

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ahern offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (5) of section 20.315, Florida  
6 Statutes, is amended to read:

7 20.315 Department of Corrections.—There is created a  
8 Department of Corrections.

9 (5) ANNUAL REPORTING.—The department shall report annually  
10 to the Governor, the President of the Senate, and the Speaker of  
11 the House of Representatives recounting its activities and  
12 making recommendations for improvements to the performance of

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13 the department. The annual report shall include information  
14 published under s. 945.041.

15 Section 2. Section 900.05, Florida Statutes, is created to  
16 read:

17 900.05 Criminal justice data collection.-

18 (1) LEGISLATIVE FINDINGS AND INTENT.-It is the intent of  
19 the Legislature to create a model of uniform criminal justice  
20 data collection by requiring local and state criminal justice  
21 agencies to report complete, accurate, and timely data, and  
22 making such data available to the public. The Legislature finds  
23 that it is an important state interest to implement a uniform  
24 data collection process and promote criminal justice data  
25 transparency.

26 (2) DEFINITIONS.-As used in this section, the term:

27 (a) "Annual felony caseload" means the yearly caseload of  
28 each full-time state attorney and assistant state attorney or  
29 public defender and assistant public defender for cases assigned  
30 to the circuit criminal division, based on the number of felony  
31 cases reported to the Supreme Court under s. 25.075. The term  
32 does not include the appellate caseload of a public defender or  
33 assistant public defender. Cases reported pursuant to this term  
34 must be associated with a case number and each case number must  
35 only be reported once regardless of the number of attorney  
36 assignments that occur during the course of litigation.

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37 (b) "Annual misdemeanor caseload" means the yearly  
38 caseload of each full-time state attorney and assistant state  
39 attorney or public defender and assistant public defender for  
40 cases assigned to the county criminal division, based on the  
41 number of misdemeanor cases reported to the Supreme Court under  
42 s. 25.075. The term does not include the appellate caseload of a  
43 public defender or assistant public defender. Cases reported  
44 pursuant to this term must be associated with a case number and  
45 each case number must only be reported once regardless of the  
46 number of attorney assignments that occur during the course of  
47 litigation.

48 (c) "Attorney assignment date" means the date a court-  
49 appointed attorney is assigned to the case or, if privately  
50 retained, the date an attorney files a notice of appearance with  
51 the clerk of court.

52 (d) "Attorney withdrawal date" means the date the court  
53 removes court-appointed counsel from a case or, for a privately  
54 retained attorney, the date a motion to withdraw is granted by  
55 the court.

56 (e) "Case number" means the identification number assigned  
57 by the clerk of court to a criminal case.

58 (f) "Case status" means whether a case is open, inactive,  
59 closed, or reopened due to a violation of probation or community  
60 control.

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61 (g) "Charge description" means the statement of the  
62 conduct that is alleged to have been violated, the associated  
63 statutory section establishing such conduct as criminal, and the  
64 misdemeanor or felony classification that is provided for in the  
65 statutory section alleged to have been violated.

66 (h) "Charge modifier" means an aggravating circumstance of  
67 an alleged crime that enhances or reclassifies a charge to a  
68 more serious misdemeanor or felony offense level.

69 (i) "Concurrent or consecutive sentence flag" means an  
70 indication that a defendant is serving another sentence  
71 concurrently or consecutively in addition to the sentence for  
72 which data is being reported.

73 (j) "Daily number of correctional officers" means the  
74 number of full-time, part-time, and auxiliary correctional  
75 officers who are actively providing supervision, protection,  
76 care, custody, and control of inmates in a county detention  
77 facility or state correctional institution or facility each day.

78 (k) "Defense attorney type" means whether the attorney is  
79 a public defender, regional conflict counsel, or other counsel  
80 court-appointed for the defendant; the attorney is privately  
81 retained by the defendant; or the defendant is represented pro  
82 se.

83 (l) "Deferred prosecution or pretrial diversion agreement  
84 date" means the date a contract is signed by the parties

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85 regarding a defendant's admission into a deferred prosecution or  
86 pretrial diversion program.

87 (m) "Deferred prosecution or pretrial diversion hearing  
88 date" means each date that a hearing, including a status  
89 hearing, is held on a case that is in a deferred prosecution or  
90 pretrial diversion program, if applicable.

91 (n) "Disciplinary violation and action" means any conduct  
92 performed by an inmate in violation of the rules of a county  
93 detention facility or state correctional institution or facility  
94 that results in the initiation of disciplinary proceedings by  
95 the custodial entity and the consequences of such disciplinary  
96 proceedings.

97 (o) "Disposition date" means the date of final judgment,  
98 adjudication, adjudication withheld, dismissal, or nolle  
99 prosequi for the case and if different dates apply, the  
100 disposition dates of each charge.

101 (p) "Domestic violence flag" means an indication that a  
102 charge involves domestic violence as defined in s. 741.28.

103 (q) "Gang affiliation flag" means an indication that a  
104 defendant is involved in or associated with a criminal gang as  
105 defined in s. 874.03.

106 (r) "Gain-time credit earned" means a credit of time  
107 awarded to an inmate in a county detention facility in  
108 accordance with s. 951.22 or a state correctional institution or  
109 facility in accordance with s. 944.275.

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110 (s) "Habitual offender flag" means an indication that a  
111 defendant is a habitual felony offender as defined in s. 775.084  
112 or a habitual misdemeanor offender as defined in s. 775.0837.

113 (t) "Judicial transfer date" means a date on which a  
114 defendant's case is transferred to another court or presiding  
115 judge.

116 (u) "Number of contract attorneys representing indigent  
117 defendants for the office of the public defender" means the  
118 number of attorneys hired on a temporary basis, by contract, to  
119 represent indigent clients who were appointed a public defender.

120 (v) "Pretrial release violation flag" means an indication  
121 that the defendant has violated the terms of his or her pretrial  
122 release.

123 (w) "Prior incarceration within the state" means any prior  
124 history of a defendant being incarcerated in a county detention  
125 facility or state correctional institution or facility.

126 (x) "Tentative release date" means the anticipated date  
127 that an inmate will be released from incarceration after the  
128 application of adjustments for any gain-time earned or credit  
129 for time served.

130 (y) "Sexual offender flag" means an indication that a  
131 defendant required to register as a sexual predator as defined  
132 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

133 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
134 2019, an entity required to collect data in accordance with this

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135 subsection shall collect the specified data required of the  
136 entity on a biweekly basis. Each entity shall report the data  
137 collected in accordance with this subsection to the Department  
138 of Law Enforcement on a monthly basis.

139 (a) Clerk of the court.—Each clerk of court shall collect  
140 the following data for each criminal case:

141 1. Case number.

142 2. Date that the alleged offense occurred.

143 3. County in which the offense is alleged to have  
144 occurred.

145 4. Date the defendant is taken into physical custody by a  
146 law enforcement agency or is issued a notice to appear on a  
147 criminal charge, if such date is different from the date the  
148 offense is alleged to have occurred.

149 5. Date that the criminal prosecution of a defendant is  
150 formally initiated through the filing, with the clerk of the  
151 court, of an information by the state attorney or an indictment  
152 issued by a grand jury.

153 6. Arraignment date.

154 7. Attorney assignment date.

155 8. Attorney withdrawal date.

