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1                   A bill to be entitled  
2           An act relating to criminal justice; amending s.  
3           20.315, F.S.; requiring the Department of Corrections  
4           to include information in its annual report on inmate  
5           admission based on offense type and recidivism rate;  
6           creating s. 900.05, F.S.; providing legislative  
7           intent; declaring an important state interest;  
8           providing definitions; requiring specified entities to  
9           collect and periodically transmit specific data to the  
10          Department of Law Enforcement; requiring the  
11          department to compile, maintain, and make publicly  
12          accessible such data; providing sanctions for  
13          noncompliance by an entity required to collect and  
14          transmit data; creating s. 901.41, F.S.; providing  
15          legislative intent; encouraging local communities and  
16          public or private educational institutions to  
17          implement prearrest diversion programs for certain  
18          offenders; encouraging prearrest diversion programs to  
19          share information with other prearrest diversion  
20          programs; authorizing law enforcement officers, at  
21          their sole discretion, to issue a civil citation or  
22          similar prearrest diversion program notice under  
23          specified circumstances to adults who commit certain  
24          misdemeanor offenses; requiring an adult who receives  
25          a civil citation or similar prearrest diversion  
26          program notice to report for intake as required by the  
27          prearrest diversion program; requiring that the  
28          prearrest diversion program provide specified services  
29          to adults who participate, as appropriate; requiring

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30 that an adult who is issued a civil citation or  
31 similar prearrest diversion program notice fulfill a  
32 community service requirement; requiring the adult to  
33 pay restitution to a victim; requiring law enforcement  
34 officers to determine whether there is good cause to  
35 arrest participants who do not successfully complete a  
36 prearrest diversion program and, if so, to refer the  
37 case to the state attorney, or, in the absence of good  
38 cause, to allow the participant to continue in the  
39 program; requiring representatives of specified  
40 entities to create the prearrest diversion program;  
41 requiring the entities to develop policies and  
42 procedures for the development and operation of the  
43 program, including designation of the misdemeanor  
44 offenses that qualify persons for participation, and  
45 to solicit input from other interested stakeholders;  
46 authorizing specified entities to operate programs;  
47 requiring prearrest diversion program operators to  
48 electronically provide participants' personal  
49 identifying information to the clerk of the circuit  
50 court; specifying requirements for the clerks'  
51 handling and maintenance of certain information;  
52 requiring that a portion of any participation fee go  
53 to the appropriate clerk of the circuit court;  
54 requiring fees received by the clerks of the circuit  
55 court to be deposited in a certain fund; providing  
56 applicability; specifying that certain offenses are  
57 ineligible for such programs; amending s. 907.043,  
58 F.S.; requiring each pretrial release program to

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59 include in its annual report the types of criminal  
60 charges of defendants accepted into a pretrial release  
61 program, the number of defendants accepted into a  
62 pretrial release program who paid a bail or bond, the  
63 number of defendants accepted into a pretrial release  
64 program with no prior criminal conviction, and the  
65 number of defendants for whom a pretrial risk  
66 assessment tool was used or was not; amending s.  
67 921.0024, F.S.; requiring scoresheets prepared for all  
68 criminal defendants to be digitized; requiring the  
69 Department of Corrections to develop and submit  
70 revised digitized scoresheets to the Supreme Court for  
71 approval; requiring digitized scoresheets to include  
72 individual data cells for each field on the  
73 scoresheet; requiring the clerk of court to  
74 electronically transmit the digitized scoresheet used  
75 in each sentencing proceeding to the department;  
76 amending s. 943.0582, F.S.; requiring, rather than  
77 authorizing, the Department of Law Enforcement to  
78 adopt rules for the expunction of certain nonjudicial  
79 records of the arrest of a minor upon successful  
80 completion by the minor of certain diversion programs;  
81 providing and revising definitions; revising the  
82 circumstances under which the department must expunge  
83 certain nonjudicial arrest records; deleting the  
84 department's authority to charge a processing fee for  
85 the expunction; creating s. 943.687, F.S.; requiring  
86 the Department of Law Enforcement to collect, compile,  
87 maintain, and manage data collected pursuant to s.

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88 900.05, F.S.; requiring the department to make data  
89 comparable, transferable, and readily usable;  
90 requiring an Internet-based database; providing  
91 requirements for data searchability and sharing;  
92 requiring monitoring of data collection procedures;  
93 providing for data archiving, editing, and retrieval;  
94 creating s. 945.041, F.S.; requiring the Department of  
95 Corrections to publish quarterly on its website inmate  
96 admissions based on offense type and recidivism rate;  
97 amending s. 985.12, F.S.; providing legislative  
98 findings and intent; deleting provisions establishing  
99 a juvenile civil citation process with a certain  
100 purpose; establishing a civil citation or similar  
101 prearrest diversion program in each judicial circuit,  
102 rather than at the local level, with the concurrence  
103 of specified persons; requiring that the state  
104 attorney and public defender of each circuit, the  
105 clerk of the court for each county in the circuit, and  
106 representatives of participating law enforcement  
107 agencies create a civil citation or similar prearrest  
108 diversion program and develop its policies and  
109 procedures; authorizing such entities to solicit  
110 stakeholders for input in developing the program's  
111 policies and procedures; requiring the Department of  
112 Juvenile Justice to annually develop and provide  
113 guidelines on civil citation or similar prearrest  
114 diversion programs to the judicial circuits; providing  
115 requirements for the civil citation or similar  
116 prearrest diversion program; requiring the state

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117 attorney of each judicial circuit to operate the civil  
118 citation or similar prearrest diversion program;  
119 providing an exception; providing construction;  
120 requiring the arresting law enforcement officer to  
121 make a determination if a juvenile does not  
122 successfully complete the civil citation or similar  
123 prearrest diversion program; deleting provisions  
124 relating to the operation of and requirements for a  
125 civil citation or similar prearrest diversion program;  
126 requiring that a copy of each civil citation or  
127 similar prearrest diversion program notice be provided  
128 to the Department of Juvenile Justice; conforming  
129 provisions to changes made by the act; deleting  
130 provisions relating to requirements for a civil  
131 citation or similar prearrest diversion program;  
132 amending s. 985.125, F.S.; conforming a provision to  
133 changes made by the act; amending s. 985.145, F.S.;  
134 requiring the department to enter information  
135 pertaining to a first-time misdemeanor offense into  
136 Prevention Web until formal charges are filed;  
137 requiring the department to retain records of a first-  
138 time misdemeanor offense in Prevention Web if formal  
139 charges are not filed; creating s. 985.126, F.S.;  
140 defining the term "diversion program"; requiring a  
141 diversion program to submit to the department  
142 specified data relating to diversion programs;  
143 requiring a law enforcement agency to submit to the  
144 department specified data about diversion programs;  
145 requiring the department to compile and publish the

