

1 A bill to be entitled
2 An act relating to criminal justice data transparency;
3 creating s. 900.05, F.S.; providing legislative
4 intent; providing definitions; requiring specified
5 entities to collect and transmit to the Department of
6 Law Enforcement weekly specific data; requiring the
7 Department of Law Enforcement to compile, maintain,
8 and make publicly accessible the data; creating s.
9 943.687, F.S.; requiring the Department of Law
10 Enforcement to collect, compile, maintain, and manage
11 data collected pursuant to s. 900.05, F.S.; requiring
12 the department to make data comparable, transferable,
13 and readily usable; requiring an Internet-based
14 database; providing requirements for data
15 searchability and sharing; requiring monitoring of
16 data collection procedures; providing for data
17 archiving, editing, and retrieval; amending s.
18 921.0024, F.S.; requiring scoresheets prepared for all
19 criminal defendants to be digitized; requiring the
20 Department of Corrections to develop and submit
21 revised digitized scoresheets to the Supreme Court for
22 approval; requiring digitized scoresheets to include
23 individual data cells for each field on the
24 scoresheet; requiring the clerk of court to
25 electronically transmit the digitized scoresheet used

26 | in each sentencing proceeding to the department;
27 | amending s. 907.043, F.S.; requiring each pretrial
28 | release program to include in its annual report the
29 | types of criminal charges of defendants accepted into
30 | a pretrial release program, the number of defendants
31 | accepted into a pretrial release program who paid a
32 | bail or bond, the number of defendants accepted into a
33 | pretrial release program with no prior criminal
34 | conviction, and the number of defendants for whom a
35 | pretrial risk assessment tool was used or was not;
36 | creating s. 945.041, F.S.; requiring the Department of
37 | Corrections to publish quarterly on its website inmate
38 | admissions based on offense type and recidivism rate;
39 | amending s. 20.315, F.S.; requiring the Department of
40 | Corrections to include information in its annual
41 | report on inmate admission based on offense type and
42 | recidivism rate; creating a pilot project in a
43 | specified judicial circuit to improve criminal justice
44 | data transparency and ensure data submitted under s.
45 | 900.05, F.S., is accurate, valid, reliable, and
46 | structured; permitting a memorandum of understanding
47 | with a national, nonpartisan, not-for-profit
48 | foundation meeting certain criteria for the purpose of
49 | embedding a data fellow in the office or agency;
50 | establishing data fellow duties and responsibilities;

51 providing for the expiration of the pilot project;
52 providing an appropriation; providing an effective
53 date.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 900.05, Florida Statutes, is created to
58 read:

59 900.05 Criminal justice data collection.—It is the intent
60 of the Legislature to create a model of uniform criminal justice
61 data collection by requiring local and state criminal justice
62 agencies to report complete, accurate, and timely data, and
63 making such data available to the public.

64 (1) DEFINITIONS.—As used in this section, the term:

65 (a) "Admission date" means the date a defendant was
66 admitted to the Department of Corrections.

67 (b) "Admission type" means the underlying reason for which
68 defendant is admitted to the Department of Corrections,
69 including a new conviction, probation violation, probation
70 violation based on a new offense, parole violation, or parole
71 violation based on a new offense.

72 (c) "Annual felony caseload" means the yearly adult
73 criminal felony caseload of each full-time state attorney and
74 assistant state attorney or public defender and assistant public
75 defender, based on the number of felony cases reported to the

76 Supreme Court under s. 25.075. The term does not include the
77 appellate caseload of a public defender or assistant public
78 defender.

79 (d) "Annual misdemeanor caseload" means the yearly adult
80 criminal misdemeanor caseload of each full-time state attorney
81 and assistant state attorney or public defender and assistant
82 public defender, based on the number of misdemeanor cases
83 reported to the Supreme Court under s. 25.075. The term does not
84 include the appellate caseload of a public defender or assistant
85 public defender.

86 (e) "Arraignment date or initial appearance" means the
87 date a defendant first appears before a judge to enter a plea.