156 9. Case status.

157 10. Disposition date.

158 11. Information related to each defendant, including:

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159 a. Identifying information, including name, date of birth,  
160 age, race or ethnicity, and gender.

161 b. Zip code of primary residence.

162 c. Primary language.

163 d. Citizenship.

164 e. Immigration status, if applicable.

165 f. Whether the defendant has been found by a court to be  
166 indigent pursuant to s. 27.52.

167 12. Information related to the formal charges filed  
168 against the defendant, including:

169 a. Charge description.

170 b. Charge modifier, if applicable.

171 c. Drug type for each drug charge, if known.

172 d. Qualification for a flag designation as defined in this  
173 section, including a domestic violence flag, gang affiliation  
174 flag, sexual offender flag, habitual offender flag, or pretrial  
175 release violation flag.

176 13. Information related to bail or bond and pretrial  
177 release determinations, including the dates of any such  
178 determinations:

179 a. Pretrial release determination made at a first  
180 appearance hearing that occurs within 24 hours of arrest,  
181 including all monetary and nonmonetary conditions of release.

182 b. Modification of bail or bond conditions made by a court  
183 having jurisdiction to try the defendant or, in the absence of

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184 the judge of the trial court, by the circuit court, including  
185 modifications to any monetary and nonmonetary conditions of  
186 release.

187 c. Cash bail or bond payment, including whether the  
188 defendant utilized a bond agent to post a surety bond.

189 d. Date defendant is released on bail, bond, or pretrial  
190 release.

191 e. Bail or bond revocation due to a new offense, a failure  
192 to appear, or a violation of the terms of bail or bond, if  
193 applicable.

194 14. Information related to court dates and dates of  
195 motions and appearances, including:

196 a. Date of any court appearance and the type of proceeding  
197 scheduled for each date reported.

198 b. Date of any failure to appear in court, if applicable.

199 c. Judicial transfer date, if applicable.

200 d. Trial date.

201 e. Date that a defendant files a notice to participate in  
202 discovery.

203 f. Speedy trial motion and hearing dates, if applicable.

204 g. Dismissal motion and hearing dates, if applicable.

205 15. Defense attorney type.

206 16. Information related to sentencing, including:

207 a. Date that a court enters a sentence against a  
208 defendant.

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209 b. Charge sentenced to, including charge sequence number,  
210 charge description, statute, type, and charge class severity.

211 c. Sentence type and length imposed by the court,  
212 including, but not limited to, the total duration of  
213 imprisonment in a county detention facility or state  
214 correctional institution or facility, and conditions probation  
215 or community control supervision.

216 d. Amount of time served in custody by the defendant  
217 related to the reported criminal case that is credited at the  
218 time of disposition of the case to reduce the actual length of  
219 time the defendant will serve on the term of imprisonment that  
220 is ordered by the court at disposition.

221 e. Total amount of court fees imposed by the court at the  
222 disposition of the case.

223 f. Outstanding balance of the defendant's court fees  
224 imposed by the court at disposition of the case.

225 g. Total amount of fines imposed by the court at the  
226 disposition of the case.

227 h. Outstanding balance of the defendant's fines imposed by  
228 the court at disposition of the case.

229 i. Restitution amount ordered, including the amount  
230 collected by the court and the amount paid to the victim, if  
231 applicable.

232 j. Digitized sentencing scoresheet prepared in accordance  
233 with s. 921.0024.

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234 17. The number of judges or magistrates, or their  
235 equivalents, hearing cases in circuit or county criminal  
236 divisions of the circuit court. Judges or magistrates, or their  
237 equivalents, who solely hear appellate cases from the county  
238 criminal division are not to be reported under this  
239 subparagraph.

240 (b) State attorney.—Each state attorney shall collect the  
241 following data:

242 1. Information related to a human victim of a criminal  
243 offense, including:

244 a. Identifying information of the victim, including race  
245 or ethnicity, gender, and age.

246 b. Relationship to the offender, if any.

247 2. Number of full-time prosecutors.

248 3. Number of part-time prosecutors.

249 4. Annual felony caseload.

250 5. Annual misdemeanor caseload.

251 6. Any charge referred to the state attorney by a law  
252 enforcement agency related to an episode of criminal activity.

253 7. Number of cases in which a no-information was filed.

254 8. Information related to each defendant, including:

255 a. Each charge referred to the state attorney by a law  
256 enforcement agency related to an episode of criminal activity.

257 b. Drug type for each drug charge, if applicable.

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258 (c) Public defender.—Each public defender shall collect  
259 the following data for each criminal case:

260 1. Number of full-time public defenders.

261 2. Number of part-time public defenders.

262 3. Number of contract attorneys representing indigent  
263 defendants for the office of the public defender.

264 4. Annual felony caseload.

265 5. Annual misdemeanor caseload.

266 (d) County detention facility.—The administrator of each  
267 county detention facility shall collect the following data:

268 1. Maximum capacity for the county detention facility.

269 2. Weekly admissions to the county detention facility for  
270 a revocation of probation or community control.

271 3. Daily population of the county detention facility,  
272 including the specific number of inmates in the custody of the  
273 county that:

274 a. Are awaiting case disposition.

275 b. Have been sentenced by a court to a term of  
276 imprisonment in the county detention facility.

277 c. Have been sentenced by a court to a term of  
278 imprisonment with the Department of Corrections and who are  
279 awaiting transportation to the department.

280 d. Have a federal detainer or are awaiting disposition of  
281 a case in federal court.

282 4. Information related to each inmate, including:

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283 a. Date a defendant is processed into the county detention  
284 facility subsequent to an arrest for a new violation of law or  
285 for a violation of probation or community control.

286 b. Reason why a defendant is processed into the county  
287 detention facility if it is for a new law violation or a  
288 violation of probation or community control.

289 b. Qualification for a flag designation as defined in this  
290 section, including domestic violence flag, gang affiliation  
291 flag, habitual offender flag, pretrial release violation flag,  
292 or sexual offender flag.

293 5. Total population of the county detention facility at  
294 year-end. This data must include the same specified  
295 classifications as subparagraph 3.

296 6. Per diem rate for a county detention facility bed.

297 7. Daily number of correctional officers for the county  
298 detention facility.

299 8. Annual county detention facility budget. This  
300 information only needs to be reported once annually at the  
301 beginning of the county's fiscal year.

302 9. Revenue generated for the county from the temporary  
303 incarceration of federal defendants or inmates.

304 (e) Department of Corrections.—The Department of  
305 Corrections shall collect the following data:

306 1. Information related to each inmate, including:

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307 a. Identifying information, including name, date of birth,  
308 race or ethnicity, and identification number assigned by the  
309 department.

310 b. Number of children.

311 c. Education level, including any vocational training.

312 d. Date the inmate was admitted to the custody of the  
313 department.

314 e. Current institution placement and the security level  
315 assigned to the institution.

316 f. Custody level assignment.

317 g. Qualification for a flag designation as defined in this  
318 section, including sexual offender flag, habitual offender flag,  
319 gang affiliation flag, or concurrent or consecutive sentence  
320 flag.

321 h. County that committed the prisoner to the custody of  
322 the department.

323 i. Whether the reason for admission to the department is  
324 for a new conviction or a violation of probation, community  
325 control, or parole. For an admission for a probation, community  
326 control, or parole violation, the department shall report  
327 whether the violation was technical or based on a new violation  
328 of law.

