COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

Committee/Subcommittee hearing bill: Appropriations Committee
Representative Renner offered the following:

Amendment (with title amendment)
Between lines 2318 and 2319, insert:
Section 41. Effective upon becoming a law, section 900.05, Florida Statutes, is amended to read:

900.05 Criminal justice data collection.—
(1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of the Legislature to create a model of uniform criminal justice data collection by requiring local and state criminal justice agencies to report complete, accurate, and timely data, and making such data available to the public. The Legislature finds that it is an important state interest to implement a uniform data collection process and promote criminal justice data transparency.
(2) DEFINITIONS.—As used in this section, the term:
(a) "Annual felony caseload" means the yearly caseload of each full-time state attorney and assistant state attorney, or public defender and assistant public defender, or conflict regional counsel and assistant conflict regional counsel for cases assigned to the circuit criminal division, based on the number of felony cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, assistant public defender, conflict regional counsel, or assistant conflict regional counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30th and reported once at the beginning of the reporting agency's fiscal year.
(b) "Annual felony conflict caseload" means the total number of felony cases the public defender or office of criminal conflict regional counsel has withdrawn from in the previous calendar year. The caseload shall be calculated on June 30th and reported once at the beginning of reporting agency's fiscal year.
(c) "Annual misdemeanor caseload" means the yearly caseload of each full-time state attorney and assistant state attorney, or public defender and assistant public defender, or
conflict regional counsel and assistant conflict regional counsel for cases assigned to the county criminal division, based on the number of misdemeanor cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, assistant public defender, conflict regional counsel, or assistant conflict regional counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30th and reported once at the beginning of the reporting agency's fiscal year.

(d) "Annual misdemeanor conflict caseload" means the total number of misdemeanor cases the public defender or office of criminal conflict regional counsel has withdrawn from in the previous calendar year. The caseload shall be calculated on June 30th and reported once at the beginning of the reporting agency's fiscal year.

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

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

(g) "Case number" means the uniform case identification
number assigned by the clerk of court to a criminal case.

(h) "Case status" means whether a case is open, active, inactive, closed, reclosed, or reopened due to a violation of
probation or community control.

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

(j) "Charge disposition" means the final adjudication for
each charged crime, including, but not limited to, dismissal by
state attorney, dismissal by judge, acquittal, no contest plea,
guilty plea, or guilty finding at trial.

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

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

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

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

(o) "Deferred prosecution or pretrial diversion agreement date" means the date an agreement contract is signed by the parties regarding a defendant's admission into a deferred prosecution or pretrial diversion program.

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

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

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

(s) "Disposition type" means the manner in which the
charge was closed, including final judgment, adjudication,
adjudications withheld, dismissal, or nolle prosequi.

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

(u) "Gang affiliation flag" means an indication that a
defendant is involved in or associated with a criminal gang as
defined in s. 874.03 at the time of the current offense.

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

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

(x) "Habitual violent felony offender flag" means an
indication that a defendant is a habitual violent felony
offender as defined in s. 775.084.

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

(y) "Number of contract attorneys representing indigent
defendants for the office of the public defender" means the
number of attorneys hired on a temporary basis, by contract, to represent indigent clients who were appointed a public defender, whereby the public defender withdraws from the case due to a conflict of interest.

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

(aa) "Prior incarceration within the state" means any prior history of a defendant's incarceration defendant being incarcerated in a county detention facility or Florida state correctional institution or facility.

(bb) "Prison releasee reoffender flag" means an indication that the defendant is a prison releasee reoffender as defined in s. 775.082 or any other statute.

(cc) "Sexual offender flag" means an indication that a defendant was is required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

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

(ee) "Three-time violent felony offender flag" means an indication that the defendant is a three-time violent felony offender as defined in s. 775.084 or any other statute.
"Violent career criminal flag" means an indication that the defendant is a violent career criminal as defined in s. 775.084 or any other statute.

(3) DATA COLLECTION AND REPORTING. Beginning January 1, 2019, An entity required to collect data in accordance with this subsection shall collect the specified data and required of the entity on a biweekly basis. Each entity shall report the data collected in accordance with this subsection to the Department of Law Enforcement on a monthly basis.

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

1. Case number.
2. Date that the alleged offense occurred.
3. County in which the offense is alleged to have occurred.
4. Date the defendant is taken into physical custody by a law enforcement agency or is issued a notice to appear on a criminal charge, if such date is different from the date the offense is alleged to have occurred.
5. Whether the case originated by a notice to appear.
6. Date that the criminal prosecution of a defendant is formally initiated through the filing, with the clerk of the court, of an information by the state attorney or an indictment issued by a grand jury.
7. Arraignment date.
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7. Attorney appointment assignment date.
8. Attorney withdrawal date.
10. Charge disposition.

