcement tactics.

This section also directs the Department of Law Enforcement to form an advisory group to identify the necessary data elements, to operationally define these data elements, to develop a methodology for the collection, storage, and dissemination of data on a statewide basis, and to develop a strategy for the implementation of the data base. The strategy for the implementation of the data base will include the specific mechanics and costs of implementing a data base that will be an on-line data base available to agencies throughout the state to assist in their duties and to provide the department with data for reporting purposes.

The Department of Law Enforcement will issue a report and make final recommendations to the Speaker of the House of Representatives, the President of the Senate, and the Governor by January 1, 1990. The number of members to be included on the advisory group is not provided in the legislation in an effort to allow the department flexibility to ensure statewide representation. The members will be individuals representing the local law enforcement agencies throughout the state.

The advisory group members will not be compensated for serving, however, they will be entitled for reimbursement for travel expenses incurred while serving as members.

**Section 2.**

This section provides that this act will take effect July 1, 1989, or upon becoming law, whichever occurs later.



II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

It is anticipated that the fiscal impact of this legislation resulting from travel expenses of the advisory members will be insignificant. The department indicates that the provisions in this legislation could be implemented within existing resources and positions. There will be some travel expenses incurred by the advisory group and the department estimates that the travel expenses (per diem) of the advisory group would be less than \$20,000.

	<u>FY 1989 - 90</u>
Travel, expenses, per diem of advisory group members	\$20,000

2. Recurring or Annualized Continuation Effects:

There will be a future fiscal impact when the advisory group makes a recommendation regarding the specifics of implementing a statewide youth gang data base. These costs will be specified in the final report of the advisory group and would related to future implementing legislation.

3. Long Run Effects Other Than Normal Growth:

The long run effects of this legislation would include more effective investigatory tools for local agencies which might lead to a savings in resources.

4. Appropriations Consequences:

The travel expenses of the advisory group is estimated to be less than \$20,000.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

This legislation is in compliance with the State Comprehensive Plan's goals and policies as stated in section 187.201 (7), F.S., in its attempt to improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for certain types of criminal activities.

IV. COMMENTS:

This legislation is also consistent with the Youth Committee's mission statement to develop data on youth gangs and the policy objective of the House to improve communication of information on repeat offenders (IV,B.4.).

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Karen Mann  
Karen Mann

Staff Director:

Richard Herring  
Richard Herring

APPROPRIATIONS:

Prepared by:

\_\_\_\_\_

Staff Director:

\_\_\_\_\_