329 j. Specific statutory citation for which the inmate was  
330 committed to the department, including, for an inmate convicted

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331 of drug trafficking under s. 893.135, the statutory citation for  
332 each specific drug trafficked.

333 k. Length of sentence or concurrent or consecutive  
334 sentences served.

335 l. Tentative release date.

336 m. Gain time earned in accordance with s. 944.275.

337 n. Prior incarceration within the state.

338 o. Disciplinary violation and action.

339 p. Participation in rehabilitative or educational programs  
340 while in the custody of the department.

341 2. Information about each state correctional institution  
342 or facility, including:

343 a. Budget for each state correctional institution or  
344 facility.

345 b. Daily prison population of all inmates incarcerated in  
346 a state correctional institution or facility.

347 c. Daily number of correctional officers for each state  
348 correctional institution or facility.

349 3. Information related to persons supervised by the  
350 department on probation or community control, including:

351 a. Identifying information for each person supervised by  
352 the department on probation or community control, including his  
353 or her name, date of birth, race or ethnicity, sex, and  
354 department-assigned case number.

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355 b. Length of probation or community control sentence  
356 imposed and amount of time that has been served on such  
357 sentence.

358 c. Projected termination date for probation or community  
359 control.

360 d. Revocation of probation or community control due to a  
361 violation, including whether the revocation is due to a  
362 technical violation of the conditions of supervision or from the  
363 commission of a new law violation.

364 4. Per diem rates for:

365 a. Prison bed.

366 b. Probation.

367 c. Community control.

368  
369 This information only needs to be reported once annually at the  
370 time the most recent per diem rate is published.

371 (4) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019,  
372 the Department of Law Enforcement shall publish datasets in its  
373 possession in a modern, open, electronic format that is machine-  
374 readable and readily accessible by the public on the  
375 department's website. The published data must be searchable, at  
376 a minimum, by each data element, county, circuit, and unique  
377 identifier. Beginning March 1, 2019, the department shall begin  
378 publishing the data received under subsection (2) in the same  
379 modern, open, electronic format that is machine-readable and

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380 readily accessible to the public on the department's website.  
381 The department shall publish all data received under subsection  
382 (2) no later than July 1, 2019.

383 (5) NONCOMPLIANCE.—Notwithstanding any other provision of  
384 law, an entity required to collect and transmit data under  
385 subsection (3) (a) or (3) (d) which does not comply with the  
386 requirements of this section is ineligible to receive funding  
387 from the General Appropriations Act, any state grant program  
388 administered by the Department of Law Enforcement, or any other  
389 state agency for 5 years after the date of noncompliance.

390 Section 3. Section 901.41, Florida Statutes, is created to  
391 read:

392 901.41 Prearrest diversion programs.—

393 (1) LEGISLATIVE INTENT.—The Legislature encourages local  
394 communities and public or private educational institutions to  
395 implement prearrest diversion programs that afford certain  
396 adults who fulfill specified intervention and community service  
397 obligations the opportunity to avoid an arrest record. The  
398 Legislature does not mandate that a particular prearrest  
399 diversion program for adults be adopted, but finds that the  
400 adoption of the model program provided in this section would  
401 allow certain adults to avoid an arrest record while ensuring  
402 that they receive appropriate services and fulfill their  
403 community service obligations. If a prearrest diversion program

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404 is implemented, the program is encouraged to share information  
405 with other prearrest diversion programs.

406 (2) MODEL PREARREST DIVERSION PROGRAM.—Local communities  
407 and public or private educational institutions may adopt a  
408 prearrest diversion program in which:

409 (a) Law enforcement officers, at their sole discretion,  
410 may issue a civil citation or similar prearrest diversion  
411 program notice to certain adults who commit a qualifying  
412 misdemeanor offense, as determined by the representatives that  
413 develop the program under subsection (3). A civil citation or  
414 similar prearrest diversion program notice may be issued if the  
415 adult who commits the offense:

416 1. Admits that he or she committed the offense or does not  
417 contest the offense; and

418 2. Has not previously been arrested and has not received  
419 an adult civil citation or similar prearrest diversion program  
420 notice, unless the terms of the local adult prearrest diversion  
421 program allow otherwise. The local adult prearrest diversion  
422 program shall establish a limit on the number of times an  
423 eligible adult may participate in the program.

424 (b) An adult who receives a civil citation or similar  
425 prearrest diversion program notice shall report for intake as  
426 required by the local prearrest diversion program and must be  
427 provided appropriate assessment, intervention, education, and  
428 behavioral health care services by the program. While in the

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429 local prearrest diversion program, the adult shall perform  
430 community service hours as specified by the program. The adult  
431 shall pay restitution due to the victim as a program  
432 requirement. If the adult does not successfully complete the  
433 prearrest diversion program, the law enforcement officer must  
434 determine if there is good cause to arrest the adult for the  
435 original misdemeanor offense and, if so, refer the case to the  
436 state attorney to determine whether prosecution is appropriate  
437 or, in the absence of a finding of good cause, allow the adult  
438 to continue in the program.

439 (3) PROGRAM DEVELOPMENT; IMPLEMENTATION; OPERATION.-

440 (a) Representatives of participating law enforcement  
441 agencies, a representative of the program services provider, the  
442 public defender, the state attorney, and the clerk of the  
443 circuit court shall create the prearrest diversion program and  
444 develop its policies and procedures, including, but not limited  
445 to, eligibility criteria, program implementation and operation,  
446 and the determination of the fee, if any, to be paid by adults  
447 participating in the program. In developing the program's  
448 policies and procedures, which must include the designation of  
449 the misdemeanor offenses that qualify adults for participation  
450 in the program, the representatives must solicit input from  
451 other interested stakeholders. The program may be operated by an  
452 entity such as a law enforcement agency or a county or

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453 municipality, or other entity selected by the county or  
454 municipality.

455 (b) Upon intake of an adult participating in the prearrest  
456 diversion program, the program operator shall electronically  
457 provide the participant's personal identifying information to  
458 the clerk of the circuit court for the county in which the  
459 program provides services. Such information is not a court  
460 record, and the clerk of the circuit court shall maintain the  
461 confidentiality of the participant's personal identifying  
462 information as provided in subsection (5). The clerk of the  
463 circuit court shall maintain such information in a statewide  
464 database, which must provide a single point of access for all  
465 such statewide information. If the program imposes a  
466 participation fee, the clerk of the circuit court must receive a  
467 reasonable portion, to be determined by the stakeholders  
468 creating the program, for receipt and maintenance of the  
469 required information. The fee shall be deposited by the clerk of  
470 the circuit court into the fine and forfeiture fund established  
471 under s. 142.01.

472 (4) APPLICABILITY.—This section does not preempt a county  
473 or municipality from enacting noncriminal sanctions for a  
474 violation of an ordinance or other violation, and it does not  
475 preempt a county, a municipality, or a public or private  
476 educational institution from creating its own model for a  
477 prearrest diversion program for adults.

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478       (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor  
479 crime of domestic violence, as defined in s. 741.28, or a  
480 misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047,  
481 s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a  
482 civil citation or prearrest diversion program.