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146 data in a specified manner; authorizing a minor under  
147 certain circumstances to deny or fail to acknowledge  
148 his or her expunction of a certain nonjudicial arrest  
149 record unless an exception applies; requiring the  
150 department to adopt rules; creating a pilot project in  
151 a specified judicial circuit to improve criminal  
152 justice data transparency and ensure data submitted  
153 under s. 900.05, F.S., is accurate, valid, reliable,  
154 and structured; permitting a memorandum of  
155 understanding with a national, nonpartisan, not-for-  
156 profit foundation meeting certain criteria for the  
157 purpose of embedding a data fellow in the office or  
158 agency; establishing data fellow duties and  
159 responsibilities; providing for the expiration of the  
160 pilot project; providing appropriations; providing an  
161 effective date.

162  
163 Be It Enacted by the Legislature of the State of Florida:

164  
165 Section 1. Subsection (5) of section 20.315, Florida  
166 Statutes, is amended to read:

167 20.315 Department of Corrections.—There is created a  
168 Department of Corrections.

169 (5) ANNUAL REPORTING.—The department shall report annually  
170 to the Governor, the President of the Senate, and the Speaker of  
171 the House of Representatives recounting its activities and  
172 making recommendations for improvements to the performance of  
173 the department. The annual report shall include information  
174 published under s. 945.041.

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175 Section 2. Section 900.05, Florida Statutes, is created to  
176 read:

177 900.05 Criminal justice data collection.—

178 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of  
179 the Legislature to create a model of uniform criminal justice  
180 data collection by requiring local and state criminal justice  
181 agencies to report complete, accurate, and timely data, and  
182 making such data available to the public. The Legislature finds  
183 that it is an important state interest to implement a uniform  
184 data collection process and promote criminal justice data  
185 transparency.

186 (2) DEFINITIONS.—As used in this section, the term:

187 (a) "Annual felony caseload" means the yearly caseload of  
188 each full-time state attorney and assistant state attorney or  
189 public defender and assistant public defender for cases assigned  
190 to the circuit criminal division, based on the number of felony  
191 cases reported to the Supreme Court under s. 25.075. The term  
192 does not include the appellate caseload of a public defender or  
193 assistant public defender. Cases reported pursuant to this term  
194 must be associated with a case number and each case number must  
195 only be reported once regardless of the number of attorney  
196 assignments that occur during the course of litigation.

197 (b) "Annual misdemeanor caseload" means the yearly caseload  
198 of each full-time state attorney and assistant state attorney or  
199 public defender and assistant public defender for cases assigned  
200 to the county criminal division, based on the number of  
201 misdemeanor cases reported to the Supreme Court under s. 25.075.  
202 The term does not include the appellate caseload of a public  
203 defender or assistant public defender. Cases reported pursuant

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204 to this term must be associated with a case number and each case  
205 number must only be reported once regardless of the number of  
206 attorney assignments that occur during the course of litigation.

207 (c) "Attorney assignment date" means the date a court-  
208 appointed attorney is assigned to the case or, if privately  
209 retained, the date an attorney files a notice of appearance with  
210 the clerk of court.

211 (d) "Attorney withdrawal date" means the date the court  
212 removes court-appointed counsel from a case or, for a privately  
213 retained attorney, the date a motion to withdraw is granted by  
214 the court.

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

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

220 (g) "Charge description" means the statement of the conduct  
221 that is alleged to have been violated, the associated statutory  
222 section establishing such conduct as criminal, and the  
223 misdemeanor or felony classification that is provided for in the  
224 statutory section alleged to have been violated.

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

228 (i) "Concurrent or consecutive sentence flag" means an  
229 indication that a defendant is serving another sentence  
230 concurrently or consecutively in addition to the sentence for  
231 which data is being reported.

232 (j) "Daily number of correctional officers" means the



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233 number of full-time, part-time, and auxiliary correctional  
234 officers who are actively providing supervision, protection,  
235 care, custody, and control of inmates in a county detention  
236 facility or state correctional institution or facility each day.

237 (k) "Defense attorney type" means whether the attorney is a  
238 public defender, regional conflict counsel, or other counsel  
239 court-appointed for the defendant; the attorney is privately  
240 retained by the defendant; or the defendant is represented pro  
241 se.

242 (l) "Deferred prosecution or pretrial diversion agreement  
243 date" means the date a contract is signed by the parties  
244 regarding a defendant's admission into a deferred prosecution or  
245 pretrial diversion program.

246 (m) "Deferred prosecution or pretrial diversion hearing  
247 date" means each date that a hearing, including a status  
248 hearing, is held on a case that is in a deferred prosecution or  
249 pretrial diversion program, if applicable.

250 (n) "Disciplinary violation and action" means any conduct  
251 performed by an inmate in violation of the rules of a county  
252 detention facility or state correctional institution or facility  
253 that results in the initiation of disciplinary proceedings by  
254 the custodial entity and the consequences of such disciplinary  
255 proceedings.

256 (o) "Disposition date" means the date of final judgment,  
257 adjudication, adjudication withheld, dismissal, or nolle  
258 prosequi for the case and if different dates apply, the  
259 disposition dates of each charge.

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

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

265 (r) "Gain-time credit earned" means a credit of time  
266 awarded to an inmate in a county detention facility in  
267 accordance with s. 951.22 or a state correctional institution or  
268 facility in accordance with s. 944.275.

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

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

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

279 (v) "Pretrial release violation flag" means an indication  
280 that the defendant has violated the terms of his or her pretrial  
281 release.

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

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

289 (y) "Sexual offender flag" means an indication that a  
290 defendant required to register as a sexual predator as defined

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291 in s. 775.21 or as a sexual offender as defined in s. 943.0435.

292 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,  
293 2019, an entity required to collect data in accordance with this  
294 subsection shall collect the specified data required of the  
295 entity on a biweekly basis. Each entity shall report the data  
296 collected in accordance with this subsection to the Department  
297 of Law Enforcement on a monthly basis.

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

300 1. Case number.

