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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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03/02/2022 07:04 PM

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Senator Bean moved the following:

Senate Amendment (with title amendment)

Before line 28

insert:

Section 1. Paragraphs (a), (d), and (e) of subsection (3) of section 900.05, Florida Statutes, are amended to read:

900.05 Criminal justice data collection.—

(3) DATA COLLECTION AND REPORTING.—An entity required to collect data in accordance with this subsection shall collect the specified data and report them in accordance with this subsection to the Department of Law Enforcement on a monthly



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12 basis.

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

15 1. Case number.

16 2. Date that the alleged offense occurred.

17 3. Date the defendant is taken into physical custody by a
18 law enforcement agency or is issued a notice to appear on a
19 criminal charge.

20 4. Whether the case originated by notice to appear.

21 5. Date that the criminal prosecution of a defendant is
22 formally initiated.

23 6. Arraignment date.

24 7. Attorney appointment date.

25 8. Attorney withdrawal date.

26 9. Case status.

27 10. Charge disposition.

28 11. Disposition date and disposition type.

29 12. Information related to each defendant, including:

30 a. Identifying information, including name, known aliases,
31 date of birth, race, ethnicity, and gender.

32 b. Zip code of last known address.

33 c. Primary language.

34 d. Citizenship.

35 e. Immigration status, ~~if applicable~~.

36 f. Whether the defendant has been found to be indigent
37 under s. 27.52.

38 13. Information related to the charges filed against the
39 defendant, including:

40 a. Charge description.



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41 b. Charge modifier description and statute, if applicable.

42 c. Drug type for each drug charge, if known.

43 d. Qualification for a flag designation as defined in this
44 section, including a domestic violence flag, gang affiliation
45 flag, sexual offender flag, habitual offender flag, habitual
46 violent felony offender flag, pretrial release violation flag,
47 prison releasee reoffender flag, three-time violent felony
48 offender flag, or violent career criminal flag.

49 14. Information related to bail or bond and pretrial
50 release determinations, including the dates of any such
51 determinations:

52 a. Pretrial release determination made at a first
53 appearance hearing that occurs within 24 hours of arrest,
54 including any monetary and nonmonetary conditions of release.

55 b. Modification of bail or bond conditions made by a court
56 having jurisdiction to try the defendant or, in the absence of
57 the judge of the trial court, by the circuit court, including
58 modifications to any monetary and nonmonetary conditions of
59 release.

60 c. Cash bail or bond payment, including whether the
61 defendant utilized a bond agent to post a surety bond.

62 d. Date defendant is released on bail, bond, or pretrial
63 release for the current case.

64 e. Bail or bond revocation due to a new offense, a failure
65 to appear, or a violation of the terms of bail or bond, if
66 applicable.

67 15. Information related to court dates and dates of motions
68 and appearances, including:

69 a. Date of any court appearance and the type of proceeding



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70 | scheduled for each date reported.

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

72 | c. Deferred prosecution or pretrial diversion hearing, if

73 | applicable.

74 | d. Each scheduled trial date.

75 | e. Date that a defendant files a notice to participate in

76 | discovery.

77 | f. Speedy trial motion date and each hearing date, if

78 | applicable.

79 | g. Dismissal motion date and each hearing date, if

80 | applicable.

81 | 16. Defense attorney type.

82 | 17. Information related to sentencing, including:

83 | a. Date that a court enters a sentence against a defendant.

84 | b. Charge sentenced to, including charge sequence number,

85 | and charge description.

86 | c. Sentence type and length imposed by the court in the

87 | current case, reported in years, months, and days, including,

88 | but not limited to, the total duration of incarceration in a

89 | county detention facility or state correctional institution or

90 | facility, and conditions of probation or community control

91 | supervision.

92 | d. Amount of time served in custody by the defendant

93 | related to each charge that is credited at the time of

94 | disposition of the charge to reduce the imposed length of time

95 | the defendant will serve on the term of incarceration that is

96 | ordered by the court at disposition.

97 | e. Total amount of court costs imposed by the court at the

98 | disposition of the case.



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

101 g. Restitution amount ordered at sentencing.

102 18. The sentencing judge or magistrate, or their
103 equivalent.

104 (d) *County detention facility.*—The administrator of each
105 county detention facility shall collect the following data:

106 1. Maximum capacity for the county detention facility.

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

109 3. Weekly admissions to the county detention facility for a
110 revocation of pretrial release.

111 4. Daily population of the county detention facility,
112 including the specific number of inmates in the custody of the
113 county that:

114 a. Are awaiting case disposition.

115 b. Have been sentenced by a court to a term of
116 incarceration in the county detention facility.

