

THE FLORIDA SENATE
2018 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 1392 — Criminal Justice

by Appropriations Committee; Criminal Justice Committee; and Senators Brandes, Perry, and Young

The bill creates a model of uniform criminal justice data collection. Specifically, the bill:

- 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 clerk of the court or county detention facility 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; and
- Authorizes a pilot project in the Sixth Judicial Circuit for the purpose of improving criminal justice data transparency.

Additionally, the bill provides for the establishment of civil citation or similar prearrest diversion programs for adults and juveniles. The bill permits local communities and public or private educational institutions to adopt a model prearrest diversion program for adults and provides guidelines for the establishment of such programs. The bill 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 or similar prearrest diversion program must specify in developing such program.

The bill requires the FDLE to adopt rules to provide for the expunction of a nonjudicial record of the arrest of a minor who has successfully completed a diversion program. The bill also requires each diversion program to submit data that identifies each minor participating in the diversion program to the Department of Juvenile Justice (DJJ). The DJJ must compile and semiannually publish the data on the department's website.

If approved by the Governor, these provisions take effect July 1, 2018.

Vote: Senate 36-1; House 116-0