

Amendment No. 3

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WITHDRAWN	___	(Y/N)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	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee
 2 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.

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

18 (a) "Annual felony caseload" means the yearly caseload of
19 each full-time state attorney and assistant state attorney, ~~or~~
20 public defender and assistant public defender, or conflict
21 regional counsel and assistant conflict regional counsel for
22 cases assigned to the circuit criminal division, based on the
23 number of felony cases reported to the Supreme Court under s.
24 25.075. The term does not include the appellate caseload of a
25 public defender, ~~or~~ assistant public defender, conflict regional
26 counsel, or assistant conflict regional counsel. Cases reported
27 pursuant to this term must be associated with a case number, and
28 each case number must only be reported once regardless of the
29 number of attorney assignments that occur during the course of
30 litigation. The caseload shall be calculated on June 30th and
31 reported once at the beginning of the reporting agency's fiscal
32 year.

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35 conflict regional counsel has withdrawn from in the previous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

39 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
40 caseload of each full-time state attorney and assistant state
41 attorney, ~~or~~ public defender and assistant public defender, or

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42 conflict regional counsel and assistant conflict regional
43 counsel for cases assigned to the county criminal division,
44 based on the number of misdemeanor cases reported to the Supreme
45 Court under s. 25.075. The term does not include the appellate
46 caseload of a public defender, ~~or~~ assistant public defender,
47 conflict regional counsel, or assistant conflict regional
48 counsel. Cases reported pursuant to this term must be associated
49 with a case number, and each case number must only be reported
50 once regardless of the number of attorney assignments that occur
51 during the course of litigation. The caseload shall be
52 calculated on June 30th and reported once at the beginning of
53 the reporting agency's fiscal year.

54 (d) "Annual misdemeanor conflict caseload" means the total
55 number of misdemeanor cases the public defender or office of
56 criminal conflict regional counsel has withdrawn from in the
57 previous calendar year. The caseload shall be calculated on June
58 30th and reported once at the beginning of the reporting
59 agency's fiscal year.

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

64 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court
65 removes court-appointed counsel from a case or, for a privately

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66 retained attorney, the date a motion to withdraw is granted by
67 the court.

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

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

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

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

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

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

89 (m)-(j) "Daily number of correctional officers" means the
90 number of full-time, part-time, and auxiliary correctional

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91 officers who are actively providing supervision, protection,
92 care, custody, and control of inmates in a county detention
93 facility or state correctional institution or facility each day.

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

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

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

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

113 (r)~~(o)~~ "Disposition date" means the date of final
114 judgment, adjudication, adjudication withheld, dismissal, or

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115 nolle prosequi for the case and if different dates apply, the
116 disposition dates of each charge.

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

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

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

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

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

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

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

138 (y) ~~(u)~~ "Number of contract attorneys representing indigent
139 defendants for the office of the public defender" means the

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140 number of attorneys hired on a temporary basis, by contract, to
141 represent indigent clients who were appointed a public defender,
142 whereby the public defender withdraws from the case due to a
143 conflict of interest.

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

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

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

154 (cc)(y) "Sexual offender flag" means an indication that a
155 defendant was ~~is~~ required to register as a sexual predator as
156 defined in s. 775.21 or as a sexual offender as defined in s.
157 943.0435.

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

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

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165 (ff) "Violent career criminal flag" means an indication
166 that the defendant is a violent career criminal as defined in s.
167 775.084 or any other statute.

168 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
169 ~~2019,~~ An entity required to collect data in accordance with this
170 subsection shall collect the specified data and ~~required of the~~
171 ~~entity on a biweekly basis. Each entity shall report it the data~~
172 ~~collected~~ in accordance with this subsection to the Department
173 of Law Enforcement on a monthly basis.

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

176 1. Case number.

177 2. Date that the alleged offense occurred.

