

20181392e1

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

20181392e1

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

20181392e1

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.

20181392e1

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

20181392e1

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

20181392e1

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.

20181392e1

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

20181392e1

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

20181392e1

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.

20181392e1

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

20181392e1

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.

20181392e1

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.

20181392e1

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.

20181392e1

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.

20181392e1

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

20181392e1

- 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,

20181392e1

- 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.

20181392e1

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.

20181392e1

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

20181392e1

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.

20181392e1

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

20181392e1

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

20181392e1

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

20181392e1

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).

20181392e1

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

20181392e1

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

20181392e1

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.

20181392e1

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:

20181392e1

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.~~

20181392e1

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

20181392e1

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.

20181392e1

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

20181392e1

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:

20181392e1

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

20181392e1

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

20181392e1

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~~

20181392e1

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.~~

20181392e1

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

20181392e1

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

20181392e1

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

20181392e1

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.