117 c. Have been sentenced by a court to a term of imprisonment
118 with the Department of Corrections and who are awaiting
119 transportation to the department.

120 d. Have a federal detainer, are awaiting disposition of a
121 case in federal court, or are awaiting other federal
122 disposition.

123 5. Information related to each inmate, including:

124 a. Identifying information, including name, date of birth,
125 race, ethnicity, gender, case number, and identification number
126 assigned by the county detention facility.

127 b. Immigration status.



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128 ~~c.b.~~ Date when an inmate is processed and booked into the
129 county detention facility subsequent to an arrest for a new
130 violation of law, for a violation of probation or community
131 control, or for a violation of pretrial release.

132 ~~d.e.~~ Reason why an inmate is processed and booked into the
133 county detention facility, including a new law violation, a
134 violation of probation or community control, or a violation of
135 pretrial release.

136 ~~e.d.~~ Qualification for a flag designation as defined in
137 this section, including domestic violence flag, gang affiliation
138 flag, habitual offender flag, habitual violent felony offender
139 flag, pretrial release violation flag, sexual offender flag,
140 prison releasee reoffender flag, three-time violent felony
141 offender flag, or violent career criminal flag.

142 6. Total population of the county detention facility at
143 year-end. This data must include the same specified
144 classifications as subparagraph 4.

145 7. Per diem rate for a county detention facility bed.

146 8. Daily number of correctional officers for the county
147 detention facility.

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

151 10. Annual revenue generated for the county from the
152 temporary incarceration of federal defendants or inmates.

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

155 1. Information related to each inmate, including:

156 a. Identifying information, including name, date of birth,



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157 race, ethnicity, gender, case number, and identification number
158 assigned by the department.

159 b. Immigration status.

160 ~~c.b.~~ Highest education level.

161 ~~d.e.~~ Date the inmate was admitted to the custody of the
162 department for his or her current incarceration.

163 ~~e.d.~~ Current institution placement and the security level
164 assigned to the institution.

165 ~~f.e.~~ Custody level assignment.

166 ~~g.f.~~ Qualification for a flag designation as defined in
167 this section, including sexual offender flag, habitual offender
168 flag, habitual violent felony offender flag, prison releasee
169 reoffender flag, three-time violent felony offender flag,
170 violent career criminal flag, gang affiliation flag, or
171 concurrent or consecutive sentence flag.

172 ~~h.g.~~ County that committed the prisoner to the custody of
173 the department.

174 ~~i.h.~~ Whether the reason for admission to the department is
175 for a new conviction or a violation of probation, community
176 control, or parole. For an admission for a probation, community
177 control, or parole violation, the department shall report
178 whether the violation was technical or based on a new violation
179 of law.

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

184 ~~k.j.~~ Length of sentence served.

185 ~~l.k.~~ Length of concurrent or consecutive sentences served.



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186 ~~m.1.~~ Tentative release date.
187 ~~n.m.~~ Gain time earned in accordance with s. 944.275.
188 ~~o.n.~~ Prior incarceration within the state.
189 ~~p.o.~~ Disciplinary violation and action.
190 ~~q.p.~~ Participation in rehabilitative or educational
191 programs while in the custody of the department.
192 ~~r.g.~~ Digitized sentencing scoresheet prepared in accordance
193 with s. 921.0024.
194 2. Information about each state correctional institution or
195 facility, including:
196 a. Budget for each state correctional institution or
197 facility.
198 b. Daily prison population of all inmates incarcerated in a
199 state correctional institution or facility.
200 c. Daily number of correctional officers for each state
201 correctional institution or facility.
202 3. Information related to persons supervised by the
203 department on probation or community control, including:
204 a. Identifying information for each person supervised by
205 the department on probation or community control, including his
206 or her name, date of birth, race, ethnicity, gender, case
207 number, and department-assigned case number.
208 b. Immigration status.
209 ~~c.b.~~ Length of probation or community control sentence
210 imposed and amount of time that has been served on such
211 sentence.
212 ~~d.e.~~ Projected termination date for probation or community
213 control.
214 ~~e.d.~~ Revocation of probation or community control due to a



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215 violation, including whether the revocation is due to a
216 technical violation of the conditions of supervision or from the
217 commission of a new law violation.

218 4. Per diem rates for:

219 a. Prison bed.

220 b. Probation.

221 c. Community control.

222

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

225

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

227 And the title is amended as follows:

228 Between lines 2 and 3

229 insert:

230 s. 900.05, F.S.; revising the type of data required to
231 be reported by the clerk of the court, county
232 detention facilities, and the Department of
233 Corrections as part of criminal justice data
234 collection; amending