88 (f) "Arrest date" means the date a defendant is taken into
89 physical custody by a law enforcement agency on a criminal
90 charge, a defendant is issued a notice to appear, or a charging
91 document is filed by the state attorney's office.

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

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

100 (i) "Bail or bond hearing date" means the date a defendant

101 appears in court for bailor bond determination.

102 (j) "Bail or bond modification date" means the date a
103 hearing is held to consider a defendant's bail or bond
104 conditions and the conditions are modified.

105 (k) "Bail or bond posting date" means the date a defendant
106 posts bail or bond.

107 (l) "Bail or bond revocation" means the date a court
108 revokes a defendant's bail or bond.

109 (m) "Bail or bond setting date" means the date a court
110 confirms or orders bail or bond in a criminal case.

111 (n) "Booking date and reason" means the date a defendant
112 is booked into a jail facility for a new charge, probation
113 violation, pursuant to a bench warrant for pretrial release
114 violation, or pursuant to a warrant from another jurisdiction.

115 (o) "Case number" means the identification number assigned
116 by the clerk of court to a criminal case.

117 (p) "Case status" means whether a case is open, closed,
118 reopened due to a probation violation, or inactive.

119 (q) "Cash bail or bond amount" means the monetary amount
120 of bail or bond imposed by a court.

121 (r) "Cash bail or bond payment" means whether or not a
122 defendant posted bail or bond.

123 (s) "Charge class severity" means the degree misdemeanor
124 or felony for each charged offense.

125 (t) "Charge description" means the statement of the charge

126 matched to the statutory section establishing the conduct as
127 criminal.

128 (u) "Charge disposition date" means the date of final
129 judgment, adjudication, adjudication withheld, dismissal, or
130 nolle prosequi of each charge.

131 (v) "Charge modifier" means an aggravating circumstance of
132 an alleged crime that enhances or modifies a charge to a more
133 serious offense level.

134 (w) "Charge sequence number" means the unique numerical
135 identifier for each charge in a case with multiple charges.

136 (x) "Charge statute" means the statute for each charge
137 establishing the conduct as criminal.

138 (y) "Charge type" means whether the charge is a
139 misdemeanor or felony.

140 (z) "Committing county" means the county from which
141 defendant was transported to the Department of Corrections.

142 (aa) "Concurrent or consecutive sentence flag" means an
143 indication that a defendant is serving another sentence
144 concurrently or consecutively in addition to the current
145 sentence.

146 (bb) "Court fees amount" means the amount of fees owed to
147 the clerk of court at disposition of the case.

148 (cc) "Court fees amount balance or payment to date" means
149 the amount a defendant paid towards outstanding court fees and
150 the remaining balance owed.

151 (dd) "Current institution and institution security level"
152 means the name of the institution where a defendant is currently
153 incarcerated and the institution's security level.

154 (ee) "Daily cost of a jail bed" means the cost per diem,
155 based on all sources of funding and costs associated with
156 operations, for each inmate in a jail facility.

157 (ff) "Daily cost of a prison bed" means the cost per diem,
158 based on all sources of funding and costs associated with
159 operations, for each inmate in a state correctional institution.

160 (gg) "Daily cost per probationer" means the cost per diem
161 for each individual serving probation with the Department of
162 Corrections.

163 (hh) "Daily jail population" means the number of inmates
164 incarcerated within a jail facility on each day.

165 (ii) "Daily jail postsentence population" means the number
166 of inmates incarcerated within a jail facility on each day who
167 have been sentenced and are either serving the sentence in jail
168 or awaiting transportation to the Department of Corrections.

169 (jj) "Daily jail presentence population" means the number
170 of inmates incarcerated within a jail facility on each day who
171 entered a plea to charges or were found guilty at trial and are
172 awaiting sentencing.

173 (kk) "Daily jail pretrial population" means the number of
174 inmates incarcerated within a jail facility on each day awaiting
175 case disposition.

176 (ll) "Daily number of correctional officers" means the
177 number of full-time, part-time and auxiliary correctional
178 officers who are actively providing supervision, protection,
179 care, custody, and control of inmates in a state correctional
180 institution or jail facility each day.

