



Report of the

Governor’s Task Force on Citizen Safety and Protection

Lieutenant Governor Jennifer Carroll

Chairwoman

December, 2012

REPORT OF THE GOVERNOR’S

TASK FORCE ON CITIZEN SAFETY AND PROTECTION

December 2012

TABLE OF CONTENTS

1. Mission Statement, Scope of Work, and Guiding Principles……… 3
2. Methodology………………………………………………………………… 4
3. Core Recommendations of the Task Force………………………….. 5
4. APPENDIX A: TASK FORCE CHARGE………….…………………….. 7

APPENDIX B: TASK FORCE MEMBERSHIP……………………….…. 8

APPENDIX C: MAP OF TASK FORCE MEMBERS

AND MEETING LOCATIONS………………………………………... 9

 APPENDIX D: CHAPTER 776, FLORIDA STATUTES……………….. 10

Mission Statement, Guiding Principles, and Scope of Work

MISSION STATEMENT

 *“The Task Force on Citizen Safety and Protection will review Chapter 776, F.S., and its implementation, listen to the concerns and ideas from Floridians, and make recommendations to the Governor and Florida Legislature to ensure the rights of all Floridians and visitors, including the right to feel safe and secure in our state.”*

GUIDING PRINCIPLES

1. *Provide forums where Floridians have the opportunity to be heard regarding Chapter 776, Florida Statutes.*
2. *Develop trust by bring objectivity to the meetings, listening with an open mind and maintaining a calm and productive environment.*
3. *Ensure an open and honest discussion of relevant laws, rules, regulations, and programs.*
4. *Protect the rights of all Floridians and visitors to feel safe and secure in our state.*

SCOPE OF WORK TO ACCOMPLISH MISSION

1. *Determine where and when public hearings should be held in the state with a rationale based on Guiding Principles.*
2. *Define the listening processes to be used in these public hearings.*
3. *Develop communication plan with multiple and varied media forms to ensure all interested citizens have the opportunity to participate.*
4. *Review and discuss Chapter 776, F.S. and its implementation.*
5. *Conduct meetings and consolidate information including relevant data, including national comparisons.*
6. *Prepare a report for Governor Scott and the Florida Legislature by the start of the legislative session.*

Methodology

The Task Force on Citizen Safety and Protection was established by Governor Rick Scott on March 22, 2012. Governor Scott appointed Lieutenant Governor Jennifer Carroll as Chair and Reverend R.B. Holmes, Jr. as Vice Chair. Governor Scott charged the Task Force with holding public hearings, taking testimony, soliciting ideas, reviewing all matters related to the rights of all Floridians to feel safe and secure in our state, and draft a report to the Governor and the Legislature.

The Task Force established Guiding Principles and a Scope of Work to accomplish the mission. In accordance, the Task Force established meeting dates and locations that encompassed a cross-section of the state in terms of geographic locations. The Task Force set meeting agendas that included presentations by subject matter experts and testimony from the general public. To accomplish the task of reaching the broadest segment of the population, all meetings were aired live on the Florida Channel and a website and social media accounts were developed to provide a transparent process and to allow input from citizens. The website, http://www.flgov.com/citizensafety, includes input from citizens, all materials reviewed by the Task Force, agendas, meeting minutes, speaker bios, archived video of meetings, and contact information.

The Task Force held public meetings in Tallahassee, Longwood, Arcadia, West Palm Beach, Cutler Bay, Jacksonville, and Pensacola.

The Task Force invited subject matter experts to make presentations that were relevant to the mission. The subject matter experts included individuals with expertise in law enforcement investigations, prosecution, legal defense, neighborhood watch, private security, data analysis (university professors), civil rights, and second amendment rights.

Core Recommendations

After holding seven public meetings across the state, hearing from a broad array of relevant subject matter experts, and considering over 9,000 pieces of correspondence, 550 phone calls, 60 comment cards, 140 public comments at Task Force meetings, and over 30 documents, the Task Force recommends the following:

1. *The Task Force concurs with the core belief that every citizen and visitor of the State of Florida has a right to feel safe and secure in our state. To that end, citizens and visitors have a fundamental right to defend themselves from attack with proportionate force in every place they have a lawful right to be.*
2. *The Task Force recommends the Legislature examine the term “Unlawful Activity” as used in Chapter 776, Florida Statutes and provide a statutory definition to provide clarity to citizens and visitors of the State of Florida and to law enforcement, prosecutors, defense attorneys, and the judiciary.*

The Task Force heard numerous “what if” examples related to the definition of “Unlawful Activity” as used in Chapter 776, Florida Statutes. Questions that were raised included whether the term applied to all unlawful activity including misdemeanors, ordinances, and minor traffic violations. A lack of definition of the term could cause inequality in the application of the law across the state. The Task Force does not intend to usurp the authority of the legislature by drafting specific language but merely advise the legislature that there may be unintended consequence and misapplication of the law if the term is not clarified.

1. *The Task Force recommends the Legislature work with associations, law enforcement agencies, prosecutors, defense attorneys, and the judiciary to ensure uniform and fair application of self defense laws.*

The Task Force heard testimony from citizens, law enforcement, prosecutors, and defense attorneys that Chapter 776, Florida Statutes, although well intended, is not always fairly and equitably applied across the state. The Task Force heard examples of specific self defense cases where individuals felt the law was not fairly applied. Although the Task Force’s mission was not to retry individual cases, there was enough evidence presented to suggest that education amongst the parties including law enforcement, prosecutors, defense attorneys, the judiciary, and the citizens of the State of Florida could contribute to a more uniformed and educated application of the law.

1. ***The Task Force recommends the Legislature review applicable standards for recognized neighborhood watch groups and encourage additional training requirements.***

The Task Force heard testimony from a neighborhood watch volunteer, crime prevention coordinator, and private security companies regarding standards for neighborhood watch groups.

The standards for neighborhood watch groups ranged from the loosely organized to sophisticated organizations that employed written policies and procedures and strict standards for volunteers.

The Task Force learned through these presentations that neighborhood watch volunteers are residents of their respective communities who volunteer their time; however, there are usually no requirements to participate or training provided to them. This could result in occurrences of volunteers acting outside the scope of the intent of neighborhood watch, which is to observe and report only.

APPENDIX A

TASK FORCE CHARGE

APPENDIX B

TASK FORCE MEMBERSHIP

APPENDIX C

MAP OF TASK FORCE MEMBERS

AND MEETING LOCATIONS

APPENDIX D

CHAPTER 776, FLORIDA STATUTES