178 ~~3. County in which the offense is alleged to have~~
179 ~~occurred.~~

180 ~~3.4.~~ Date the defendant is taken into physical custody by
181 a law enforcement agency or is issued a notice to appear on a
182 criminal charge, ~~if such date is different from the date the~~
183 ~~offense is alleged to have occurred.~~

184 4. Whether the case originated by a notice to appear.

185 5. Date that the criminal prosecution of a defendant is
186 formally initiated ~~through the filing, with the clerk of the~~
187 ~~court, of an information by the state attorney or an indictment~~
188 ~~issued by a grand jury.~~

189 6. Arraignment date.

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- 190 7. Attorney appointment ~~assignment~~ date.
- 191 8. Attorney withdrawal date.
- 192 9. Case status.
- 193 10. Charge disposition.
- 194 ~~11.10.~~ Disposition date and disposition type.
- 195 ~~12.11.~~ Information related to each defendant, including:
- 196 a. Identifying information, including name, known aliases,
- 197 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.
- 198 b. Zip code of last known address ~~primary residence.~~
- 199 c. Primary language.
- 200 d. Citizenship.
- 201 e. Immigration status, if applicable.
- 202 f. Whether the defendant has been found ~~by a court~~ to be
- 203 indigent under ~~pursuant to~~ s. 27.52.
- 204 ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 205 against the defendant, including:
- 206 a. Charge description.
- 207 b. Charge modifier description and statute, if applicable.
- 208 c. Drug type for each drug charge, if known.
- 209 d. Qualification for a flag designation as defined in this
- 210 section, including a domestic violence flag, gang affiliation
- 211 flag, sexual offender flag, habitual offender flag, habitual
- 212 violent felony offender flag, ~~or~~ pretrial release violation
- 213 flag, prison releasee reoffender flag, three-time violent felony
- 214 offender flag, or violent career criminal flag.

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215 ~~14.13.~~ Information related to bail or bond and pretrial
216 release determinations, including the dates of any such
217 determinations:

218 a. Pretrial release determination made at a first
219 appearance hearing that occurs within 24 hours of arrest,
220 including any ~~all~~ monetary and nonmonetary ~~conditions of~~
221 release.

222 b. Modification of bail or bond conditions made by a court
223 having jurisdiction to try the defendant or, in the absence of
224 the judge of the trial court, by the circuit court, including
225 modifications to any monetary and nonmonetary ~~conditions of~~
226 release.

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

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

231 e. Bail or bond revocation due to a new offense, a failure
232 to appear, or a violation of the terms of bail or bond, if
233 applicable.

234 ~~15.14.~~ Information related to court dates and dates of
235 motions and appearances, including:

236 a. Date of any court appearance and the type of proceeding
237 scheduled for each date reported.

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

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239 c. Deferred prosecution or pretrial diversion hearing, if
240 applicable.

241 ~~e. Judicial transfer date, if applicable.~~

242 d. Each scheduled trial date.

243 e. Date that a defendant files a notice to participate in
244 discovery.

245 f. Speedy trial motion date and each hearing ~~dates~~, if
246 applicable.

247 g. Dismissal motion date and each hearing date ~~dates~~, if
248 applicable.

249 ~~16.15.~~ Defense attorney type.

250 ~~17.16.~~ Information related to sentencing, including:

251 a. Date that a court enters a sentence against a
252 defendant.

253 b. Charge sentenced to, including charge sequence number
254 ~~and, charge description, statute, type, and charge class~~
255 ~~severity.~~

256 c. Sentence type and length imposed by the court in the
257 current case, reported in years, months, and days, including,
258 but not limited to, the total duration of incarceration
259 ~~imprisonment~~ in a county detention facility or state
260 correctional institution or facility, and conditions of
261 probation or community control supervision.

262 d. Amount of time served in custody by the defendant
263 related to each charge ~~the reported criminal case~~ that is

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264 credited at the time of disposition of the charge ~~ease~~ to reduce
265 the imposed ~~actual~~ length of time the defendant will serve on
266 the term of incarceration ~~imprisonment~~ that is ordered by the
267 court at disposition.