181 (mm) "Daily number of federal and state inmates held in
182 jail" means the number of inmates who are temporarily
183 incarcerated within a jail facility.

184 (nn) "Daily prison population" means the number of inmates
185 incarcerated in a state correctional institution on each day.

186 (oo) "Date of court appearance" means each date a criminal
187 case is considered by a court.

188 (pp) "Date of failure to appear in court" means each date
189 a criminal case was set to be heard by a court with required
190 appearance by defendant and he or she failed to appear.

191 (qq) "Defense attorney type" means whether the attorney is
192 court-appointed to or privately retained by a defendant, or the
193 defendant is represented pro se.

194 (rr) "Deferred prosecution or pretrial diversion hearing
195 date or agreement date" means each date a hearing is held or a
196 contract is signed by the parties regarding a defendant's
197 admission into a deferred prosecution or pretrial diversion
198 program.

199 (ss) "Disciplinary violation and action" means any inmate
200 disciplinary conduct and the consequences of such conduct.

201 (tt) "Discovery motion date" means the date a defendant
 202 files a notice to participate in discovery.

203 (uu) "Dismissal motion date" means the date a defendant
 204 files a motion to dismiss charges.

205 (vv) "Dismissal motion hearing date" means the date a
 206 court considers a defendant's motion to dismiss charges.

207 (ww) "Disposition date" means the date on which all case
 208 activity is final.

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

211 (yy) "Drug type for drug charge" mean the type of drug
 212 specified in each drug charge against a defendant.

213 (zz) "Ethnicity" means a person's identification as
 214 Hispanic or Latino, not Hispanic or Latino, or Haitian.

215 (aaa) "Filing date" means the date a formal charge is
 216 filed against a defendant.

217 (bbb) "Fine amount" means the total fines imposed at case
 218 disposition.

219 (ccc) "Fine amount balance or payment to date" means the
 220 amount a defendant paid towards outstanding fines and the
 221 remaining balance owed.

222 (ddd) "Gang affiliation flag" means an indication that a
 223 defendant is involved in or associated with a criminal gang as
 224 defined in s. 874.03.

225 (eee) "Good conduct credit earned" means time an inmate

226 earned for good behavior in a jail facility or state
227 correctional institution and credited toward his or her
228 sentence.

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

232 (ggg) "Jail capacity" means the maximum number of inmates
233 who can be incarcerated in a jail facility.

234 (hhh) "Judicial transfer date" means a date on which a
235 defendant's case is transferred to another court or presiding
236 judge.

237 (iii) "Length of probation sentence imposed" means the
238 duration of probation ordered by a court.

239 (jjj) "Length of probation sentence served" means the
240 amount of time on probation a defendant has served to date.

241 (kkk) "Nonmonetary condition of release" means a condition
242 of a defendant's pretrial release imposed by the court that is
243 not based on payment of bail or bond.

244 (lll) "Number of contract attorneys representing indigent
245 defendants for the public defender's office" means the number of
246 attorneys hired on a temporary basis, by contract, to represent
247 indigent clients who were appointed a public defender.

248 (mmm) "Offense date" means the date that the alleged crime
249 occurred.

250 (nnn) "Plea date" means the date a defendant enters a plea

251 to a pending charge.

252 (ooo) "Presentence jail population at year-end" means the
253 number of inmates incarcerated within a jail facility, at the
254 end of the calendar year, who entered pleas or were found guilty
255 at trial and are awaiting sentencing.

256 (ppp) "Pretrial release decision" means the date the court
257 decides the issue of defendant's pretrial release from
258 incarceration.

259 (qqq) "Pretrial release offender flag" means an indication
260 that the defendant has violated the terms of his or her pretrial
261 release.

262 (rrr) "Prior incarceration within the state" means any
263 prior history of a defendant being incarcerated in a jail
264 facility or state correctional institution.

265 (sss) "Postsentence jail population at year-end" means the
266 number of inmates incarcerated within a jail facility, at the
267 end of the calendar year, who have been sentenced and are either
268 -serving that sentence in the facility or awaiting transportation
269 to the Department of Corrections.

270 (ttt) "Probation revocation" means any instance where a
271 defendant's probation was revoked.