301 2. Date that the alleged offense occurred.

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

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

307 5. Date that the criminal prosecution of a defendant is  
308 formally initiated through the filing, with the clerk of the  
309 court, of an information by the state attorney or an indictment  
310 issued by a grand jury.

311 6. Arraignment date.

312 7. Attorney assignment date.

313 8. Attorney withdrawal date.

314 9. Case status.

315 10. Disposition date.

316 11. Information related to each defendant, including:

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

319 b. Zip code of primary residence.

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320 c. Primary language.

321 d. Citizenship.

322 e. Immigration status, if applicable.

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

325 12. Information related to the formal charges filed against  
326 the defendant, including:

327 a. Charge description.

328 b. Charge modifier, if applicable.

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

330 d. Qualification for a flag designation as defined in this  
331 section, including a domestic violence flag, gang affiliation  
332 flag, sexual offender flag, habitual offender flag, or pretrial  
333 release violation flag.

334 13. Information related to bail or bond and pretrial  
335 release determinations, including the dates of any such  
336 determinations:

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

340 b. Modification of bail or bond conditions made by a court  
341 having jurisdiction to try the defendant or, in the absence of  
342 the judge of the trial court, by the circuit court, including  
343 modifications to any monetary and nonmonetary conditions of  
344 release.

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

347 d. Date defendant is released on bail, bond, or pretrial  
348 release.

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349 e. Bail or bond revocation due to a new offense, a failure  
350 to appear, or a violation of the terms of bail or bond, if  
351 applicable.

352 14. Information related to court dates and dates of motions  
353 and appearances, including:

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

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

357 c. Judicial transfer date, if applicable.

358 d. Trial date.

359 e. Date that a defendant files a notice to participate in  
360 discovery.

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

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

363 15. Defense attorney type.

364 16. Information related to sentencing, including:

365 a. Date that a court enters a sentence against a defendant.

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

368 c. Sentence type and length imposed by the court,  
369 including, but not limited to, the total duration of  
370 imprisonment in a county detention facility or state  
371 correctional institution or facility, and conditions probation  
372 or community control supervision.

373 d. Amount of time served in custody by the defendant  
374 related to the reported criminal case that is credited at the  
375 time of disposition of the case to reduce the actual length of  
376 time the defendant will serve on the term of imprisonment that  
377 is ordered by the court at disposition.

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378 e. Total amount of court fees imposed by the court at the  
379 disposition of the case.

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

382 g. Total amount of fines imposed by the court at the  
383 disposition of the case.

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

386 i. Restitution amount ordered, including the amount  
387 collected by the court and the amount paid to the victim, if  
388 applicable.

389 j. Digitized sentencing scoresheet prepared in accordance  
390 with s. 921.0024.

391 17. The number of judges or magistrates, or their  
392 equivalents, hearing cases in circuit or county criminal  
393 divisions of the circuit court. Judges or magistrates, or their  
394 equivalents, who solely hear appellate cases from the county  
395 criminal division are not to be reported under this  
396 subparagraph.

397 (b) State attorney.—Each state attorney shall collect the  
398 following data:

399 1. Information related to a human victim of a criminal  
400 offense, including:

401 a. Identifying information of the victim, including race or  
402 ethnicity, gender, and age.

403 b. Relationship to the offender, if any.

404 2. Number of full-time prosecutors.

405 3. Number of part-time prosecutors.

406 4. Annual felony caseload.

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407 5. Annual misdemeanor caseload.

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

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

411 8. Information related to each defendant, including:

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

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

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

417 1. Number of full-time public defenders.

418 2. Number of part-time public defenders.

419 3. Number of contract attorneys representing indigent  
420 defendants for the office of the public defender.

421 4. Annual felony caseload.

422 5. Annual misdemeanor caseload.

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

425 1. Maximum capacity for the county detention facility.

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

428 3. Daily population of the county detention facility,  
429 including the specific number of inmates in the custody of the  
430 county that:

431 a. Are awaiting case disposition.

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

434 c. Have been sentenced by a court to a term of imprisonment  
435 with the Department of Corrections and who are awaiting

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- 436 transportation to the department.
- 437 d. Have a federal detainer or are awaiting disposition of a  
438 case in federal court.
- 439 4. Information related to each inmate, including:
- 440 a. Date a defendant is processed into the county detention  
441 facility subsequent to an arrest for a new violation of law or  
442 for a violation of probation or community control.
- 443 b. Reason why a defendant is processed into the county  
444 detention facility if it is for a new law violation or a  
445 violation of probation or community control.
- 446 c. Qualification for a flag designation as defined in this  
447 section, including domestic violence flag, gang affiliation  
448 flag, habitual offender flag, pretrial release violation flag,  
449 or sexual offender flag.
- 450 5. Total population of the county detention facility at  
451 year-end. This data must include the same specified  
452 classifications as subparagraph 3.
- 453 6. Per diem rate for a county detention facility bed.
- 454 7. Daily number of correctional officers for the county  
455 detention facility.
- 456 8. Annual county detention facility budget. This  
457 information only needs to be reported once annually at the  
458 beginning of the county's fiscal year.
- 459 9. Revenue generated for the county from the temporary  
460 incarceration of federal defendants or inmates.
- 461 (e) Department of Corrections.—The Department of  
462 Corrections shall collect the following data:
- 463 1. Information related to each inmate, including:
- 464 a. Identifying information, including name, date of birth,



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- 465 race or ethnicity, and identification number assigned by the  
466 department.
- 467 b. Number of children.
- 468 c. Education level, including any vocational training.
- 469 d. Date the inmate was admitted to the custody of the  
470 department.
- 471 e. Current institution placement and the security level  
472 assigned to the institution.
- 473 f. Custody level assignment.
- 474 g. Qualification for a flag designation as defined in this  
475 section, including sexual offender flag, habitual offender flag,  
476 gang affiliation flag, or concurrent or consecutive sentence  
477 flag.
- 478 h. County that committed the prisoner to the custody of the  
479 department.
- 480 i. Whether the reason for admission to the department is  
481 for a new conviction or a violation of probation, community  
482 control, or parole. For an admission for a probation, community  
483 control, or parole violation, the department shall report  
484 whether the violation was technical or based on a new violation  
485 of law.
- 486 j. Specific statutory citation for which the inmate was  
487 committed to the department, including, for an inmate convicted  
488 of drug trafficking under s. 893.135, the statutory citation for  
489 each specific drug trafficked.
- 490 k. Length of sentence or concurrent or consecutive  
491 sentences served.
- 492 l. Tentative release date.
- 493 m. Gain time earned in accordance with s. 944.275.