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

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

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

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

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

279 ~~j. Digitized sentencing scoresheet prepared in accordance~~
280 ~~with s. 921.0024.~~

281 ~~18.17.~~ The sentencing judge ~~number of judges~~ or
282 ~~magistrates, or their equivalents, hearing cases in circuit or~~
283 ~~county criminal divisions of the circuit court. Judges or~~
284 ~~magistrates, or their equivalents, who solely hear appellate~~
285 ~~eases from the county criminal division are not to be reported~~
286 ~~under this subparagraph.~~

287 (b) State attorney.—Each state attorney shall collect the
288 following data:

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- 289 1. Information related to a human victim of a criminal
290 offense, including:
- 291 a. Identifying information of the victim, including race,
292 ~~or~~ ethnicity, gender, and age at the time of the offense.
- 293 b. Relationship to the offender, if any.
- 294 2. Number of full-time prosecutors.
- 295 3. Number of part-time prosecutors.
- 296 4. Annual felony caseload.
- 297 5. Annual misdemeanor caseload.
- 298 6. Disposition of each referred charge, such as filed,
299 declined, or diverted.~~Any charge referred to the state attorney~~
300 ~~by a law enforcement agency related to an episode of criminal~~
301 ~~activity.~~
- 302 7. Number of cases in which a no-information was filed.
- 303 8. Information related to each defendant, including:
- 304 a. Each charge referred to the state attorney by a law
305 enforcement agency or sworn complainant related to an episode of
306 criminal activity.
- 307 b. Case number, name, and date of birth.
- 308 ~~c.b.~~ Drug type for each drug charge, if applicable.
- 309 d. Deferred prosecution or pretrial diversion agreement
310 date, if applicable.
- 311 (c) Public defender.—Each public defender shall collect
312 the following data ~~for each criminal case:~~
- 313 1. Number of full-time public defenders.

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- 314 2. Number of part-time public defenders.
- 315 3. Number of contract attorneys representing indigent
316 defendants for the office of the public defender.
- 317 4. Annual felony caseload.
- 318 5. Annual felony conflict caseload.
- 319 ~~6.5.~~ Annual misdemeanor caseload.
- 320 7. Annual misdemeanor conflict caseload.
- 321 (d) County detention facility.—The administrator of each
322 county detention facility shall collect the following data:
- 323 1. Maximum capacity for the county detention facility.
- 324 2. Weekly admissions to the county detention facility for
325 a revocation of probation or community control.
- 326 3. Weekly admissions to the county detention facility for
327 a revocation of pretrial release.
- 328 ~~4.3.~~ Daily population of the county detention facility,
329 including the specific number of inmates in the custody of the
330 county that:
- 331 a. Are awaiting case disposition.
- 332 b. Have been sentenced by a court to a term of
333 incarceration ~~imprisonment~~ in the county detention facility.
- 334 c. Have been sentenced by a court to a term of
335 imprisonment with the Department of Corrections and who are
336 awaiting transportation to the department.

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337 d. Have a federal detainer, ~~or~~ are awaiting disposition of
338 a case in federal court, or are awaiting other federal court
339 disposition.

340 ~~5.4.~~ Information related to each inmate, including:

341 a. Identifying information, including name, date of birth,
342 race, ethnicity, gender, case number, and identification number
343 assigned by the county detention facility.

344 ~~b.a.~~ Date when an inmate a defendant is processed and
345 booked into the county detention facility subsequent to an
346 arrest for a new violation of law or for a violation of
347 probation, ~~or~~ pretrial release, or community control.

348 ~~c.b.~~ Reason why an inmate a defendant is processed and
349 booked into the county detention facility, including if it is
350 ~~for~~ a new law violation, or a violation of probation, or
351 pretrial release, or community control.

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

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

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

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362 7. Daily number of correctional officers for the county
363 detention facility.

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

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

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

371 1. Information related to each inmate, including:

372 a. Identifying information, including name, date of birth,
373 race, ~~or~~ ethnicity, gender, case number, and identification
374 number assigned by the department.