11. Disposition date and disposition type.

12. Information related to each defendant, including:
   a. Identifying information, including name, known aliases, date of birth, age, race, or ethnicity, and gender.
   b. Zip code of last known address or primary residence.
   c. Primary language.
   d. Citizenship.
   e. Immigration status, if applicable.
   f. Whether the defendant has been found indigent under pursuant to s. 27.52.

13. Information related to the formal charges filed against the defendant, including:
   a. Charge description.
   b. Charge modifier description and statute, if applicable.
   c. Drug type for each drug charge, if known.
   d. Qualification for a flag designation as defined in this section, including a domestic violence flag, gang affiliation flag, sexual offender flag, habitual offender flag, habitual violent felony offender flag, or pretrial release violation flag, prison releasee reoffender flag, three-time violent felony offender flag, or violent career criminal flag.
14. Information related to bail or bond and pretrial release determinations, including the dates of any such determinations:
   a. Pretrial release determination made at a first appearance hearing that occurs within 24 hours of arrest, including any all monetary and nonmonetary conditions of release.
   b. Modification of bail or bond conditions made by a court having jurisdiction to try the defendant or, in the absence of the judge of the trial court, by the circuit court, including modifications to any monetary and nonmonetary conditions of release.
   c. Cash bail or bond payment, including whether the defendant utilized a bond agent to post a surety bond.
   d. Date defendant is released on bail, bond, or pretrial release for the current case.
   e. Bail or bond revocation due to a new offense, a failure to appear, or a violation of the terms of bail or bond, if applicable.

15. Information related to court dates and dates of motions and appearances, including:
   a. Date of any court appearance and the type of proceeding scheduled for each date reported.
   b. Date of any failure to appear in court, if applicable.
c. Deferred prosecution or pretrial diversion hearing, if applicable.
   e. Judicial transfer date, if applicable.
   d. Each scheduled trial date.
   e. Date that a defendant files a notice to participate in discovery.
   f. Speedy trial motion date and each hearing date, if applicable.
   g. Dismissal motion date and each hearing date dates, if applicable.

    17. Information related to sentencing, including:
       a. Date that a court enters a sentence against a
defendant.
       b. Charge sentenced to, including charge sequence number
and, charge description, statute, type, and charge class severity.
       c. Sentence type and length imposed by the court in the
current case, reported in years, months, and days, including,
but not limited to, the total duration of incarceration
imprisonment in a county detention facility or state correctional institution or facility, and conditions of
probation or community control supervision.
       d. Amount of time served in custody by the defendant
related to each charge the reported criminal case that is
credited at the time of disposition of the charge case to reduce
the imposed actual length of time the defendant will serve on
the term of incarceration imprisonment that is ordered by the
court at disposition.

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

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

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

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

g.i Restitution amount ordered at sentencing, including
the amount collected by the court and the amount paid to the
victim, if applicable.

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

18.17. The sentencing judge number of judges or
magistrate, or their equivalents, hearing cases in circuit or
county criminal divisions of the circuit court. Judges or
magistrates, or their equivalents, who solely hear appellate
cases from the county criminal division are not to be reported
under this subparagraph.

(b) State attorney.—Each state attorney shall collect the
following data:
1. Information related to a human victim of a criminal offense, including:
   a. Identifying information of the victim, including race, ethnicity, gender, and age at the time of the offense.
   b. Relationship to the offender, if any.
2. Number of full-time prosecutors.
3. Number of part-time prosecutors.
4. Annual felony caseload.
5. Annual misdemeanor caseload.
6. Disposition of each referred charge, such as filed, declined, or diverted. Any charge referred to the state attorney by a law enforcement agency related to an episode of criminal activity.
7. Number of cases in which a no-information was filed.
8. Information related to each defendant, including:
   a. Each charge referred to the state attorney by a law enforcement agency or sworn complainant related to an episode of criminal activity.
      b. Case number, name, and date of birth.
      c. Drug type for each drug charge, if applicable.
      d. Deferred prosecution or pretrial diversion agreement date, if applicable.
   (c) Public defender.—Each public defender shall collect the following data for each criminal case:
      1. Number of full-time public defenders.
2. Number of part-time public defenders.
3. Number of contract attorneys representing indigent defendants for the office of the public defender.
4. Annual felony caseload.
5. Annual felony conflict caseload.
6. Annual misdemeanor caseload.
7. Annual misdemeanor conflict caseload.

