

1 A bill to be entitled
2 An act relating to criminal justice data transparency;
3 amending s. 900.05, F.S.; revising and providing
4 definitions; revising and providing data required to
5 be collected and reported to the Department of Law
6 Enforcement by specified entites; requiring the
7 Department of Law Enforcement to publish data received
8 from reporting agencies by a specified date; imposing
9 penalties on reporting agencies for noncompliance with
10 data reporting requirements; declaring information
11 that is confidential and exempt upon collection by a
12 reporting agency remains confidential and exempt when
13 reported to the department; amending s. 943.6871,
14 F.S.; declaring information received by the department
15 from a reporting agency that is confidential and
16 exempt upon collection remains confidential and
17 exempt; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 900.05, Florida Statutes, is amended to
22 read:

23 900.05 Criminal justice data collection.—

24 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
25 the Legislature to create a model of uniform criminal justice

26 | data collection by requiring local and state criminal justice
27 | agencies to report complete, accurate, and timely data, and
28 | making such data available to the public. The Legislature finds
29 | that it is an important state interest to implement a uniform
30 | data collection process and promote criminal justice data
31 | transparency.

32 | (2) DEFINITIONS.—As used in this section, the term:

33 | (a) "Annual felony caseload" means the yearly caseload of
34 | each full-time state attorney and assistant state attorney, ~~or~~
35 | public defender and assistant public defender, or regional
36 | conflict counsel for cases assigned to the circuit criminal
37 | division, based on the number of felony cases reported to the
38 | Supreme Court under s. 25.075. The term does not include the
39 | appellate caseload of a public defender, ~~or~~ assistant public
40 | defender, or regional conflict counsel. Cases reported pursuant
41 | to this term must be associated with a case number, and each
42 | case number must only be reported once regardless of the number
43 | of attorney assignments that occur during the course of
44 | litigation. The caseload shall be calculated on June 30th and
45 | reported once at the beginning of the reporting agency's fiscal
46 | year.

47 | (b) "Annual felony conflict caseload" means the total
48 | number of felony cases the public defender or office of regional
49 | conflict counsel has withdrawn from in the previous calendar
50 | year. The caseload shall be calculated on June 30th and reported

51 once at the beginning of reporting agency's fiscal year.

52 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
53 caseload of each full-time state attorney and assistant state
54 attorney, ~~or~~ public defender and assistant public defender, or
55 office of regional conflict counsel for cases assigned to the
56 county criminal division, based on the number of misdemeanor
57 cases reported to the Supreme Court under s. 25.075. The term
58 does not include the appellate caseload of a public defender, ~~or~~
59 assistant public defender, or regional conflict counsel. Cases
60 reported pursuant to this term must be associated with a case
61 number, and each case number must only be reported once
62 regardless of the number of attorney assignments that occur
63 during the course of litigation. The caseload shall be
64 calculated on June 30th and reported once at the beginning of
65 the reporting agency's fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125 (r)~~(o)~~ "Disposition date" means the date of final

126 judgment, adjudication, adjudication withheld, dismissal, or
127 nolle prosequi for the case and if different dates apply, the
128 disposition dates of each charge.

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

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

134 (u)~~(q)~~ "Gang affiliation flag" means an indication that a
135 defendant is involved in or associated with a criminal gang as
136 defined in s. 874.03.

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

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

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

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

150 (z)~~(u)~~ "Number of contract attorneys representing indigent

151 defendants for the office of the public defender" means the
 152 number of attorneys hired on a temporary basis, by contract, to
 153 represent indigent clients who were appointed a public defender.

154 (aa) ~~(v)~~ "Pretrial release violation flag" means an
 155 indication that the defendant has violated the terms of his or
 156 her pretrial release.

157 (bb) ~~(w)~~ "Prior incarceration within the state" means any
 158 prior history of a defendant's incarceration ~~defendant being~~
 159 ~~incarcerated~~ in a ~~county detention facility or state~~
 160 correctional institution or facility.

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

164 (dd) ~~(y)~~ "Sexual offender flag" means an indication that a
 165 defendant was ~~is~~ required to register as a sexual predator as
 166 defined in s. 775.21 or as a sexual offender as defined in s.
 167 943.0435.

168 (ee) ~~(*)~~ "Tentative release date" means the anticipated
 169 date that an inmate will be released from incarceration after
 170 the application of adjustments for any gain-time earned or
 171 credit for time served.

172 (ff) "Three-time violent felony offender flag" means an
 173 indication that the defendant is a three-time violent felony
 174 offender as defined in s. 775.084 or any other statute.