375 ~~b. Number of children.~~

376 ~~b.e. Highest education level, including any vocational~~
377 ~~training.~~

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

380 ~~d.e.~~ Current institution placement and the security level
381 assigned to the institution.

382 ~~e.f.~~ Custody level assignment.

383 ~~f.g.~~ Qualification for a flag designation as defined in
384 this section, including sexual offender flag, habitual offender
385 flag, habitual violent felony offender flag, prison releasee
386 reoffender flag, three-time violent felony offender flag,

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387 violent career criminal flag, gang affiliation flag, or
388 concurrent or consecutive sentence flag.

389 ~~g.h.~~ County that committed the prisoner to the custody of
390 the department.

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

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

401 ~~j.k.~~ Length of sentence ~~or concurrent or consecutive~~
402 ~~sentences~~ served.

403 k. Length of concurrent or consecutive sentences served.

404 l. Tentative release date.

405 m. Gain time earned under ~~in accordance with~~ s. 944.275.

406 n. Prior incarceration within the state.

407 o. Disciplinary violation and action.

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

410 q. Digitized sentencing scoresheet prepared in accordance
411 with s. 921.0024.

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412 2. Information about each state correctional institution
413 or facility, including:

414 a. Budget for each state correctional institution or
415 facility.

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

418 c. Daily number of correctional officers for each state
419 correctional institution or facility.

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

422 a. Identifying information for each person supervised by
423 the department on probation or community control, including ~~his~~
424 ~~or her~~ name, date of birth, race, ~~or~~ ethnicity, gender ~~sex~~, case
425 number, and department-assigned case number.

426 b. Length of probation or community control sentence
427 imposed and amount of time that has been served on such
428 sentence.

429 c. Projected termination date for probation or community
430 control.

431 d. Revocation of probation or community control due to a
432 violation, including whether the revocation is due to a
433 technical violation of the conditions of supervision or ~~from the~~
434 commission of a new law violation.

435 4. Per diem rates for:

436 a. Prison bed.

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437 b. Probation.

438 c. Community control.

439

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

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

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

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

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

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

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

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

457 3. Number of contract attorneys representing indigent
458 adult defendants.

459 4. Annual felony caseload assigned to contract attorneys.

460 5. Annual misdemeanor caseload assigned to contract
461 attorneys.

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462 6. Annual felony conflict caseload.

463 7. Annual misdemeanor conflict caseload.

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

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

471 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~
472 The Department of Law Enforcement shall publish datasets in its
473 possession in a modern, open, electronic format that is machine-
474 readable and readily accessible by the public on the
475 department's website. The published data must be searchable, at
476 a minimum, by ~~each~~ data elements, county, circuit, and unique
477 identifier. Beginning March 1, 2019, the department shall
478 publish any ~~begin publishing the~~ data received under subsection
479 (3) ~~(2)~~ in the same modern, open, electronic format that is
480 machine-readable and readily accessible to the public on the
481 department's website. The department shall publish all data
482 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
483 and monthly thereafter ~~July 1, 2019.~~

484 (5) NONCOMPLIANCE.—Notwithstanding any other provision of
485 law, an entity required to collect and transmit data under
486 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does

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487 not comply with the requirements of this section is ineligible
488 to receive funding from the General Appropriations Act, any
489 state grant program administered by the Department of Law
490 Enforcement, or any other state agency for 5 years after the
491 date of noncompliance.

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

496

497

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

499 Between lines 205 and 206, insert:

500 amending s. 900.05, F.S.; revising and providing definitions;
501 revising and providing data required to be collected and
502 reported to the Department of Law Enforcement by specified
503 entities; requiring the Department of Law Enforcement to publish
504 data received from reporting agencies by a specified date;
505 imposing penalties on reporting agencies for noncompliance with
506 data reporting requirements; declaring information that is
507 confidential and exempt upon collection by a reporting agency
508 remains confidential and exempt when reported to the department;