272 (uuu) "Projected discharge date" means the anticipated
273 date an inmate will be released from incarceration.

274 (vvv) "Race" means a person's identification as American
275 Indian or Alaskan Native, African-American or Black, Asian,

276 Hawaiian or other Pacific Islander, White, or Other, which
277 includes multi-racial individuals.

278 (www) "Restitution amount ordered" means the amount of
279 money imposed by the court to compensate a victim of a
280 defendant's criminal activity.

281 (xxx) "Sentence condition" means any requirement imposed
282 by a court in addition to incarceration.

283 (yyy) "Sentence date" means the date a court enters a
284 sentence against a defendant.

285 (zzz) "Sentence length" means the total duration of jail
286 time, prison time, and probation a defendant is ordered to
287 serve.

288 (aaaa) "Sentence type" means capital punishment,
289 incarceration, probation, or a combination thereof.

290 (bbbb) "Sentencing scoresheet" means the digitized
291 worksheet created under s. 921.0024 to compute the defendant's
292 minimum sentence that may be imposed by the trial court.

293 (cccc) "Speedy trial motion date" means the date a
294 defendant files a demand for speedy trial.

295 (dddd) "Speedy trial motion hearing date" means the date a
296 court hears a defendant's demand for speedy trial.

297 (eeee) "Sexual offender flag" means an indication that a
298 defendant is a sexual offender as defined in s. 943.0435.

299 (ffff) "Time served credit and length" means the amount of
300 prior incarceration credited to an inmate's current sentence to

301 reduce the amount of time remaining in the sentence.

302 (gggg) "Total jail population at year-end" means the
303 number of inmates incarcerated within a jail facility at the end
304 of the calendar year.

305 (hhhh) "Trial date" means the date a defendant's case is
306 set for trial, beginning with jury selection.

307 (2) DATA COLLECTION AND REPORTING—Beginning January 1,
308 2019, the following entities shall collect and transmit data
309 weekly to the Department of Law Enforcement:

310 (a) Each clerk of court shall collect the following data
311 for each criminal case:

312 1. Case number.

313 2. Offense date.

314 3. County in which the offense was committed.

315 4. Arrest date.

316 5. Filing date.

317 6. Arraignment date or initial appearance.

318 7. Attorney assignment date.

319 8. Attorney withdrawal date.

320 9. Case status.

321 10. Disposition date.

322 11. For each defendant:

323 a. Name.

324 b. Date of birth.

325 c. Age.

- 326 | d. Zip code of primary residence.
- 327 | e. Primary language.
- 328 | f. Race and ethnicity.
- 329 | g. Gender.
- 330 | h. Citizenship.
- 331 | i. Immigration status, if applicable.
- 332 | j. Whether the defendant is indigent under s. 27.52.
- 333 | 12. Any charge referred to the state attorney by law
- 334 | enforcement.
- 335 | 13. The following information on a formal charge filed
- 336 | against the defendant:
- 337 | a. Charge sequence number.
- 338 | b. Charge description.
- 339 | c. Charge statute.
- 340 | d. Charge type.
- 341 | e. Charge class severity.
- 342 | f. Charge modifier, if any.
- 343 | g. Charge disposition.
- 344 | h. Charge disposition date.
- 345 | i. Drug type for drug charge, if known.
- 346 | j. Domestic violence flag.
- 347 | k. Gang affiliation flag.
- 348 | l. Sexual offender flag.
- 349 | m. Habitual offender flag.
- 350 | 14. Plea date.

351 15. The following information on bail or bond and pretrial
352 release:

353 a. Pretrial release decision.

354 b. Nonmonetary condition of release.

355 c. Cash bail or bond amount.

356 d. Cash bail or bond payment.

357 e. Booking date and reason.

358 f. Date defendant is released on bail, bond, or pretrial
359 release.

360 g. Bail or bond revocation due to a new offense, a failure
361 to appear, or a violation of the terms of bail or bond.

362 h. Pretrial release offender flag.

363 16. The following pretrial dates:

364 a. Bail or bond hearing date.

365 b. Bail or bond setting date.