175 (gg) "Violent career criminal flag" means an indication

176 that the defendant is a violent career criminal as defined in s.
177 775.084 or any other statute.

178 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
179 ~~2019,~~ An entity required to collect data in accordance with this
180 subsection shall collect the specified data and ~~required of the~~
181 ~~entity on a biweekly basis. Each entity shall report it the data~~
182 ~~collected~~ in accordance with this subsection to the Department
183 of Law Enforcement on a monthly basis.

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

186 1. Case number.
187 2. Date that the alleged offense occurred.
188 ~~3. County in which the offense is alleged to have~~
189 ~~occurred.~~

190 ~~3.4.~~ 3.4. Date the defendant is taken into physical custody by
191 a law enforcement agency or is issued a notice to appear on a
192 criminal charge, ~~if such date is different from the date the~~
193 ~~offense is alleged to have occurred.~~

194 ~~4.5.~~ 4.5. Date that the criminal prosecution of a defendant is
195 formally initiated through the filing, with the clerk of the
196 court, of an information by the state attorney or an indictment
197 issued by a grand jury.

198 ~~5.6.~~ 5.6. Arraignment date.

199 ~~6.7.~~ 6.7. Attorney assignment date.

200 ~~7.8.~~ 7.8. Attorney withdrawal date.

- 201 ~~8.9.~~ Case status.
- 202 9. Charge disposition.
- 203 10. Disposition date and disposition type.
- 204 11. Information related to each defendant, including:
- 205 a. Identifying information, including name, date of birth,
- 206 ~~age,~~ race, ~~or~~ ethnicity, and gender.
- 207 b. Zip code of last known address ~~primary residence.~~
- 208 c. Primary language.
- 209 d. Citizenship.
- 210 e. Immigration status, if applicable.
- 211 f. Whether the defendant has been found ~~by a court~~ to be
- 212 indigent under ~~pursuant to~~ s. 27.52.
- 213 12. Information related to the ~~formal~~ charges filed
- 214 against the defendant, including:
- 215 a. Charge description.
- 216 b. Charge modifier, if applicable.
- 217 c. Drug type for each drug charge, if known.
- 218 d. Qualification for a flag designation as defined in this
- 219 section, including a domestic violence flag, gang affiliation
- 220 flag, sexual offender flag, habitual offender flag, habitual
- 221 violent felony offender flag, ~~or~~ pretrial release violation
- 222 flag, prison releasee reoffender flag, three-time violent felony
- 223 offender flag, or violent career criminal flag.
- 224 13. Information related to bail or bond and pretrial
- 225 release determinations, including the dates of any such

226 | determinations:

227 | a. Pretrial release determination made at a first
 228 | appearance hearing that occurs within 24 hours of arrest,
 229 | including any ~~all~~ monetary and nonmonetary ~~conditions of~~
 230 | release.

231 | b. Modification of bail or bond conditions made by a court
 232 | having jurisdiction to try the defendant or, in the absence of
 233 | the judge of the trial court, by the circuit court, including
 234 | modifications to any monetary and nonmonetary ~~conditions of~~
 235 | release.

236 | c. Cash bail or bond payment, including whether the
 237 | defendant utilized a bond agent to post a surety bond.

238 | d. Date defendant is released on bail, bond, or pretrial
 239 | release.

240 | e. Bail or bond revocation due to a new offense, a failure
 241 | to appear, or a violation of the terms of bail or bond, if
 242 | applicable.

243 | 14. Information related to court dates and dates of
 244 | motions and appearances, including:

245 | a. Date of any court appearance and the type of proceeding
 246 | scheduled for each date reported.

247 | b. Date of any failure to appear in court, if applicable.

248 | c. Deferred prosecution or pretrial diversion hearing, if
 249 | applicable.

250 | ~~d.e.~~ Judicial transfer date, if applicable.

- 251 ~~e.d.~~ Each scheduled trial date.
- 252 ~~f.e.~~ Date that a defendant files a notice to participate
253 in discovery.
- 254 ~~g.f.~~ Speedy trial motion date and each hearing ~~dates~~, if
255 applicable.
- 256 ~~h.g.~~ Dismissal motion date and each hearing date ~~dates~~, if
257 applicable.
- 258 15. Defense attorney type.
- 259 16. Information related to sentencing, including:
- 260 a. Date that a court enters a sentence against a
261 defendant.
- 262 b. Charge sentenced to, including charge sequence number,
263 charge description, statute, type, and charge class severity.
- 264 c. Sentence type and length imposed by the court, reported
265 in years, months, and days, including, but not limited to, the
266 total duration of imprisonment in a county detention facility or
267 state correctional institution or facility, and conditions of
268 probation or community control supervision.
- 269 d. Amount of time served in custody by the defendant
270 related to the reported criminal case that is credited at the
271 time of disposition of the case to reduce the actual length of
272 time the defendant will serve on the term of imprisonment that
273 is ordered by the court at disposition.
- 274 e. Total amount of court costs ~~fees~~ imposed by the court
275 at the disposition of the case.