483       Section 4. Paragraph (b) of subsection (4) of section  
484 907.043, Florida Statutes, is amended to read:

485       907.043 Pretrial release; citizens' right to know.—

486       (4)

487       (b) The annual report must contain, but need not be  
488 limited to:

489       1. The name, location, and funding sources of the pretrial  
490 release program, including the amount of public funds, if any,  
491 received by the pretrial release program.

492       2. The operating and capital budget of each pretrial  
493 release program receiving public funds.

494       3.a. The percentage of the pretrial release program's  
495 total budget representing receipt of public funds.

496       b. The percentage of the total budget which is allocated  
497 to assisting defendants obtain release through a nonpublicly  
498 funded program.

499       c. The amount of fees paid by defendants to the pretrial  
500 release program.

501       4. The number of persons employed by the pretrial release  
502 program.

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503           5. The number of defendants assessed and interviewed for  
504 pretrial release.

505           6. The number of defendants recommended for pretrial  
506 release.

507           7. The number of defendants for whom the pretrial release  
508 program recommended against nonsecured release.

509           8. The number of defendants granted nonsecured release  
510 after the pretrial release program recommended nonsecured  
511 release.

512           9. The number of defendants assessed and interviewed for  
513 pretrial release who were declared indigent by the court.

514           10. The number of defendants accepted into a pretrial  
515 release program who paid a surety or cash bail or bond.

516           11. The number of defendants for whom a risk assessment  
517 tool was used in determining whether the defendant should be  
518 released pending the disposition of the case and the number of  
519 defendants for whom a risk assessment tool was not used.

520           12. The specific statutory citation for each criminal  
521 charge related to a defendant whose case is accepted into a  
522 pretrial release program, including, at a minimum, the number of  
523 defendants charged with dangerous crimes as defined in s.  
524 907.041; nonviolent felonies; or misdemeanors only. A  
525 "nonviolent felony" for purposes of this subparagraph excludes  
526 the commission of, an attempt to commit, or a conspiracy to  
527 commit any of the following:

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- 528 a. An offense enumerated in s. 775.084(1) (c);  
529 b. An offense that requires a person to register as a  
530 sexual predator in accordance with s. 775.21 or as a sexual  
531 offender in accordance with s. 943.0435  
532 c. Failure to register as a sexual predator in violation  
533 of s. 775.21 or as a sexual offender in violation of s.  
534 943.0435;  
535 d. Facilitating or furthering terrorism in violation of s.  
536 775.31;  
537 e. A forcible felony as described in s. 776.08;  
538 f. False imprisonment in violation of s. 787.02;  
539 g. Burglary of a dwelling or residence in violation of s.  
540 810.02(3).  
541 h. Abuse, aggravated abuse, and neglect of an elderly  
542 person or disabled adult in violation of s. 825.102;  
543 i. Abuse, aggravated abuse, and neglect of a child in  
544 violation of s. 827.03;  
545 j. Poisoning of food or water in violation of s. 859.01;  
546 k. Abuse of a dead human body in violation of s. 872.06;  
547 l. A capital offense in violation of chapter 893;  
548 m. An offense that results in serious bodily injury or  
549 death to another human; or  
550 n. A felony offense in which the defendant used a weapon  
551 or firearm in the commission of the offense.

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552        13. The number of defendants accepted into a pretrial  
553 release program with no prior criminal conviction.

554        ~~14.10.~~ The name and case number of each person granted  
555 nonsecured release who:

556            a. Failed to attend a scheduled court appearance.

557            b. Was issued a warrant for failing to appear.

558            c. Was arrested for any offense while on release through  
559 the pretrial release program.

560        ~~15.11.~~ Any additional information deemed necessary by the  
561 governing body to assess the performance and cost efficiency of  
562 the pretrial release program.

563        Section 5. Subsections (3), (4), (5), (6), and (7) of  
564 section 921.0024, Florida Statutes, are amended to read:

565            921.0024 Criminal Punishment Code; worksheet computations;  
566 scoresheets.-

567            (3) A single digitized scoresheet shall be prepared for  
568 each defendant to determine the permissible range for the  
569 sentence that the court may impose, except that if the defendant  
570 is before the court for sentencing for more than one felony and  
571 the felonies were committed under more than one version or  
572 revision of the guidelines or the code, separate digitized  
573 scoresheets must be prepared. The scoresheet or scoresheets must  
574 cover all the defendant's offenses pending before the court for  
575 sentencing. The state attorney shall prepare the digitized  
576 scoresheet or scoresheets, which must be presented to the

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577 defense counsel for review for accuracy in all cases unless the  
578 judge directs otherwise. The defendant's scoresheet or  
579 scoresheets must be approved and signed by the sentencing judge.

580 (4) The Department of Corrections, in consultation with  
581 the Office of the State Courts Administrator, state attorneys,  
582 and public defenders, must develop and submit the revised  
583 digitized Criminal Punishment Code scoresheet to the Supreme  
584 Court for approval by June 15 of each year, as necessary. The  
585 digitized scoresheet shall have individual, structured data  
586 cells for each data field on the scoresheet. Upon the Supreme  
587 Court's approval of the revised digitized scoresheet, the  
588 Department of Corrections shall produce and provide ~~sufficient~~  
589 ~~copies of~~ the revised digitized scoresheets by September 30 of  
590 each year, as necessary. Digitized scoresheets must include  
591 individual data cells to indicate ~~item entries for the~~  
592 ~~scoresheet preparer's use in indicating~~ whether any prison  
593 sentence imposed includes a mandatory minimum sentence or the  
594 sentence imposed was a downward departure from the lowest  
595 permissible sentence under the Criminal Punishment Code.

596 (5) The Department of Corrections shall make available  
597 ~~distribute sufficient copies of~~ the digitized Criminal  
598 Punishment Code scoresheets to those persons charged with the  
599 responsibility for preparing scoresheets.

600 (6) The clerk of the circuit court shall transmit a  
601 complete, and accurate digitized, ~~and legible~~ copy of the

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602 Criminal Punishment Code scoresheet used in each sentencing  
603 proceeding to the Department of Corrections. Scoresheets must be  
604 electronically transmitted no less frequently than monthly, by  
605 the first of each month, and may be sent collectively.

606 (7) A digitized sentencing scoresheet must be prepared for  
607 every defendant who is sentenced for a felony offense. ~~A copy of~~  
608 The individual offender's digitized Criminal Punishment Code  
609 scoresheet and any attachments thereto prepared pursuant to Rule  
610 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
611 Procedure, or any other rule pertaining to the preparation and  
612 submission of felony sentencing scoresheets, must be included  
613 with ~~attached to the copy of~~ the uniform judgment and sentence  
614 form provided to the Department of Corrections.

615 Section 6. Section 943.0582, Florida Statutes, is amended  
616 to read:

617 943.0582 ~~Prearrest, postarrest, or teen court~~ Diversion  
618 program expunction.—

619 (1) Notwithstanding any law dealing generally with the  
620 preservation and destruction of public records, the department  
621 shall adopt rules to ~~may provide, by rule adopted pursuant to~~  
622 ~~chapter 120,~~ for the expunction of a ~~any~~ nonjudicial record of  
623 the arrest of a minor who has successfully completed a ~~prearrest~~  
624 ~~or postarrest~~ diversion program for a misdemeanor offense ~~minors~~  
625 ~~as authorized by s. 985.125.~~

626 (2)(a) As used in this section, the term:

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627           (a) "Diversion program" means a program under s. 985.12,  
628 s. 985.125, s. 985.155, or s. 985.16 or a program to which a  
629 referral is made by a state attorney under s. 985.15.