366 c. Bail or bond modification date.

367 d. Bail or bond posting date.

368 e. Deferred prosecution or pretrial diversion hearing date
369 or agreement date.

370 17. The following court dates and dates of motions and
371 appearances:

372 a. Date of court appearance.

373 b. Date of failure to appear in court.

374 c. Judicial transfer date.

375 d. Trial date.

- 376 | e. Bail or bond motion date.
- 377 | f. Discovery motion date.
- 378 | g. Speedy trial motion date.
- 379 | h. Speedy trial motion hearing date.
- 380 | i. Dismissal motion date.
- 381 | j. Dismissal motion hearing date.
- 382 | 18. Defense attorney type.
- 383 | 19. The following information related to sentencing:
- 384 | a. Sentence date.
- 385 | b. Sentence type.
- 386 | c. Sentence length.
- 387 | d. Sentence condition.
- 388 | e. Time served credit and length.
- 389 | f. Court fees amount.
- 390 | g. Court fees amount balance or payment to date.
- 391 | h. Fine amount.
- 392 | i. Fine amount balance or payment to date.
- 393 | j. Restitution amount ordered.
- 394 | k. If restitution is ordered, the amount collected by the
- 395 | court and the amount paid to the victim.
- 396 | 19. The number of judges, magistrates, court
- 397 | commissioners, or their equivalents hearing nonappellant, adult
- 398 | criminal cases in the circuit.
- 399 | (b) Each state attorney shall collect the following data:
- 400 | 1. For a human victim of a criminal offense:

- 401 a. Race and ethnicity.
- 402 b. Gender.
- 403 c. Age.
- 404 d. Relationship to the offender.
- 405 2. Number of full-time prosecutors.
- 406 3. Number of part-time prosecutors.
- 407 4. Annual felony caseload.
- 408 5. Annual misdemeanor caseload.
- 409 6. For each defendant:
- 410 a. Each charge referred to the office of the state
- 411 attorney by law enforcement.
- 412 b. Drug type for each drug charge.
- 413 7. Number of cases in which no information was filed.
- 414 (c) Each public defender shall collect the following data
- 415 for each criminal case:
- 416 1. Number of full-time public defenders.
- 417 2. Number of part-time public defenders.
- 418 3. Number of contract attorneys representing indigent
- 419 defendants for the office of the public defender.
- 420 4. Annual felony caseload.
- 421 5. Annual misdemeanor caseload.
- 422 (d) The administrator of each county detention facility
- 423 shall collect the following data:
- 424 1. Jail capacity.
- 425 2. Weekly admissions to jail for probation revocation.

- 426 | 3. Daily jail population.
- 427 | 4. Daily jail pretrial population.
- 428 | 5. Daily jail presentence population.
- 429 | 6. Daily jail postsentence population.
- 430 | 7. Daily number of federal and state inmates held in jail.
- 431 | 8. Total jail population at year-end.
- 432 | 9. Pretrial jail population at year-end.
- 433 | 10. Presentence jail population at year-end.
- 434 | 11. Postsentence jail population at year-end.
- 435 | 12. Number of federal and state inmates held in jail at
- 436 | year-end.
- 437 | 13. Daily cost of a jail bed.
- 438 | 14. Daily number of correctional officers.
- 439 | 15. Annual jail budget.
- 440 | 16. Revenue generated from the temporary incarceration of
- 441 | federal defendants or inmates.
- 442 | 17. For each inmate:
- 443 | a. Booking date and reason.
- 444 | b. Domestic violence flag.
- 445 | c. Gang affiliation flag.
- 446 | d. Habitual offender flag.
- 447 | e. Pretrial release offender flag.
- 448 | f. Sexual offender flag.
- 449 | (e) The Department of Corrections shall collect:
- 450 | 1. For each prisoner:

- 451 a. The following data:
- 452 (I) Name.
- 453 (II) DOC number.
- 454 (III) Date of birth.
- 455 (IV) Race and ethnicity.
- 456 (V) Number of children.
- 457 (VI) Education level.
- 458 (VII) Admission date.
- 459 (VIII) Admission type.
- 460 (IX) Current institution and institution security level.
- 461 (X) Sexual offender flag.
- 462 (XI) Habitual offender flag.
- 463 (XII) Gang affiliation flag.
- 464 (XIII) Sentencing scoresheet.
- 465 (XIV) Committing county.
- 466 (XV) Whether the reason for admission to the department is
- 467 for a new conviction or a probation violation. For an admission
- 468 for a probation violation, the department shall report whether
- 469 the violation was technical, based on a new offense, or based on
- 470 another term of probation.
- 471 b. Specific offense codes, including, for an inmate
- 472 convicted of drug trafficking under s. 893.135, the offense code
- 473 for each specific drug trafficked.
- 474 c. Concurrent or consecutive sentence flag.
- 475 d. Length of sentence or concurrent or consecutive

- 476 | sentences served.
- 477 | e. Projected discharge date.
- 478 | f. Time served, in days.
- 479 | g. Good conduct credit earned.
- 480 | h. Prior incarceration within the state.
- 481 | i. Disciplinary violation and action.
- 482 | j. Participation in rehabilitative or educational
- 483 | correctional programs.
- 484 | 2. The following information about each correctional
- 485 | facility:
- 486 | a. Budget for each correctional institution.
- 487 | b. Daily prison population.
- 488 | c. Daily number of correctional officers.
- 489 | d. Daily cost of a prison bed.
- 490 | 3. For probation and probationary services:
- 491 | a. For each probationer:
- 492 | (I) Name.
- 493 | (II) Date of birth.
- 494 | (III) Race and ethnicity.
- 495 | (IV) Sex.
- 496 | (V) Department-assigned case number.
- 497 | b. Length of probation sentence imposed and length of
- 498 | probation sentence served.
- 499 | c. Probation release date or projected release date.
- 500 | d. Probation revocation due to a violation.

501 e. Probation revocation due to a new offense.

502 f. Daily cost per probationer.

503 (3) DATA PUBLICLY AVAILABLE—Beginning January 1, 2019, the
504 department shall publish datasets in its possession in a modern,
505 open, electronic format that is machine-readable and readily
506 accessible by the public on the department's website. The
507 published data shall be searchable, at a minimum, by each data
508 element, county, circuit, and unique identifier. Beginning March
509 1, 2019, the department shall begin publishing the data received
510 under subsection (2) in the same modern, open, electronic format
511 that is machine-readable and readily accessible to the public on
512 the department's website. The department shall publish all data
513 received under section (2) no later than July 1, 2019.

514 Section 2. Section 943.687, Florida Statutes, is created
515 to read:

516 943.687 Criminal justice data transparency.—In order to
517 facilitate the availability of comparable and uniform criminal
518 justice data, the department shall:

519 (1) Collect, compile, maintain, and manage the data
520 submitted by local and state entities pursuant to s. 900.05 and
521 coordinate related activities to collect and submit data. The
522 department shall create a unique identifier for each criminal
523 case received from the clerks of court which identifies the
524 person who is the subject of the criminal case. The unique
525 identifier must be the same for that person in any court case

526 and used across local and state entities for all information
527 related to that person at any time. The unique identifier shall
528 be randomly created and may not include any portion of the
529 person's social security number or date of birth.

530 (2) Promote criminal justice data sharing by making such
531 data received under s. 900.05 comparable, transferable, and
532 readily usable.

533 (3) Create and maintain an Internet-based database of
534 criminal justice data received under s. 900.05 in a modern,
535 open, electronic format that is machine-readable and readily
536 accessible through an application program interface. The
537 database shall allow the public to search, at a minimum, by each
538 data element, county, judicial circuit, or unique identifier.
539 The department may not require a license or charge a fee to
540 access or receive information from the database.

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

543 (5) Establish by rule:

544 (a) Requirements for the entities subject to the
545 requirements of s. 900.05 to submit data through an application
546 program interface.

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

550 (c) How data collected pursuant to s. 900.05 is compiled,

551 processed, structured, used, or shared. The rule shall provide
552 for tagging all information associated with each case number and
553 unique identifier.