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

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

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

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

285 ~~j. Digitized sentencing scoresheet prepared in accordance~~
 286 ~~with s. 921.0024.~~

287 h. Tentative release date.

288 17. The sentencing judge ~~number of judges~~ or magistrates,
 289 or their equivalents, ~~hearing cases in circuit or county~~
 290 ~~criminal divisions of the circuit court. Judges or magistrates,~~
 291 ~~or their equivalents, who solely hear appellate cases from the~~
 292 ~~county criminal division are not to be reported under this~~
 293 ~~subparagraph.~~

294 (b) State attorney.—Each state attorney shall collect the
 295 following data:

296 1. Information related to a human victim of a criminal
 297 offense, including:

298 a. Identifying information of the victim, including race,
 299 ~~or~~ ethnicity, gender, and age.

300 b. Relationship to the offender, if any.

- 301 2. Number of full-time prosecutors.
- 302 3. Number of part-time prosecutors.
- 303 4. Annual felony caseload.
- 304 5. Annual felony conflict caseload.
- 305 ~~6.5.~~ Annual misdemeanor caseload.
- 306 7. Annual misdemeanor conflict caseload.
- 307 ~~8.6.~~ Any charge referred to the state attorney by a law
- 308 enforcement agency related to an episode of criminal activity.
- 309 ~~9.7.~~ Number of cases in which a no-information was filed.
- 310 ~~10.8.~~ Information related to each defendant, including:
- 311 a. Each charge referred to the state attorney by a law
- 312 enforcement agency related to an episode of criminal activity.
- 313 b. Drug type for each drug charge, if applicable.
- 314 c. Deferred prosecution or pretrial diversion agreement
- 315 date, if applicable.
- 316 (c) Public defender.—Each public defender shall collect
- 317 the following data for each criminal case:
- 318 1. Number of full-time public defenders.
- 319 2. Number of part-time public defenders.
- 320 3. Number of contract attorneys representing indigent
- 321 defendants for the office of the public defender.
- 322 4. Annual felony caseload.
- 323 5. Annual felony conflict caseload.
- 324 ~~6.5.~~ Annual misdemeanor caseload.
- 325 7. Annual misdemeanor conflict caseload.

326 (d) County detention facility.—The administrator of each
 327 county detention facility shall collect the following data:

328 1. Maximum capacity for the county detention facility.

329 2. Weekly admissions to the county detention facility for
 330 a revocation of probation or community control.

331 3. Weekly admissions to the county detention facility for
 332 a revocation of pretrial release.

333 ~~4.3.~~ Daily population of the county detention facility,
 334 including the specific number of inmates in the custody of the
 335 county that:

336 a. Are awaiting case disposition.

337 b. Have been sentenced by a court to a term of
 338 imprisonment in the county detention facility.

339 c. Have been sentenced by a court to a term of
 340 imprisonment with the Department of Corrections and who are
 341 awaiting transportation to the department.

342 d. Have a federal detainer or are awaiting disposition of
 343 a case in federal court.

344 ~~5.4.~~ Information related to each inmate, including:

345 a. Identifying information, including name, date of birth,
 346 race, ethnicity, gender, and identification number assigned by
 347 the county detention facility.

348 ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and
 349 booked into the county detention facility subsequent to an
 350 arrest for a new violation of law or for a violation of

351 probation or community control.

352 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and
353 booked into the county detention facility, including if it is
354 ~~for~~ a new law violation, ~~or~~ a violation of probation, or a
355 violation of community control.

356 ~~d.e.~~ Qualification for a flag designation as defined in
357 this section, including domestic violence flag, gang affiliation
358 flag, habitual offender flag, habitual violent felony offender
359 flag, pretrial release violation flag, ~~or~~ sexual offender flag, prison
360 releasee reoffender flag, three-time violent felony
361 offender flag, or violent career criminal flag.

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

365 6. Per diem rate for a county detention facility bed.

366 7. Daily number of correctional officers for the county
367 detention facility.

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

371 9. Revenue generated for the county from the temporary
372 incarceration of federal defendants or inmates.

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

375 1. Information related to each inmate, including:

376 a. Identifying information, including name, date of birth,
377 race, ~~or~~ ethnicity, gender, and identification number assigned
378 by the department.