630           (b) "Expunction" has the same meaning ascribed in and  
631 effect as s. 943.0585, except that:

632           1. The provisions of s. 943.0585(4) (a) do not apply,  
633 except that the criminal history record of a person whose record  
634 is expunged pursuant to this section shall be made available  
635 only to criminal justice agencies for the purpose of:

636           a. Determining eligibility for ~~prearrest, postarrest, or~~  
637 ~~teen court~~ diversion programs;

638           b. ~~when the record is sought as part of A criminal~~  
639 ~~investigation; or~~

640           c. Making a prosecutorial decision under s. 985.15 ~~when~~  
641 ~~the subject of the record is a candidate for employment with a~~  
642 ~~criminal justice agency. For all other purposes, a person whose~~  
643 ~~record is expunged under this section may lawfully deny or fail~~  
644 ~~to acknowledge the arrest and the charge covered by the expunged~~  
645 ~~record.~~

646           2. Records maintained by local criminal justice agencies  
647 in the county in which the arrest occurred that are eligible for  
648 expunction pursuant to this section shall be sealed as the term  
649 is used in s. 943.059.

650           ~~(b) As used in this section, the term "nonviolent~~  
651 ~~misdemeanor" includes simple assault or battery when prearrest~~

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652 ~~or postarrest diversion expunction is approved in writing by the~~  
653 ~~state attorney for the county in which the arrest occurred.~~

654 (3) The department shall expunge the nonjudicial arrest  
655 record of a minor who has successfully completed a ~~prearrest or~~  
656 ~~postarrest~~ diversion program if that minor:

657 (a) Submits an application for ~~prearrest or postarrest~~  
658 diversion expunction, on a form prescribed by the department,  
659 signed by the minor's parent or legal guardian, or by the minor  
660 if he or she has reached the age of majority at the time of  
661 applying.

662 (b) Submits to the department, with the application, an  
663 official written statement from the state attorney for the  
664 county in which the arrest occurred certifying that he or she  
665 has successfully completed that county's ~~prearrest or postarrest~~  
666 diversion program, that his or her participation in the program  
667 was based on an arrest for a ~~nonviolent~~ misdemeanor, and that he  
668 or she has not otherwise been charged by the state attorney  
669 with, or found to have committed, any criminal offense or  
670 comparable ordinance violation.

671 ~~(c) Participated in a prearrest or postarrest diversion~~  
672 ~~program that expressly authorizes or permits such expunction.~~

673 ~~(d) Participated in a prearrest or postarrest diversion~~  
674 ~~program based on an arrest for a nonviolent misdemeanor that~~  
675 ~~would not qualify as an act of domestic violence as that term is~~  
676 ~~defined in s. 741.28.~~

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677 ~~(c)(e)~~ Has never been, before filing the application for  
678 expunction, charged by the state attorney with, or found to have  
679 committed, any criminal offense or comparable ordinance  
680 violation.

681 ~~(4)~~ The department is authorized to charge a \$75  
682 processing fee for each request received for prearrest or  
683 postarrest diversion program expunction, for placement in the  
684 Department of Law Enforcement Operating Trust Fund, unless such  
685 fee is waived by the executive director.

686 ~~(4)(5)~~ Expunction or sealing granted under this section  
687 does not prevent the minor who receives such relief from  
688 petitioning for the expunction or sealing of a later criminal  
689 history record as provided for in ss. 943.0583, 943.0585, and  
690 943.059, if the minor is otherwise eligible under those  
691 sections.

692 Section 7. Section 943.687, Florida Statutes, is created  
693 to read:

694 943.687 Criminal justice data transparency.—In order to  
695 facilitate the availability of comparable and uniform criminal  
696 justice data, the department shall:

697 (1) Collect, compile, maintain, and manage the data  
698 submitted by local and state entities pursuant to s. 900.05 and  
699 coordinate related activities to collect and submit data. The  
700 department shall create a unique identifier for each criminal  
701 case received from the clerks of court which identifies the

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702 person who is the subject of the criminal case. The unique  
703 identifier must be the same for that person in any court case  
704 and used across local and state entities for all information  
705 related to that person at any time. The unique identifier shall  
706 be randomly created and may not include any portion of the  
707 person's social security number or date of birth.

708 (2) Promote criminal justice data sharing by making such  
709 data received under s. 900.05 comparable, transferable, and  
710 readily usable.

711 (3) Create and maintain an Internet-based database of  
712 criminal justice data received under s. 900.05 in a modern,  
713 open, electronic format that is machine-readable and readily  
714 accessible through an application program interface. The  
715 database shall allow the public to search, at a minimum, by each  
716 data element, county, judicial circuit, or unique identifier.  
717 The department may not require a license or charge a fee to  
718 access or receive information from the database.

719 (4) Develop written agreements with local, state, and  
720 federal agencies to facilitate criminal justice data sharing.

721 (5) Establish by rule:

722 (a) Requirements for the entities subject to the  
723 requirements of s. 900.05 to submit data through an application  
724 program interface.

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725 (b) A data catalog defining data objects, describing data  
726 fields, and detailing the meaning of and options for each data  
727 element reported pursuant to s. 900.05.

728 (c) How data collected pursuant to s. 900.05 is compiled,  
729 processed, structured, used, or shared. The rule shall provide  
730 for tagging all information associated with each case number and  
731 unique identifier.

732 (d) Requirements for implementing and monitoring the  
733 Internet-based database under subsection (3).

734 (e) How information contained in the Internet-based  
735 database under subsection (3) is accessed by the public.

736 (6) Consult with local, state, and federal criminal  
737 justice agencies and other public and private users of the  
738 database under subsection (3) on the data elements collected  
739 under s. 900.05, the use of such data, and adding data elements  
740 to be collected.

741 (7) Monitor data collection procedures and test data  
742 quality to facilitate the dissemination of accurate, valid,  
743 reliable, and complete criminal justice data.

744 (8) Develop methods for archiving data, retrieving  
745 archived data, and data editing and verification.

746 Section 8. Section 945.041, Florida Statutes, is created to  
747 read:

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748 945.041 Reports.—The department shall publish on its  
749 website and make available to the public the following  
750 information, updated on a quarterly basis:

751 (1) Inmate admissions by offense type. Burglary of  
752 dwelling offenses under s. 810.02(2), (3)(a), and (3)(b) shall  
753 be reported as a separate category from all other property  
754 crimes.

755 (2) The recidivism rate. As used in this subsection, the  
756 term "recidivism" means an inmate's rearrest, reconviction,  
757 reincarceration, or probation revocation in the state within a  
758 3-year time period following the inmate's release from  
759 incarceration.