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494 n. Prior incarceration within the state.

495 o. Disciplinary violation and action.

496 p. Participation in rehabilitative or educational programs  
497 while in the custody of the department.

498 2. Information about each state correctional institution or  
499 facility, including:

500 a. Budget for each state correctional institution or  
501 facility.

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

504 c. Daily number of correctional officers for each state  
505 correctional institution or facility.

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

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

512 b. Length of probation or community control sentence  
513 imposed and amount of time that has been served on such  
514 sentence.

515 c. Projected termination date for probation or community  
516 control.

517 d. Revocation of probation or community control due to a  
518 violation, including whether the revocation is due to a  
519 technical violation of the conditions of supervision or from the  
520 commission of a new law violation.

521 4. Per diem rates for:

522 a. Prison bed.

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523 b. Probation.

524 c. Community control.

525  
526 This information only needs to be reported once annually at the  
527 time the most recent per diem rate is published.

528 (4) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, the  
529 Department of Law Enforcement shall publish datasets in its  
530 possession in a modern, open, electronic format that is machine-  
531 readable and readily accessible by the public on the  
532 department's website. The published data must be searchable, at  
533 a minimum, by each data element, county, circuit, and unique  
534 identifier. Beginning March 1, 2019, the department shall begin  
535 publishing the data received under subsection (2) in the same  
536 modern, open, electronic format that is machine-readable and  
537 readily accessible to the public on the department's website.  
538 The department shall publish all data received under subsection  
539 (2) no later than July 1, 2019.

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

547 Section 3. Section 901.41, Florida Statutes, is created to  
548 read:

549 901.41 Prearrest diversion programs.—

550 (1) LEGISLATIVE INTENT.—The Legislature encourages local  
551 communities and public or private educational institutions to

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552 implement prearrest diversion programs that afford certain  
553 adults who fulfill specified intervention and community service  
554 obligations the opportunity to avoid an arrest record. The  
555 Legislature does not mandate that a particular prearrest  
556 diversion program for adults be adopted, but finds that the  
557 adoption of the model program provided in this section would  
558 allow certain adults to avoid an arrest record while ensuring  
559 that they receive appropriate services and fulfill their  
560 community service obligations. If a prearrest diversion program  
561 is implemented, the program is encouraged to share information  
562 with other prearrest diversion programs.

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

566 (a) Law enforcement officers, at their sole discretion, may  
567 issue a civil citation or similar prearrest diversion program  
568 notice to certain adults who commit a qualifying misdemeanor  
569 offense, as determined by the representatives that develop the  
570 program under subsection (3). A civil citation or similar  
571 prearrest diversion program notice may be issued if the adult  
572 who commits the offense:

573 1. Admits that he or she committed the offense or does not  
574 contest the offense; and

575 2. Has not previously been arrested and has not received an  
576 adult civil citation or similar prearrest diversion program  
577 notice, unless the terms of the local adult prearrest diversion  
578 program allow otherwise. The local adult prearrest diversion  
579 program shall establish a limit on the number of times an  
580 eligible adult may participate in the program.

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581 (b) An adult who receives a civil citation or similar  
582 prearrest diversion program notice shall report for intake as  
583 required by the local prearrest diversion program and must be  
584 provided appropriate assessment, intervention, education, and  
585 behavioral health care services by the program. While in the  
586 local prearrest diversion program, the adult shall perform  
587 community service hours as specified by the program. The adult  
588 shall pay restitution due to the victim as a program  
589 requirement. If the adult does not successfully complete the  
590 prearrest diversion program, the law enforcement officer must  
591 determine if there is good cause to arrest the adult for the  
592 original misdemeanor offense and, if so, refer the case to the  
593 state attorney to determine whether prosecution is appropriate  
594 or, in the absence of a finding of good cause, allow the adult  
595 to continue in the program.

596 (3) PROGRAM DEVELOPMENT; IMPLEMENTATION; OPERATION.—

597 (a) Representatives of participating law enforcement  
598 agencies, a representative of the program services provider, the  
599 public defender, the state attorney, and the clerk of the  
600 circuit court shall create the prearrest diversion program and  
601 develop its policies and procedures, including, but not limited  
602 to, eligibility criteria, program implementation and operation,  
603 and the determination of the fee, if any, to be paid by adults  
604 participating in the program. In developing the program's  
605 policies and procedures, which must include the designation of  
606 the misdemeanor offenses that qualify adults for participation  
607 in the program, the representatives must solicit input from  
608 other interested stakeholders. The program may be operated by an  
609 entity such as a law enforcement agency or a county or

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610 municipality, or other entity selected by the county or  
611 municipality.

612 (b) Upon intake of an adult participating in the prearrest  
613 diversion program, the program operator shall electronically  
614 provide the participant's personal identifying information to  
615 the clerk of the circuit court for the county in which the  
616 program provides services. Such information is not a court  
617 record, and the clerk of the circuit court shall maintain the  
618 confidentiality of the participant's personal identifying  
619 information as provided in subsection (5). The clerk of the  
620 circuit court shall maintain such information in a statewide  
621 database, which must provide a single point of access for all  
622 such statewide information. If the program imposes a  
623 participation fee, the clerk of the circuit court must receive a  
624 reasonable portion, to be determined by the stakeholders  
625 creating the program, for receipt and maintenance of the  
626 required information. The fee shall be deposited by the clerk of  
627 the circuit court into the fine and forfeiture fund established  
628 under s. 142.01.

629 (4) APPLICABILITY.—This section does not preempt a county  
630 or municipality from enacting noncriminal sanctions for a  
631 violation of an ordinance or other violation, and it does not  
632 preempt a county, a municipality, or a public or private  
633 educational institution from creating its own model for a  
634 prearrest diversion program for adults.

635 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime  
636 of domestic violence, as defined in s. 741.28, or a misdemeanor  
637 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,  
638 s. 784.0487, or s. 784.049 does not qualify for a civil citation

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639 or prearrest diversion program.

640 Section 4. Paragraph (b) of subsection (4) of section  
641 907.043, Florida Statutes, is amended to read:

642 907.043 Pretrial release; citizens' right to know.—

643 (4)

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

646 1. The name, location, and funding sources of the pretrial  
647 release program, including the amount of public funds, if any,  
648 received by the pretrial release program.