(d) County detention facility.—The administrator of each county detention facility shall collect the following data:
   1. Maximum capacity for the county detention facility.
   2. Weekly admissions to the county detention facility for a revocation of probation or community control.
   3. Weekly admissions to the county detention facility for a revocation of pretrial release.
   4. Daily population of the county detention facility, including the specific number of inmates in the custody of the county that:
      a. Are awaiting case disposition.
      b. Have been sentenced by a court to a term of incarceration or imprisonment in the county detention facility.
      c. Have been sentenced by a court to a term of imprisonment with the Department of Corrections and who are awaiting transportation to the department.
d. Have a federal detainer, are awaiting disposition of a case in federal court, or are awaiting other federal court disposition.

5. Information related to each inmate, including:
   a. Identifying information, including name, date of birth, race, ethnicity, gender, case number, and identification number assigned by the county detention facility.
   b. Date when an inmate is processed and booked into the county detention facility subsequent to an arrest for a new violation of law or for a violation of probation, pretrial release, or community control.
   c. Reason why an inmate is processed and booked into the county detention facility, including if it is for a new law violation, or a violation of probation, pretrial release, or community control.
   d. Qualification for a flag designation as defined in this section, including domestic violence flag, gang affiliation flag, habitual offender flag, habitual violent felony offender flag, pretrial release violation flag, sexual offender flag, prison releasee reoffender flag, three-time violent felony offender flag, or violent career criminal flag.

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

6. Per diem rate for a county detention facility bed.
7. Daily number of correctional officers for the county detention facility.

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

9. Annual revenue generated for the county from the temporary incarceration of federal defendants or inmates.

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

1. Information related to each inmate, including:
   a. Identifying information, including name, date of birth, race, or ethnicity, gender, case number, and identification number assigned by the department.
   b. Number of children.
   b.e. Highest education level, including any vocational training.
   c.e. Date the inmate was admitted to the custody of the department for his or her current incarceration.
   d.e. Current institution placement and the security level assigned to the institution.
   e.f. Custody level assignment.
   f.g. Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, habitual violent felony offender flag, prison releasee reoffender flag, three-time violent felony offender flag,
violent career criminal flag, gang affiliation flag, or concurrent or consecutive sentence flag.

g. County that committed the prisoner to the custody of the department.

h. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.

i. Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.

j. Length of sentence or concurrent or consecutive sentences served.

k. Length of concurrent or consecutive sentences served.

l. Tentative release date.

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

n. Prior incarceration within the state.

o. Disciplinary violation and action.

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

q. Digitized sentencing scoresheet prepared in accordance with s. 921.0024.
2. Information about each state correctional institution or facility, including:
   a. Budget for each state correctional institution or facility.
   b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.
   c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:
   a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race, or ethnicity, gender sex, case number, and department-assigned case number.
   b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.
   c. Projected termination date for probation or community control.
   d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:
   a. Prison bed.
b. Probation.

c. Community control.

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

(f) Justice Administrative Commission.—The Justice Administrative Commission shall collect the following data:

1. Number of private registry attorneys representing indigent adult defendants.

2. Annual felony caseload assigned to private registry contract attorneys.

3. Annual misdemeanor caseload assigned to private registry contract attorneys.

(g) Criminal conflict regional counsel.—Each office of criminal conflict regional counsel shall report the following data:

1. Number of full-time assistant conflict regional counsel handling criminal cases.

2. Number of part-time assistant conflict regional counsel handling criminal cases.

3. Number of contract attorneys representing indigent adult defendants.

4. Annual felony caseload assigned to contract attorneys.

5. Annual misdemeanor caseload assigned to contract attorneys.
6. Annual felony conflict caseload.

7. Annual misdemeanor conflict caseload.

8. Annual felony caseload declined or not accepted by criminal conflict regional counsel due to lack of qualified assistant regional counsel or due to excessive caseload.

9. Annual misdemeanor caseload declined or not accepted by criminal conflict regional counsel due to lack of qualified assistant conflict regional counsel or due to excessive caseload.

(4) DATA PUBLICLY AVAILABLE. — Beginning January 1, 2019, the Department of Law Enforcement shall publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the department's website. The published data must be searchable, at a minimum, by each data element, county, circuit, and unique identifier. Beginning March 1, 2019, the department shall publish any data received under subsection (3) (d) in the same modern, open, electronic format that is machine-readable and readily accessible to the public on the department's website. The department shall publish all data received under subsection (3) (d) no later than January 1, 2020, and monthly thereafter July 1, 2019.

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

(6) CONFIDENTIALITY.—Information collected by a reporting agency which is exempt and confidential upon collection remains exempt and confidential when reported to the Department of Law Enforcement under this section.

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

Between lines 205 and 206, insert:
amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the Department of Law Enforcement to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department;