760 Section 9. Section 985.12, Florida Statutes, is amended to  
761 read:

762 985.12 Civil citation or similar prearrest diversion  
763 programs.—

764 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
765 that the creation and implementation of civil citation or  
766 similar prearrest diversion programs at the judicial circuit  
767 level promotes public safety, aids interagency cooperation, and  
768 provides the greatest chance of success for civil citation and  
769 similar prearrest diversion programs. The Legislature further  
770 finds that the widespread use of civil citation and similar  
771 prearrest diversion programs has a positive effect on the  
772 criminal justice system and contributes to an overall reduction

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773 in the crime rate and recidivism in the state. The Legislature  
774 encourages but does not mandate that counties, municipalities,  
775 and public or private educational institutions participate in a  
776 civil citation or similar prearrest diversion program created by  
777 their judicial circuit under this section. ~~There is established~~  
778 ~~a juvenile civil citation process for the purpose of providing~~  
779 ~~an efficient and innovative alternative to custody by the~~  
780 ~~Department of Juvenile Justice for children who commit~~  
781 ~~nonserious delinquent acts and to ensure swift and appropriate~~  
782 ~~consequences. The department shall encourage and assist in the~~  
783 ~~implementation and improvement of civil citation programs or~~  
784 ~~other similar diversion programs around the state.~~

785 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST  
786 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION AND OPERATION.-

787 (a) A ~~The~~ civil citation or similar prearrest diversion  
788 program for misdemeanor offenses shall be established in each  
789 judicial circuit in the state. ~~The~~ at the local level with the  
790 concurrence of the chief judge of the circuit, state attorney  
791 and, public defender of each circuit, the clerk of the court for  
792 each county in the circuit, and representatives of participating  
793 law enforcement agencies in the circuit shall create a civil  
794 citation or similar prearrest diversion program and develop its  
795 policies and procedures. In developing the program's policies  
796 and procedures, input from other interested stakeholders may be  
797 solicited. The department shall annually develop and provide

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798 guidelines on best practice models for civil citation or similar  
799 prearrest diversion programs to the judicial circuits as a  
800 resource.

801 (b) Each judicial circuit's civil citation or similar  
802 prearrest diversion program must specify:

- 803 1. The misdemeanor offenses that qualify a juvenile for  
804 participation in the program;  
805 2. The eligibility criteria for the program;  
806 3. The program's implementation and operation;  
807 4. The program's requirements, including, but not limited  
808 to, the completion of community service hours, payment of  
809 restitution, if applicable, and intervention services indicated  
810 by a needs assessment of the juvenile, approved by the  
811 department, such as family counseling, urinalysis monitoring,  
812 and substance abuse and mental health treatment services; and  
813 5. A program fee, if any, to be paid by a juvenile  
814 participating in the program. If the program imposes a fee, the  
815 clerk of the court of the applicable county must receive a  
816 reasonable portion of the fee.

817 (c) The state attorney of each circuit shall operate a  
818 civil citation or similar prearrest diversion program in each  
819 circuit. A sheriff, police department, county, municipality, or  
820 public or private educational institution may continue to  
821 operate an independent civil citation or similar prearrest  
822 diversion program that is in operation as of October 1, 2018, if

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823 the independent program is reviewed by the state attorney of the  
824 applicable circuit and he or she determines that the independent  
825 program is substantially similar to the civil citation or  
826 similar prearrest diversion program developed by the circuit. If  
827 the state attorney determines that the independent program is  
828 not substantially similar to the civil citation or similar  
829 prearrest diversion program developed by the circuit, the  
830 operator of the independent diversion program may revise the  
831 program and the state attorney may conduct an additional review  
832 of the independent program.

833 (d) A judicial circuit may model an existing sheriff,  
834 police department, county, municipality, or public or private  
835 educational institution's independent civil citation or similar  
836 prearrest diversion program in developing the civil citation or  
837 similar prearrest diversion program for the circuit.

838 (e) If a juvenile does not successfully complete the civil  
839 citation or similar prearrest diversion program, the arresting  
840 law enforcement officer shall determine if there is good cause  
841 to arrest the juvenile for the original misdemeanor offense and  
842 refer the case to the state attorney to determine if prosecution  
843 is appropriate or allow the juvenile to continue in the program  
844 and the head of each local law enforcement agency involved. The  
845 program may be operated by an entity such as a law enforcement  
846 agency, the department, a juvenile assessment center, the county  
847 or municipality, or another entity selected by the county or

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848 ~~municipality. An entity operating the civil citation or similar~~  
849 ~~diversion program must do so in consultation and agreement with~~  
850 ~~the state attorney and local law enforcement agencies. Under~~  
851 ~~such a juvenile civil citation or similar diversion program, a~~  
852 ~~law enforcement officer, upon making contact with a juvenile who~~  
853 ~~admits having committed a misdemeanor, may choose to issue a~~  
854 ~~simple warning or inform the child's guardian or parent of the~~  
855 ~~child's infraction, or may issue a civil citation or require~~  
856 ~~participation in a similar diversion program, and assess up to~~  
857 ~~50 community service hours, and require participation in~~  
858 ~~intervention services as indicated by an assessment of the needs~~  
859 ~~of the juvenile, including family counseling, urinalysis~~  
860 ~~monitoring, and substance abuse and mental health treatment~~  
861 ~~services.~~

862       (f) A copy of each civil citation or similar prearrest  
863 diversion program notice issued under this section shall be  
864 provided to the department, and the department shall enter  
865 appropriate information into the juvenile offender information  
866 system. ~~Use of the civil citation or similar diversion program~~  
867 ~~is not limited to first-time misdemeanors and may be used in up~~  
868 ~~to two subsequent misdemeanors. If an arrest is made, a law~~  
869 ~~enforcement officer must provide written documentation as to why~~  
870 ~~an arrest was warranted.~~

871       (g) At the conclusion of a juvenile's civil citation  
872 program or similar prearrest diversion program, the state

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873 attorney or operator of the independent program agency operating  
874 ~~the program~~ shall report the outcome to the department. The  
875 issuance of a civil citation or similar prearrest diversion  
876 program notice is not considered a referral to the department.

877 ~~(2) The department shall develop guidelines for the civil~~  
878 ~~citation program which include intervention services that are~~  
879 ~~based upon proven civil citation or similar diversion programs~~  
880 ~~within the state.~~

881 ~~(h) (3)~~ Upon issuing ~~such a~~ a civil citation or similar  
882 prearrest diversion program notice, the law enforcement officer  
883 shall send a copy of ~~to~~ the civil citation or similar prearrest  
884 diversion program notice to county sheriff, state attorney, the  
885 ~~appropriate intake office of the department, or the community~~  
886 ~~service performance monitor designated by the department, the~~  
887 ~~parent or guardian of the child, and to~~ the victim.