649 2. The operating and capital budget of each pretrial  
650 release program receiving public funds.

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

653 b. The percentage of the total budget which is allocated to  
654 assisting defendants obtain release through a nonpublicly funded  
655 program.

656 c. The amount of fees paid by defendants to the pretrial  
657 release program.

658 4. The number of persons employed by the pretrial release  
659 program.

660 5. The number of defendants assessed and interviewed for  
661 pretrial release.

662 6. The number of defendants recommended for pretrial  
663 release.

664 7. The number of defendants for whom the pretrial release  
665 program recommended against nonsecured release.

666 8. The number of defendants granted nonsecured release  
667 after the pretrial release program recommended nonsecured

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668 release.

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

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

673 11. The number of defendants for whom a risk assessment  
674 tool was used in determining whether the defendant should be  
675 released pending the disposition of the case and the number of  
676 defendants for whom a risk assessment tool was not used.

677 12. The specific statutory citation for each criminal  
678 charge related to a defendant whose case is accepted into a  
679 pretrial release program, including, at a minimum, the number of  
680 defendants charged with dangerous crimes as defined in s.  
681 907.041; nonviolent felonies; or misdemeanors only. A  
682 "nonviolent felony" for purposes of this subparagraph excludes  
683 the commission of, an attempt to commit, or a conspiracy to  
684 commit any of the following:

685 a. An offense enumerated in s. 775.084(1)(c);

686 b. An offense that requires a person to register as a  
687 sexual predator in accordance with s. 775.21 or as a sexual  
688 offender in accordance with s. 943.0435

689 c. Failure to register as a sexual predator in violation of  
690 s. 775.21 or as a sexual offender in violation of s. 943.0435;

691 d. Facilitating or furthering terrorism in violation of s.  
692 775.31;

693 e. A forcible felony as described in s. 776.08;

694 f. False imprisonment in violation of s. 787.02;

695 g. Burglary of a dwelling or residence in violation of s.  
696 810.02(3).



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697        h. Abuse, aggravated abuse, and neglect of an elderly  
698 person or disabled adult in violation of s. 825.102;  
699        i. Abuse, aggravated abuse, and neglect of a child in  
700 violation of s. 827.03;  
701        j. Poisoning of food or water in violation of s. 859.01;  
702        k. Abuse of a dead human body in violation of s. 872.06;  
703        l. A capital offense in violation of chapter 893;  
704        m. An offense that results in serious bodily injury or  
705 death to another human; or  
706        n. A felony offense in which the defendant used a weapon or  
707 firearm in the commission of the offense.  
708        13. The number of defendants accepted into a pretrial  
709 release program with no prior criminal conviction.  
710        ~~14.10.~~ The name and case number of each person granted  
711 nonsecured release who:  
712        a. Failed to attend a scheduled court appearance.  
713        b. Was issued a warrant for failing to appear.  
714        c. Was arrested for any offense while on release through  
715 the pretrial release program.  
716        ~~15.11.~~ Any additional information deemed necessary by the  
717 governing body to assess the performance and cost efficiency of  
718 the pretrial release program.  
719        Section 5. Subsections (3), (4), (5), (6), and (7) of  
720 section 921.0024, Florida Statutes, are amended to read:  
721        921.0024 Criminal Punishment Code; worksheet computations;  
722 scoresheets.-  
723        (3) A single digitized scoresheet shall be prepared for  
724 each defendant to determine the permissible range for the  
725 sentence that the court may impose, except that if the defendant

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726 is before the court for sentencing for more than one felony and  
727 the felonies were committed under more than one version or  
728 revision of the guidelines or the code, separate digitized  
729 scoresheets must be prepared. The scoresheet or scoresheets must  
730 cover all the defendant's offenses pending before the court for  
731 sentencing. The state attorney shall prepare the digitized  
732 scoresheet or scoresheets, which must be presented to the  
733 defense counsel for review for accuracy in all cases unless the  
734 judge directs otherwise. The defendant's scoresheet or  
735 scoresheets must be approved and signed by the sentencing judge.

736 (4) The Department of Corrections, in consultation with the  
737 Office of the State Courts Administrator, state attorneys, and  
738 public defenders, must develop and submit the revised digitized  
739 Criminal Punishment Code scoresheet to the Supreme Court for  
740 approval by June 15 of each year, as necessary. The digitized  
741 scoresheet shall have individual, structured data cells for each  
742 data field on the scoresheet. Upon the Supreme Court's approval  
743 of the revised digitized scoresheet, the Department of  
744 Corrections shall produce and provide ~~sufficient copies~~ of the  
745 revised digitized scoresheets by September 30 of each year, as  
746 necessary. Digitized scoresheets must include individual data  
747 cells to indicate ~~item entries for the scoresheet preparer's use~~  
748 ~~in indicating~~ whether any prison sentence imposed includes a  
749 mandatory minimum sentence or the sentence imposed was a  
750 downward departure from the lowest permissible sentence under  
751 the Criminal Punishment Code.

752 (5) The Department of Corrections shall make available  
753 ~~distribute sufficient copies~~ of the digitized Criminal  
754 Punishment Code scoresheets to those persons charged with the

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755 responsibility for preparing scoresheets.

756 (6) The clerk of the circuit court shall transmit a  
757 complete, and accurate digitized, ~~and legible~~ copy of the  
758 Criminal Punishment Code scoresheet used in each sentencing  
759 proceeding to the Department of Corrections. Scoresheets must be  
760 electronically transmitted no less frequently than monthly, by  
761 the first of each month, and may be sent collectively.

762 (7) A digitized sentencing scoresheet must be prepared for  
763 every defendant who is sentenced for a felony offense. ~~A copy of~~  
764 The individual offender's digitized Criminal Punishment Code  
765 scoresheet and any attachments thereto prepared pursuant to Rule  
766 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
767 Procedure, or any other rule pertaining to the preparation and  
768 submission of felony sentencing scoresheets, must be included  
769 with ~~attached to the copy of~~ the uniform judgment and sentence  
770 form provided to the Department of Corrections.

