

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Criminal Justice

[2018s01392.hms]

BILL: CS/CS/SB 1392

INTRODUCER: Appropriations Committee; Criminal Justice Committee; and Senators Brandes and Perry

SUBJECT: Prearrest Diversion Programs

DATE: March 8, 2018

I. Amendments Contained in Message:

House Amendment 1 – 299739 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 creates a model of uniform criminal justice data collection. Specifically, the amendment:

- Defines terms used in the bill as they relate to data collection;
- Requires the clerks of court, state attorneys, public defenders, county detention facility administrators, and the Department of Corrections to collect specified data on a biweekly basis and report it to the Florida Department of Law Enforcement (FDLE) on a monthly basis;
- Requires the FDLE to publish the data collected on the FDLE’s website and make it searchable and accessible to the public;
- Provides that any entity that does not comply with the required data collection is ineligible to receive funding from the General Appropriations Act, any state grant program administered by the FDLE, or any other state agency for five years after the date of noncompliance;
- Requires additional information to be reported in the annual report for pretrial release programs;
- Digitizes the Criminal Punishment Code sentencing scoresheet;
- Authorizes a pilot project in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency; and
- Appropriates \$1,084,116 in nonrecurring funds to the FDLE for the hiring of nine full-time employees for purposes of implementing the data collection requirements of the amendment and to assist in the transition to incident-based crime reporting to meet the requirements of the Federal Bureau of Investigation under the National Incident-Based Reporting System.

Additionally, the amendment permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults. The amendment provides guidelines for the establishment of such prearrest diversion programs. The amendment maintains language in the bill that requires a civil citation or similar prearrest diversion program for

juveniles to be established in each judicial circuit in the state and outlines criteria that each civil citation of similar prearrest diversion program must specify in developing such program.

The amendment maintains language in the bill relating to the adoption of rules by the FDLE to provide for the expunction of a nonjudicial record of the arrest of a minor who has successfully completed a diversion program. The amendment also maintains language in the bill pertaining to the required submission of data by each diversion program to the Department of Juvenile Justice.