888 ~~(4) The child shall report to the community service~~  
889 ~~performance monitor within 7 working days after the date of~~  
890 ~~issuance of the citation. The work assignment shall be~~  
891 ~~accomplished at a rate of not less than 5 hours per week. The~~  
892 ~~monitor shall advise the intake office immediately upon~~  
893 ~~reporting by the child to the monitor, that the child has in~~  
894 ~~fact reported and the expected date upon which completion of the~~  
895 ~~work assignment will be accomplished.~~

896 ~~(5) If the child fails to report timely for a work~~  
897 ~~assignment, complete a work assignment, or comply with assigned~~

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898 ~~intervention services within the prescribed time, or if the~~  
899 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~  
900 ~~officer shall issue a report alleging the child has committed a~~  
901 ~~delinquent act, at which point a juvenile probation officer~~  
902 ~~shall process the original delinquent act as a referral to the~~  
903 ~~department and refer the report to the state attorney for~~  
904 ~~review.~~

905 ~~(6) At the time of issuance of the citation by the law~~  
906 ~~enforcement officer, such officer shall advise the child that~~  
907 ~~the child has the option to refuse the citation and to be~~  
908 ~~referred to the intake office of the department. That option may~~  
909 ~~be exercised at any time before completion of the work~~  
910 ~~assignment.~~

911 Section 10. Subsection (3) of section 985.125, Florida  
912 Statutes, is amended to read:

913 985.125 Prearrest or postarrest diversion programs.—

914 ~~(3) The prearrest or postarrest diversion program may,~~  
915 ~~upon agreement of the agencies that establish the program,~~  
916 ~~provide for the expunction of the nonjudicial arrest record of a~~  
917 ~~minor who successfully completes such a program pursuant to s.~~  
918 ~~943.0582.~~

919 Section 11. Paragraphs (f), (g), (h), (i), and (j) of  
920 subsection (1) of section 985.145, Florida Statutes, are  
921 redesignated as paragraphs (g), (h), (i), (j), and (k),

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922 respectively, and a new paragraph (f) is added to that  
923 subsection, to read:

924 985.145 Responsibilities of the department during intake;  
925 screenings and assessments.—

926 (1) The department shall serve as the primary case manager  
927 for the purpose of managing, coordinating, and monitoring the  
928 services provided to the child. Each program administrator  
929 within the Department of Children and Families shall cooperate  
930 with the primary case manager in carrying out the duties and  
931 responsibilities described in this section. In addition to  
932 duties specified in other sections and through departmental  
933 rules, the department shall be responsible for the following:

934 (f) Prevention web.—For a child with a first-time  
935 misdemeanor offense, the department shall enter all related  
936 information into the Juvenile Justice Information System  
937 Prevention Web until such time as formal charges are filed. If  
938 formal charges are not filed, the information shall remain in  
939 the Juvenile Justice Information System Prevention Web until  
940 removed pursuant to department policies.

941 Section 12. Section 985.126, Florida Statutes, is created  
942 to read:

943 985.126 Diversion programs; data collection; denial of  
944 participation or expunged record.—

945 (1) As used in this section, the term "diversion program"  
946 has the same meaning as provided in s. 943.0582.

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947 (2) Upon issuance of documentation requiring a minor to  
948 participate in a diversion program, before or without an arrest,  
949 the issuing law enforcement officer shall send a copy of such  
950 documentation to the entity designated to operate the diversion  
951 program and to the department, which shall enter such  
952 information into the Juvenile Justice Information System  
953 Prevention Web.

954 (3) (a) Beginning October 1, 2018, each diversion program  
955 shall submit data to the department which identifies for each  
956 minor participating in the diversion program:

957 1. The race, ethnicity, gender, and age of that minor.

958 2. The offense committed, including the specific law  
959 establishing the offense.

960 3. The judicial circuit and county in which the offense  
961 was committed and the law enforcement agency that had contact  
962 with the minor for the offense.

963 4. Other demographic information necessary to properly  
964 register a case into the Juvenile Justice Information System  
965 Prevention Web, as specified by the department.

966 (b) Beginning October 1, 2018, each law enforcement agency  
967 shall submit to the department data that identifies for each  
968 minor who was eligible for a diversion program, but was instead  
969 referred to the department, provided a notice to appear, or  
970 arrested:

971 1. The data required pursuant to paragraph (a).

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972 2. Whether the minor was offered the opportunity to  
973 participate in a diversion program. If the minor was:

974 a. Not offered such opportunity, the reason such offer was  
975 not made.

976 b. Offered such opportunity, whether the minor or his or  
977 her parent or legal guardian declined to participate in the  
978 diversion program.

979 (c) The data required pursuant to paragraph (a) shall be  
980 submitted to the department quarterly.

981 (d) The data required pursuant to paragraph (b) shall be  
982 submitted on or with the arrest affidavit or notice to appear.

983 (4) Beginning January 1, 2019, the department shall  
984 compile and semiannually publish the data required by subsection  
985 (3) on the department's website in a format that is, at a  
986 minimum, sortable by judicial circuit, county, law enforcement  
987 agency, race, ethnicity, gender, age, and offense committed.

988 (5) A minor who successfully completes a diversion program  
989 for a first-time misdemeanor offense may lawfully deny or fail  
990 to acknowledge his or her participation in the program and an  
991 expunction of a nonjudicial arrest record under s. 943.0582,  
992 unless the inquiry is made by a criminal justice agency, as  
993 defined in s. 943.045, for a purpose described in s.  
994 943.0582(2)(b)1.

995 (6) The department shall adopt rules to implement this  
996 section.

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997           Section 13. A pilot project is established in the Sixth  
998 Judicial Circuit for the purpose of improving criminal justice  
999 data transparency and ensuring data submitted under s. 900.05,  
1000 Florida Statutes, is accurate, valid, reliable, and structured.  
1001 The clerk of court, the state attorney, the public defender, or  
1002 a sheriff in the circuit may enter into a memorandum of  
1003 understanding with a national, nonpartisan, not-for-profit  
1004 entity which provides data and measurement for county-level  
1005 criminal justice systems to establish the duties and  
1006 responsibilities of a data fellow, completely funded by the  
1007 entity, to be embedded with the office or agency. The data  
1008 fellow will assist with data extraction, validation, and quality  
1009 and publish such data consistent with the terms of the  
1010 memorandum. The data fellow will assist the office or agency in  
1011 compiling and reporting data pursuant to s. 900.05, Florida  
1012 Statutes, in compliance with rules established by the Department  
1013 of Law Enforcement. The pilot project shall expire pursuant to  
1014 the terms outlined in the memorandum.

1015           Section 14. For the 2018-2019 fiscal year, nine full-time  
1016 equivalent positions with an associated total salary rate of  
1017 476,163 are authorized and the recurring sum of \$665,884 and the  
1018 nonrecurring sum of \$1,084,116 are appropriated from the General  
1019 Revenue Fund to the Department of Law Enforcement for the  
1020 purposes of implementing ss. 900.05(4) and 943.687, Florida  
1021 Statutes, transitioning to incident-based crime reporting, and

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1022 collecting and submitting crime statistics that meet the  
1023 requirements of the Federal Bureau of Investigation under the  
1024 National Incident-Based Reporting System.