771 Section 6. Section 943.0582, Florida Statutes, is amended  
772 to read:

773 943.0582 ~~Prearrest, postarrest, or teen court~~ Diversion  
774 program expunction.—

775 (1) Notwithstanding any law dealing generally with the  
776 preservation and destruction of public records, the department  
777 shall adopt rules to ~~may provide, by rule adopted pursuant to~~  
778 ~~chapter 120,~~ for the expunction of a ~~any~~ nonjudicial record of  
779 the arrest of a minor who has successfully completed a ~~prearrest~~  
780 ~~or postarrest~~ diversion program for a misdemeanor offense ~~minors~~  
781 ~~as authorized by s. 985.125.~~

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

783 (a) "Diversion program" means a program under s. 985.12, s.

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784 985.125, s. 985.155, or s. 985.16 or a program to which a  
785 referral is made by a state attorney under s. 985.15.

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

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

792 a. Determining eligibility for ~~prearrest, postarrest, or~~  
793 ~~teen court~~ diversion programs;

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

796 c. Making a prosecutorial decision under s. 985.15 ~~when the~~  
797 ~~subject of the record is a candidate for employment with a~~  
798 ~~criminal justice agency. For all other purposes, a person whose~~  
799 ~~record is expunged under this section may lawfully deny or fail~~  
800 ~~to acknowledge the arrest and the charge covered by the expunged~~  
801 ~~record.~~

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

806 ~~(b) As used in this section, the term "nonviolent~~  
807 ~~misdemeanor" includes simple assault or battery when prearrest~~  
808 ~~or postarrest diversion expunction is approved in writing by the~~  
809 ~~state attorney for the county in which the arrest occurred.~~

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

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813 (a) Submits an application for ~~prearrest or postarrest~~  
814 diversion expunction, on a form prescribed by the department,  
815 signed by the minor's parent or legal guardian, or by the minor  
816 if he or she has reached the age of majority at the time of  
817 applying.

818 (b) Submits to the department, with the application, an  
819 official written statement from the state attorney for the  
820 county in which the arrest occurred certifying that he or she  
821 has successfully completed that county's ~~prearrest or postarrest~~  
822 diversion program, that his or her participation in the program  
823 was based on an arrest for a ~~nonviolent~~ misdemeanor, and that he  
824 or she has not otherwise been charged by the state attorney  
825 with, or found to have committed, any criminal offense or  
826 comparable ordinance violation.

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

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

833 (c)(e) Has never been, before filing the application for  
834 expunction, charged by the state attorney with, or found to have  
835 committed, any criminal offense or comparable ordinance  
836 violation.

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

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842        ~~(4)~~~~(5)~~ Expunction or sealing granted under this section  
843 does not prevent the minor who receives such relief from  
844 petitioning for the expunction or sealing of a later criminal  
845 history record as provided for in ss. 943.0583, 943.0585, and  
846 943.059, if the minor is otherwise eligible under those  
847 sections.

848        Section 7. Section 943.687, Florida Statutes, is created to  
849 read:

850        943.687 Criminal justice data transparency.—In order to  
851 facilitate the availability of comparable and uniform criminal  
852 justice data, the department shall:

853        (1) Collect, compile, maintain, and manage the data  
854 submitted by local and state entities pursuant to s. 900.05 and  
855 coordinate related activities to collect and submit data. The  
856 department shall create a unique identifier for each criminal  
857 case received from the clerks of court which identifies the  
858 person who is the subject of the criminal case. The unique  
859 identifier must be the same for that person in any court case  
860 and used across local and state entities for all information  
861 related to that person at any time. The unique identifier shall  
862 be randomly created and may not include any portion of the  
863 person's social security number or date of birth.

864        (2) Promote criminal justice data sharing by making such  
865 data received under s. 900.05 comparable, transferable, and  
866 readily usable.

867        (3) Create and maintain an Internet-based database of  
868 criminal justice data received under s. 900.05 in a modern,  
869 open, electronic format that is machine-readable and readily  
870 accessible through an application program interface. The

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871 database shall allow the public to search, at a minimum, by each  
872 data element, county, judicial circuit, or unique identifier.  
873 The department may not require a license or charge a fee to  
874 access or receive information from the database.

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

877 (5) Establish by rule:

878 (a) Requirements for the entities subject to the  
879 requirements of s. 900.05 to submit data through an application  
880 program interface.

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

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

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

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

892 (6) Consult with local, state, and federal criminal justice  
893 agencies and other public and private users of the database  
894 under subsection (3) on the data elements collected under s.  
895 900.05, the use of such data, and adding data elements to be  
896 collected.

897 (7) Monitor data collection procedures and test data  
898 quality to facilitate the dissemination of accurate, valid,  
899 reliable, and complete criminal justice data.

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900       (8) Develop methods for archiving data, retrieving archived  
901 data, and data editing and verification.

902       Section 8. Section 945.041, Florida Statutes, is created to  
903 read:

904       945.041 Reports.—The department shall publish on its  
905 website and make available to the public the following  
906 information, updated on a quarterly basis:

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

910       (2) The recidivism rate. As used in this subsection, the  
911 term "recidivism" means an inmate's rearrest, reconviction,  
912 reincarceration, or probation revocation in the state within a  
913 3-year time period following the inmate's release from  
914 incarceration.

915       Section 9. Section 985.12, Florida Statutes, is amended to  
916 read:

917       985.12 Civil citation or similar prearrest diversion  
918 programs.—

919       (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
920 that the creation and implementation of civil citation or  
921 similar prearrest diversion programs at the judicial circuit  
922 level promotes public safety, aids interagency cooperation, and  
923 provides the greatest chance of success for civil citation and  
924 similar prearrest diversion programs. The Legislature further  
925 finds that the widespread use of civil citation and similar  
926 prearrest diversion programs has a positive effect on the  
927 criminal justice system and contributes to an overall reduction  
928 in the crime rate and recidivism in the state. The Legislature



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929 encourages but does not mandate that counties, municipalities,  
930 and public or private educational institutions participate in a  
931 civil citation or similar prearrest diversion program created by  
932 their judicial circuit under this section. ~~There is established~~  
933 ~~a juvenile civil citation process for the purpose of providing~~  
934 ~~an efficient and innovative alternative to custody by the~~  
935 ~~Department of Juvenile Justice for children who commit~~  
936 ~~nonserious delinquent acts and to ensure swift and appropriate~~  
937 ~~consequences. The department shall encourage and assist in the~~  
938 ~~implementation and improvement of civil citation programs or~~  
939 ~~other similar diversion programs around the state.~~

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

942 (a) A ~~The~~ civil citation or similar prearrest diversion  
943 program for misdemeanor offenses shall be established in each  
944 judicial circuit in the state. ~~The at the local level with the~~  
945 ~~concurrence of the chief judge of the circuit,~~ state attorney  
946 and, public defender of each circuit, the clerk of the court for  
947 each county in the circuit, and representatives of participating  
948 law enforcement agencies in the circuit shall create a civil  
949 citation or similar prearrest diversion program and develop its  
950 policies and procedures. In developing the program's policies  
951 and procedures, input from other interested stakeholders may be  
952 solicited. The department shall annually develop and provide  
953 guidelines on best practice models for civil citation or similar  
954 prearrest diversion programs to the judicial circuits as a  
955 resource.

