

By Senator Gibson

6-00381A-17

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1 A bill to be entitled
 2 An act relating to judicial accountability; creating
 3 s. 38.24, F.S.; requiring the Office of Program Policy
 4 Analysis and Government Accountability to collect
 5 specified information and prepare a report on the
 6 sentences imposed by each circuit judge and county
 7 judge in criminal and juvenile cases; requiring that
 8 the first report provide information for a specified
 9 period and that subsequent reports provide information
 10 for the previous calendar year; requiring the office
 11 to post the report annually by a specified date to its
 12 website; requiring disqualification of a judge from a
 13 case involving a member of a certain demographic group
 14 for which there is evidence of disparity in sentencing
 15 by that judge with regard to that demographic group;
 16 requiring the office to annually provide the report to
 17 the Chief Justice, the Governor, and specified members
 18 of the Legislature by a specified date; requiring the
 19 office to annually send each judge an individual
 20 report; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

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 24 Section 1. Section 38.24, Florida Statutes, is created to
 25 read:

26 38.24 Judicial accountability.—

27 (1) Pursuant to s. 11.51, the Office of Program Policy
 28 Analysis and Government Accountability shall collect data and
 29 prepare a report detailing the sentences imposed by each circuit
 30 judge and county judge in criminal cases and juvenile cases. The
 31 initial report must reflect data collected for the previous 5
 32 calendar years, and subsequent reports must include data

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33 collected for the previous calendar year. The data must
34 identify:

35 (a) The judge who presided over each trial;

36 (b) The judge who presided over the sentencing phase;

37 (c) The circuit and specific location of the court where
38 each case was heard;

39 (d) Each offense for which the defendant was convicted or
40 pled nolo contendere to;

41 (e) The range of possible sentences for each offense;

42 (f) The sentence imposed for each offense, including, but
43 not limited to, jail time, prison time, probation, a fine, or
44 any other imposed terms; and

45 (g) Demographic information about the defendant, including,
46 but not limited to:

47 1. Age.

48 2. Sex.

49 3. Race.

50 4. Income.

51 5. Prior criminal history.

52 (2) The Office of Program Policy Analysis and Government
53 Accountability must post the report by March 1 annually on its
54 website.

55 (3) Evidence of disparity in sentencing by a judge with
56 regard to any demographic group is grounds for disqualification
57 of that judge from any case involving a member of that
58 demographic group, pursuant to s. 38.10.

59 (4) Beginning on February 1, 2018, and each February 1
60 thereafter, the Office of Program Policy Analysis and Government
61 Accountability shall provide the report to the Chief Justice of

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62 the Supreme Court, the Governor, the President of the Senate,
63 the Speaker of the House of Representatives, and the majority
64 and minority leaders of the Senate and the House of
65 Representatives. The office shall also send each circuit judge
66 and county judge an individual annual report of his or her data.

67 Section 2. This act shall take effect July 1, 2017.