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

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

558 (6) Consult with local, state, and federal criminal
559 justice agencies and other public and private users of the
560 database under subsection (3) on the data elements collected
561 under s. 900.05, the use of such data, and adding data elements
562 to be collected.

563 (7) Monitor data collection procedures and test data
564 quality to facilitate the dissemination of accurate, valid,
565 reliable, and complete criminal justice data.

566 (8) Develop methods for archiving data, retrieving
567 archived data, and data editing and verification.

568 Section 3. Subsections (3), (4), (5), (6), and (7) of
569 section 921.0024, Florida Statutes, are amended to read:

570 921.0024 Criminal Punishment Code; worksheet computations;
571 scoresheets.—

572 (3) A single digitized scoresheet shall be prepared for
573 each defendant to determine the permissible range for the
574 sentence that the court may impose, except that if the defendant
575 is before the court for sentencing for more than one felony and

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576 | the felonies were committed under more than one version or
577 | revision of the guidelines or the code, separate digitized
578 | scoresheets must be prepared. The scoresheet or scoresheets must
579 | cover all the defendant's offenses pending before the court for
580 | sentencing. The state attorney shall prepare the digitized
581 | scoresheet or scoresheets, which must be presented to the
582 | defense counsel for review for accuracy in all cases unless the
583 | judge directs otherwise. The defendant's scoresheet or
584 | scoresheets must be approved and signed by the sentencing judge.

585 | (4) The Department of Corrections, in consultation with
586 | the Office of the State Courts Administrator, state attorneys,
587 | and public defenders, must develop and submit the revised
588 | digitized Criminal Punishment Code scoresheet to the Supreme
589 | Court for approval by June 15 of each year, as necessary. The
590 | digitized scoresheet shall have individual, structured data
591 | cells for each data field on the scoresheet. Upon the Supreme
592 | Court's approval of the revised digitized scoresheet, the
593 | Department of Corrections shall produce and provide ~~sufficient~~
594 | ~~copies of~~ the revised digitized scoresheets by September 30 of
595 | each year, as necessary. Digitized scoresheets must include
596 | individual data cells to indicate ~~item entries for the~~
597 | ~~scoresheet preparer's use in indicating~~ whether any prison
598 | sentence imposed includes a mandatory minimum sentence or the
599 | sentence imposed was a downward departure from the lowest
600 | permissible sentence under the Criminal Punishment Code.

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601 (5) The Department of Corrections shall make available
602 ~~distribute sufficient copies of the~~ digitized Criminal
603 Punishment Code scoresheets to those persons charged with the
604 responsibility for preparing scoresheets.

605 (6) The clerk of the circuit court shall transmit a
606 complete, and accurate digitized, ~~and legible~~ copy of the
607 Criminal Punishment Code scoresheet used in each sentencing
608 proceeding to the Department of Corrections. Scoresheets must be
609 electronically transmitted no less frequently than weekly
610 ~~monthly,~~ by the first of each month, and may be sent
611 collectively.

612 (7) A digitized sentencing scoresheet must be prepared for
613 every defendant who is sentenced for a felony offense. ~~A copy of~~
614 The individual offender's digitized Criminal Punishment Code
615 scoresheet and any attachments thereto prepared pursuant to Rule
616 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
617 Procedure, or any other rule pertaining to the preparation and
618 submission of felony sentencing scoresheets, must be included
619 with ~~attached to the copy of~~ the uniform judgment and sentence
620 form provided to the Department of Corrections.

621 Section 4. Paragraph (b) of subsection (4) of section
622 907.043, Florida Statutes, is amended to read:

623 907.043 Pretrial release; citizens' right to know.—

624 (4)

625 (b) The annual report must contain, but need not be

626 | limited to:

627 | 1. The name, location, and funding sources of the pretrial
628 | release program, including the amount of public funds, if any,
629 | received by the pretrial release program.

630 | 2. The operating and capital budget of each pretrial
631 | release program receiving public funds.

632 | 3.a. The percentage of the pretrial release program's
633 | total budget representing receipt of public funds.

634 | b. The percentage of the total budget which is allocated
635 | to assisting defendants obtain release through a nonpublicly
636 | funded program.