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

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958       1. The misdemeanor offenses that qualify a juvenile for  
959 participation in the program;  
960       2. The eligibility criteria for the program;  
961       3. The program's implementation and operation;  
962       4. The program's requirements, including, but not limited  
963 to, the completion of community service hours, payment of  
964 restitution, if applicable, and intervention services indicated  
965 by a needs assessment of the juvenile, approved by the  
966 department, such as family counseling, urinalysis monitoring,  
967 and substance abuse and mental health treatment services; and  
968       5. A program fee, if any, to be paid by a juvenile  
969 participating in the program. If the program imposes a fee, the  
970 clerk of the court of the applicable county must receive a  
971 reasonable portion of the fee.

972       (c) The state attorney of each circuit shall operate a  
973 civil citation or similar prearrest diversion program in each  
974 circuit. A sheriff, police department, county, municipality, or  
975 public or private educational institution may continue to  
976 operate an independent civil citation or similar prearrest  
977 diversion program that is in operation as of October 1, 2018, if  
978 the independent program is reviewed by the state attorney of the  
979 applicable circuit and he or she determines that the independent  
980 program is substantially similar to the civil citation or  
981 similar prearrest diversion program developed by the circuit. If  
982 the state attorney determines that the independent program is  
983 not substantially similar to the civil citation or similar  
984 prearrest diversion program developed by the circuit, the  
985 operator of the independent diversion program may revise the  
986 program and the state attorney may conduct an additional review

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987 of the independent program.

988 (d) A judicial circuit may model an existing sheriff,  
989 police department, county, municipality, or public or private  
990 educational institution's independent civil citation or similar  
991 prearrest diversion program in developing the civil citation or  
992 similar prearrest diversion program for the circuit.

993 (e) If a juvenile does not successfully complete the civil  
994 citation or similar prearrest diversion program, the arresting  
995 law enforcement officer shall determine if there is good cause  
996 to arrest the juvenile for the original misdemeanor offense and  
997 refer the case to the state attorney to determine if prosecution  
998 is appropriate or allow the juvenile to continue in the program  
999 and the head of each local law enforcement agency involved. The  
1000 program may be operated by an entity such as a law enforcement  
1001 agency, the department, a juvenile assessment center, the county  
1002 or municipality, or another entity selected by the county or  
1003 municipality. An entity operating the civil citation or similar  
1004 diversion program must do so in consultation and agreement with  
1005 the state attorney and local law enforcement agencies. Under  
1006 such a juvenile civil citation or similar diversion program, a  
1007 law enforcement officer, upon making contact with a juvenile who  
1008 admits having committed a misdemeanor, may choose to issue a  
1009 simple warning or inform the child's guardian or parent of the  
1010 child's infraction, or may issue a civil citation or require  
1011 participation in a similar diversion program, and assess up to  
1012 50 community service hours, and require participation in  
1013 intervention services as indicated by an assessment of the needs  
1014 of the juvenile, including family counseling, urinalysis  
1015 monitoring, and substance abuse and mental health treatment

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1016 ~~services.~~

1017 (f) A copy of each civil citation or similar prearrest  
1018 diversion program notice issued under this section shall be  
1019 provided to the department, and the department shall enter  
1020 appropriate information into the juvenile offender information  
1021 system. ~~Use of the civil citation or similar diversion program~~  
1022 ~~is not limited to first-time misdemeanors and may be used in up~~  
1023 ~~to two subsequent misdemeanors. If an arrest is made, a law~~  
1024 ~~enforcement officer must provide written documentation as to why~~  
1025 ~~an arrest was warranted.~~

1026 (g) At the conclusion of a juvenile's civil citation  
1027 ~~program~~ or similar prearrest diversion program, the state  
1028 attorney or operator of the independent program agency operating  
1029 ~~the program~~ shall report the outcome to the department. The  
1030 issuance of a civil citation or similar prearrest diversion  
1031 program notice is not considered a referral to the department.

1032 ~~(2) The department shall develop guidelines for the civil~~  
1033 ~~citation program which include intervention services that are~~  
1034 ~~based upon proven civil citation or similar diversion programs~~  
1035 ~~within the state.~~

1036 (h) ~~(3)~~ Upon issuing ~~such~~ a civil citation or similar  
1037 prearrest diversion program notice, the law enforcement officer  
1038 shall send a copy of ~~to~~ the civil citation or similar prearrest  
1039 diversion program notice to ~~county sheriff, state attorney, the~~  
1040 ~~appropriate intake office of the department, or the community~~  
1041 ~~service performance monitor designated by the department, the~~  
1042 ~~parent or guardian of the child,~~ and to the victim.

1043 ~~(4) The child shall report to the community service~~  
1044 ~~performance monitor within 7 working days after the date of~~

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1045 ~~issuance of the citation. The work assignment shall be~~  
1046 ~~accomplished at a rate of not less than 5 hours per week. The~~  
1047 ~~monitor shall advise the intake office immediately upon~~  
1048 ~~reporting by the child to the monitor, that the child has in~~  
1049 ~~fact reported and the expected date upon which completion of the~~  
1050 ~~work assignment will be accomplished.~~

1051 ~~(5) If the child fails to report timely for a work~~  
1052 ~~assignment, complete a work assignment, or comply with assigned~~  
1053 ~~intervention services within the prescribed time, or if the~~  
1054 ~~juvenile commits a subsequent misdemeanor, the law enforcement~~  
1055 ~~officer shall issue a report alleging the child has committed a~~  
1056 ~~delinquent act, at which point a juvenile probation officer~~  
1057 ~~shall process the original delinquent act as a referral to the~~  
1058 ~~department and refer the report to the state attorney for~~  
1059 ~~review.~~