379 ~~b. Number of children.~~

380 b.e. Highest education level, ~~including any vocational~~
381 ~~training.~~

382 ~~c.d.~~ Date the inmate was admitted to the custody of the
383 department for his or her current incarceration.

384 ~~d.e.~~ Current institution placement and the security level
385 assigned to the institution.

386 ~~e.f.~~ Custody level assignment.

387 ~~f.g.~~ Qualification for a flag designation as defined in
388 this section, including sexual offender flag, habitual offender
389 flag, habitual violent felony offender flag, prison releasee
390 reoffender flag, three-time violent felony offender flag,
391 violent career criminal flag, gang affiliation flag, or
392 concurrent or consecutive sentence flag.

393 ~~g.h.~~ County that committed the prisoner to the custody of
394 the department.

395 ~~h.i.~~ Whether the reason for admission to the department is
396 for a new conviction or a violation of probation, community
397 control, or parole. For an admission for a probation, community
398 control, or parole violation, the department shall report
399 whether the violation was technical or based on a new violation
400 of law.

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

405 ~~j.k.~~ Length of sentence or concurrent or consecutive
406 sentences served.

407 ~~k.l.~~ Tentative release date.

408 ~~l.m.~~ Gain time earned in accordance with s. 944.275.

409 ~~m.n.~~ Prior incarceration within the state.

410 ~~n.o.~~ Disciplinary violation and action.

411 ~~o.p.~~ Participation in rehabilitative or educational
412 programs while in the custody of the department.

413 p. Digitized sentencing scoresheet prepared in accordance
414 with s. 921.0024.

415 2. Information about each state correctional institution
416 or facility, including:

417 a. Budget for each state correctional institution or
418 facility.

419 b. Daily prison population of all inmates incarcerated in
420 a state correctional institution or facility.

421 c. Daily number of correctional officers for each state
422 correctional institution or facility.

423 3. Information related to persons supervised by the
424 department on probation or community control, including:

425 a. Identifying information for each person supervised by

426 | the department on probation or community control, including his
 427 | or her name, date of birth, race, ~~or~~ ethnicity, gender ~~sex~~, and
 428 | department-assigned case number.

429 | b. Length of probation or community control sentence
 430 | imposed and amount of time that has been served on such
 431 | sentence.

432 | c. Projected termination date for probation or community
 433 | control.

434 | d. Revocation of probation or community control due to a
 435 | violation, including whether the revocation is due to a
 436 | technical violation of the conditions of supervision or from the
 437 | commission of a new law violation.

438 | 4. Per diem rates for:

439 | a. Prison bed.

440 | b. Probation.

441 | c. Community control.

442 |

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

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

447 | 1. Number of private registry attorneys representing
 448 | indigent adult defendants.

449 | 2. Annual felony caseload.

450 | 3. Annual misdemeanor caseload.

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

454 1. Number of attorneys representing indigent adult
 455 defendants.

456 2. Annual felony caseload.

457 3. Annual misdemeanor caseload.

458 (4) ~~DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019,~~
 459 The Department of Law Enforcement shall publish datasets in its
 460 possession in a modern, open, electronic format that is machine-
 461 readable and readily accessible by the public on the
 462 department's website. The published data must be searchable, at
 463 a minimum, by ~~each~~ data elements, county, circuit, and unique
 464 identifier. Beginning March 1, 2019, the department shall
 465 publish ~~begin publishing~~ the data received under subsection (3)
 466 ~~(2)~~ in the same modern, open, electronic format that is machine-
 467 readable and readily accessible to the public on the
 468 department's website. The department shall publish all data
 469 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
 470 and monthly thereafter ~~July 1, 2019.~~

471 (5) NONCOMPLIANCE.—Notwithstanding any other provision of
 472 law, an entity required to collect and transmit data under
 473 subsection (3) ~~paragraph (3) (a) or paragraph (3) (d)~~ which does
 474 not comply with the requirements of this section is ineligible
 475 to receive funding from the General Appropriations Act, any

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476 state grant program administered by the Department of Law
477 Enforcement, or any other state agency for 5 years after the
478 date of noncompliance.

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

483 Section 2. Subsection (9) is added to section 943.6871,
484 Florida Statutes, to read:

485 943.6871 Criminal justice data transparency.—In order to
486 facilitate the availability of comparable and uniform criminal
487 justice data, the department shall:

488 (9) All information received by the department under s.
489 900.05 that is exempt and confidential when collected by the
490 reporting agency remains exempt and confidential for purposes of
491 this section and s. 900.05.

492 Section 3. This act shall take effect upon becoming a law.