637 | c. The amount of fees paid by defendants to the pretrial
638 | release program.

639 | 4. The number of persons employed by the pretrial release
640 | program.

641 | 5. The number of defendants assessed and interviewed for
642 | pretrial release.

643 | 6. The number of defendants recommended for pretrial
644 | release.

645 | 7. The number of defendants for whom the pretrial release
646 | program recommended against nonsecured release.

647 | 8. The number of defendants granted nonsecured release
648 | after the pretrial release program recommended nonsecured
649 | release.

650 | 9. The number of defendants assessed and interviewed for

651 pretrial release who were declared indigent by the court.

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

654 11. The number of defendants for whom a risk assessment
655 tool was used in determining whether the defendant should be
656 released pending the disposition of the case and the number of
657 defendants for whom a risk assessment tool was not used.

658 12. The type of each criminal charge of a defendant
659 accepted into a pretrial release program to include, at a
660 minimum, the number of defendants charged with:

661 a. Dangerous crimes as defined in s. 907.041.

662 b. Nonviolent felonies.

663 c. Misdemeanors only.

664 13. The number of defendants accepted into a pretrial
665 release program with no prior criminal conviction.

666 ~~14.10.~~ 14.10. The name and case number of each person granted
667 nonsecured release who:

668 a. Failed to attend a scheduled court appearance.

669 b. Was issued a warrant for failing to appear.

670 c. Was arrested for any offense while on release through
671 the pretrial release program.

672 ~~15.11.~~ 15.11. Any additional information deemed necessary by the
673 governing body to assess the performance and cost efficiency of
674 the pretrial release program.

675 Section 5. Section 945.041, Florida Statutes, is created

676 to read:

677 945.041 Department of Corrections reports.—The department
678 shall publish on its website and make available to the public
679 the following information, updated on a quarterly basis:

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

684 (2) The recidivism rate, defined as rearrest,
685 reconviction, reincarceration, and probation revocation in the
686 state within a 3-year time period following release from
687 incarceration.

688 Section 6. Subsection (5) of section 20.315, Florida
689 Statutes, is amended to read:

690 20.315 Department of Corrections.—There is created a
691 Department of Corrections.

692 (5) ANNUAL REPORTING.—The department shall report annually
693 to the Governor, the President of the Senate, and the Speaker of
694 the House of Representatives recounting its activities and
695 making recommendations for improvements to the performance of
696 the department. The annual report shall include information
697 published under s. 945.041.

698 Section 7. A pilot project is established in the Sixth
699 Judicial Circuit for the purpose of improving criminal justice
700 data transparency and ensuring data submitted under s. 900.05,

701 Florida Statutes, is accurate, valid, reliable, and structured.
702 The clerk of court, the state attorney, the public defender, or
703 a sheriff in the circuit may enter into a memorandum of
704 understanding with a national, nonpartisan, not-for-profit
705 entity which provides data and measurement for county-level
706 criminal justice systems to establish the duties and
707 responsibilities of a data fellow, completely funded by the
708 entity, to be embedded with the office or agency. The data
709 fellow will assist with data extraction, validation, and quality
710 and publish such data consistent with the terms of the
711 memorandum. The data fellow will assist the office or agency in
712 compiling and reporting data pursuant to s. 900.05, Florida
713 Statutes, in compliance with rules established by the Department
714 of Law Enforcement. The pilot project shall expire pursuant to
715 the terms outlined in the memorandum.

716 Section 8. For the 2018-2019 fiscal year, nine full-time
717 equivalent positions with an associated total salary rate of
718 \$665,884 are authorized, and the sum of \$1,750,000 in
719 nonrecurring funds from General Revenue is appropriated to the
720 Department of Law Enforcement for the purposes of implementing
721 ss. 900.05(3) and 943.687, Florida Statutes, transitioning to
722 incident-based crime reporting, and collecting and submitting
723 crime statistics that meet the requirements of the Federal
724 Bureau of Investigation under the National Incident-Based
725 Reporting System.

HB 7071

2018

726

Section 9. This act shall take effect July 1, 2018.