1060 ~~(6) At the time of issuance of the citation by the law~~  
1061 ~~enforcement officer, such officer shall advise the child that~~  
1062 ~~the child has the option to refuse the citation and to be~~  
1063 ~~referred to the intake office of the department. That option may~~  
1064 ~~be exercised at any time before completion of the work~~  
1065 ~~assignment.~~

1066 Section 10. Subsection (3) of section 985.125, Florida  
1067 Statutes, is amended to read:

1068 985.125 Prearrest or postarrest diversion programs.—

1069 ~~(3) The prearrest or postarrest diversion program may, upon~~  
1070 ~~agreement of the agencies that establish the program, provide~~  
1071 ~~for the expunction of the nonjudicial arrest record of a minor~~  
1072 ~~who successfully completes such a program pursuant to s.~~  
1073 ~~943.0582.~~

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1074 Section 11. Paragraphs (f), (g), (h), (i), and (j) of  
1075 subsection (1) of section 985.145, Florida Statutes, are  
1076 redesignated as paragraphs (g), (h), (i), (j), and (k),  
1077 respectively, and a new paragraph (f) is added to that  
1078 subsection, to read:

1079 985.145 Responsibilities of the department during intake;  
1080 screenings and assessments.—

1081 (1) The department shall serve as the primary case manager  
1082 for the purpose of managing, coordinating, and monitoring the  
1083 services provided to the child. Each program administrator  
1084 within the Department of Children and Families shall cooperate  
1085 with the primary case manager in carrying out the duties and  
1086 responsibilities described in this section. In addition to  
1087 duties specified in other sections and through departmental  
1088 rules, the department shall be responsible for the following:

1089 (f) Prevention web.—For a child with a first-time  
1090 misdemeanor offense, the department shall enter all related  
1091 information into the Juvenile Justice Information System  
1092 Prevention Web until such time as formal charges are filed. If  
1093 formal charges are not filed, the information shall remain in  
1094 the Juvenile Justice Information System Prevention Web until  
1095 removed pursuant to department policies.

1096 Section 12. Section 985.126, Florida Statutes, is created  
1097 to read:

1098 985.126 Diversion programs; data collection; denial of  
1099 participation or expunged record.—

1100 (1) As used in this section, the term “diversion program”  
1101 has the same meaning as provided in s. 943.0582.

1102 (2) Upon issuance of documentation requiring a minor to

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1103 participate in a diversion program, before or without an arrest,  
1104 the issuing law enforcement officer shall send a copy of such  
1105 documentation to the entity designated to operate the diversion  
1106 program and to the department, which shall enter such  
1107 information into the Juvenile Justice Information System  
1108 Prevention Web.

1109 (3) (a) Beginning October 1, 2018, each diversion program  
1110 shall submit data to the department which identifies for each  
1111 minor participating in the diversion program:

1112 1. The race, ethnicity, gender, and age of that minor.

1113 2. The offense committed, including the specific law  
1114 establishing the offense.

1115 3. The judicial circuit and county in which the offense was  
1116 committed and the law enforcement agency that had contact with  
1117 the minor for the offense.

1118 4. Other demographic information necessary to properly  
1119 register a case into the Juvenile Justice Information System  
1120 Prevention Web, as specified by the department.

1121 (b) Beginning October 1, 2018, each law enforcement agency  
1122 shall submit to the department data that identifies for each  
1123 minor who was eligible for a diversion program, but was instead  
1124 referred to the department, provided a notice to appear, or  
1125 arrested:

1126 1. The data required pursuant to paragraph (a).

1127 2. Whether the minor was offered the opportunity to  
1128 participate in a diversion program. If the minor was:

1129 a. Not offered such opportunity, the reason such offer was  
1130 not made.

1131 b. Offered such opportunity, whether the minor or his or

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1132 her parent or legal guardian declined to participate in the  
1133 diversion program.

1134 (c) The data required pursuant to paragraph (a) shall be  
1135 submitted to the department quarterly.

1136 (d) The data required pursuant to paragraph (b) shall be  
1137 submitted on or with the arrest affidavit or notice to appear.

1138 (4) Beginning January 1, 2019, the department shall compile  
1139 and semiannually publish the data required by subsection (3) on  
1140 the department's website in a format that is, at a minimum,  
1141 sortable by judicial circuit, county, law enforcement agency,  
1142 race, ethnicity, gender, age, and offense committed.

1143 (5) A minor who successfully completes a diversion program  
1144 for a first-time misdemeanor offense may lawfully deny or fail  
1145 to acknowledge his or her participation in the program and an  
1146 expunction of a nonjudicial arrest record under s. 943.0582,  
1147 unless the inquiry is made by a criminal justice agency, as  
1148 defined in s. 943.045, for a purpose described in s.  
1149 943.0582(2)(b)1.

1150 (6) The department shall adopt rules to implement this  
1151 section.

1152 Section 13. A pilot project is established in the Sixth  
1153 Judicial Circuit for the purpose of improving criminal justice  
1154 data transparency and ensuring data submitted under s. 900.05,  
1155 Florida Statutes, is accurate, valid, reliable, and structured.  
1156 The clerk of court, the state attorney, the public defender, or  
1157 a sheriff in the circuit may enter into a memorandum of  
1158 understanding with a national, nonpartisan, not-for-profit  
1159 entity which provides data and measurement for county-level  
1160 criminal justice systems to establish the duties and



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1161 responsibilities of a data fellow, completely funded by the  
1162 entity, to be embedded with the office or agency. The data  
1163 fellow will assist with data extraction, validation, and quality  
1164 and publish such data consistent with the terms of the  
1165 memorandum. The data fellow will assist the office or agency in  
1166 compiling and reporting data pursuant to s. 900.05, Florida  
1167 Statutes, in compliance with rules established by the Department  
1168 of Law Enforcement. The pilot project shall expire pursuant to  
1169 the terms outlined in the memorandum.

1170       Section 14. For the 2018-2019 fiscal year, nine full-time  
1171 equivalent positions with an associated total salary rate of  
1172 476,163 are authorized and the recurring sum of \$665,884 and the  
1173 nonrecurring sum of \$1,084,116 are appropriated from the General  
1174 Revenue Fund to the Department of Law Enforcement for the  
1175 purposes of implementing ss. 900.05(4) and 943.687, Florida  
1176 Statutes, transitioning to incident-based crime reporting, and  
1177 collecting and submitting crime statistics that meet the  
1178 requirements of the Federal Bureau of Investigation under the  
1179 National Incident-Based Reporting System.

1180       Section 15. This act shall take effect July 1, 2018.