1025 Section 15. This act shall take effect July 1, 2018.  
1026

1027 -----

1028 **T I T L E A M E N D M E N T**

1029 Remove everything before the enacting clause and insert:

1030 A bill to be entitled  
1031 An act relating to criminal justice; amending s.  
1032 20.315, F.S.; requiring the Department of Corrections  
1033 to include information in its annual report on inmate  
1034 admission based on offense type and recidivism rate;  
1035 creating s. 900.05, F.S.; providing legislative  
1036 intent; declaring an important state interest;  
1037 providing definitions; requiring specified entities to  
1038 collect and periodically transmit specific data to the  
1039 Department of Law Enforcement; requiring the  
1040 department to compile, maintain, and make publicly  
1041 accessible such data; providing sanctions for  
1042 noncompliance by an entity required to collect and  
1043 transmit data; creating s. 901.41, F.S.; providing  
1044 legislative intent; encouraging local communities and  
1045 public or private educational institutions to  
1046 implement prearrest diversion programs for certain

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1047 offenders; encouraging prearrest diversion programs to  
1048 share information with other prearrest diversion  
1049 programs; authorizing law enforcement officers, at  
1050 their sole discretion, to issue a civil citation or  
1051 similar prearrest diversion program notice under  
1052 specified circumstances to adults who commit certain  
1053 misdemeanor offenses; requiring an adult who receives  
1054 a civil citation or similar prearrest diversion  
1055 program notice to report for intake as required by the  
1056 prearrest diversion program; requiring that the  
1057 prearrest diversion program provide specified services  
1058 to adults who participate, as appropriate; requiring  
1059 that an adult who is issued a civil citation or  
1060 similar prearrest diversion program notice fulfill a  
1061 community service requirement; requiring the adult to  
1062 pay restitution to a victim; requiring law enforcement  
1063 officers to determine whether there is good cause to  
1064 arrest participants who do not successfully complete a  
1065 prearrest diversion program and, if so, to refer the  
1066 case to the state attorney, or, in the absence of good  
1067 cause, to allow the participant to continue in the  
1068 program; requiring representatives of specified  
1069 entities to create the prearrest diversion program;  
1070 requiring the entities to develop policies and  
1071 procedures for the development and operation of the

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1072 program, including designation of the misdemeanor  
1073 offenses that qualify persons for participation, and  
1074 to solicit input from other interested stakeholders;  
1075 authorizing specified entities to operate programs;  
1076 requiring prearrest diversion program operators to  
1077 electronically provide participants' personal  
1078 identifying information to the clerk of the circuit  
1079 court; specifying requirements for the clerks'  
1080 handling and maintenance of certain information;  
1081 requiring that a portion of any participation fee go  
1082 to the appropriate clerk of the circuit court;  
1083 requiring fees received by the clerks of the circuit  
1084 court to be deposited in a certain fund; providing  
1085 applicability; specifying that certain offenses are  
1086 ineligible for such programs; amending s. 907.043,  
1087 F.S.; requiring each pretrial release program to  
1088 include in its annual report the types of criminal  
1089 charges of defendants accepted into a pretrial release  
1090 program, the number of defendants accepted into a  
1091 pretrial release program who paid a bail or bond, the  
1092 number of defendants accepted into a pretrial release  
1093 program with no prior criminal conviction, and the  
1094 number of defendants for whom a pretrial risk  
1095 assessment tool was used or was not; amending s.  
1096 921.0024, F.S.; requiring scoresheets prepared for all

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1097 criminal defendants to be digitized; requiring the  
1098 Department of Corrections to develop and submit  
1099 revised digitized scoresheets to the Supreme Court for  
1100 approval; requiring digitized scoresheets to include  
1101 individual data cells for each field on the  
1102 scoresheet; requiring the clerk of court to  
1103 electronically transmit the digitized scoresheet used  
1104 in each sentencing proceeding to the department;  
1105 amending s. 943.0582, F.S.; requiring, rather than  
1106 authorizing, the Department of Law Enforcement to  
1107 adopt rules for the expunction of certain nonjudicial  
1108 records of the arrest of a minor upon successful  
1109 completion by the minor of certain diversion programs;  
1110 providing and revising definitions; revising the  
1111 circumstances under which the department must expunge  
1112 certain nonjudicial arrest records; deleting the  
1113 department's authority to charge a processing fee for  
1114 the expunction; creating s. 943.687, F.S.; requiring  
1115 the Department of Law Enforcement to collect, compile,  
1116 maintain, and manage data collected pursuant to s.  
1117 900.05, F.S.; requiring the department to make data  
1118 comparable, transferable, and readily usable;  
1119 requiring an Internet-based database; providing  
1120 requirements for data searchability and sharing;  
1121 requiring monitoring of data collection procedures;

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1122 providing for data archiving, editing, and retrieval;  
1123 creating s. 945.041, F.S.; requiring the Department of  
1124 Corrections to publish quarterly on its website inmate  
1125 admissions based on offense type and recidivism rate;  
1126 amending s. 985.12, F.S.; providing legislative  
1127 findings and intent; deleting provisions establishing  
1128 a juvenile civil citation process with a certain  
1129 purpose; establishing a civil citation or similar  
1130 prearrest diversion program in each judicial circuit,  
1131 rather than at the local level, with the concurrence  
1132 of specified persons; requiring that the state  
1133 attorney and public defender of each circuit, the  
1134 clerk of the court for each county in the circuit, and  
1135 representatives of participating law enforcement  
1136 agencies create a civil citation or similar prearrest  
1137 diversion program and develop its policies and  
1138 procedures; authorizing such entities to solicit  
1139 stakeholders for input in developing the program's  
1140 policies and procedures; requiring the Department of  
1141 Juvenile Justice to annually develop and provide  
1142 guidelines on civil citation or similar prearrest  
1143 diversion programs to the judicial circuits; providing  
1144 requirements for the civil citation or similar  
1145 prearrest diversion program; requiring the state  
1146 attorney of each judicial circuit to operate the civil

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1147 citation or similar prearrest diversion program;  
1148 providing an exception; providing construction;  
1149 requiring the arresting law enforcement officer to  
1150 make a determination if a juvenile does not  
1151 successfully complete the civil citation or similar  
1152 prearrest diversion program; deleting provisions  
1153 relating to the operation of and requirements for a  
1154 civil citation or similar prearrest diversion program;  
1155 requiring that a copy of each civil citation or  
1156 similar prearrest diversion program notice be provided  
1157 to the Department of Juvenile Justice; conforming  
1158 provisions to changes made by the act; deleting  
1159 provisions relating to requirements for a civil  
1160 citation or similar prearrest diversion program;  
1161 amending s. 985.125, F.S.; conforming a provision to  
1162 changes made by the act; amending s. 985.145, F.S.;  
1163 requiring the department to enter information  
1164 pertaining to a first-time misdemeanor offense into  
1165 Prevention Web until formal charges are filed;  
1166 requiring the department to retain records of a first-  
1167 time misdemeanor offense in Prevention Web if formal  
1168 charges are not filed; creating s. 985.126, F.S.;  
1169 defining the term "diversion program"; requiring a  
1170 diversion program to submit to the department  
1171 specified data relating to diversion programs;

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1172 requiring a law enforcement agency to submit to the  
1173 department specified data about diversion programs;  
1174 requiring the department to compile and publish the  
1175 data in a specified manner; authorizing a minor under  
1176 certain circumstances to deny or fail to acknowledge  
1177 his or her expunction of a certain nonjudicial arrest  
1178 record unless an exception applies; requiring the  
1179 department to adopt rules; creating a pilot project in  
1180 a specified judicial circuit to improve criminal  
1181 justice data transparency and ensure data submitted  
1182 under s. 900.05, F.S., is accurate, valid, reliable,  
1183 and structured; permitting a memorandum of  
1184 understanding with a national, nonpartisan, not-for-  
1185 profit foundation meeting certain criteria for the  
1186 purpose of embedding a data fellow in the office or  
1187 agency; establishing data fellow duties and  
1188 responsibilities; providing for the expiration of the  
1189 pilot project; providing appropriations; providing an  
1190 effective date.

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