

CIRCUIT CRIMINAL PROCEEDINGS

This section provides guidance on procedures to be used when completing the Circuit Criminal portion of the monthly SRS forms. For ease of following the SRS form, this section is divided into the major sections indicated on the forms. Each ✓ or ✗ indicates guidelines and directions that should be followed when completing specific sections of the SRS forms.

Note: The section entitled Case Type Determinations (page 2-32 through 2-40) provides case type and category definitions. The SRS reporting form for the Circuit Criminal division is located in the tabbed section entitled SRS Reporting Forms (pages 12-1 through 12-3). The Offender Based Transaction System (OBTS) users guidelines are provided in the shaded boxes. For a detailed explanation regarding the computation of the SRS data from the OBTS data elements, please refer to the tabbed section entitled OBTS (page 10-8).

FILINGS

Number of Defendants Accused

Please refer to section “A” (page 12-1) of the SRS form which reports information associated with the number of defendants accused during the specified reporting period. Report these charges filed as of the clerk’s document **stamp date**.

- ✓ Report each defendant against whom an information or indictment is filed. Report only those informations or indictments which are filed with the clerk's office during the reporting month.

For the OBTS, the “Prosecutor Filing Date” field should be entered only when an information or indictment is filed. Use the “Final Action by Prosecutor/Grand Jury” code of “N” (filed).

- ✓ Report multiple defendants who are named on one information or indictment, each as a separate filing.

For the OBTS, each defendant should have a unique case number. This can be accomplished by creating a different case number or by using an alpha suffix.

- ✓ If one defendant is named on multiple informations or indictments which are filed on the same day, each information or indictment should be reported as a separate filing.
- ✓ Report the number of informations or indictments in the appropriate case type. The most serious offense should be reported for the defendant accused on an information or indictment with multiple charges. **Note: The defendant’s most serious charge will not always be the first charge listed on the information or indictment.**

DEFENDANTS - FILINGS

EXAMPLE: When a defendant is charged with an "attempted offense" under section 777.04, Florida Statutes, report the offense in the appropriate circuit criminal case type. Therefore, if a defendant is charged with attempted burglary, the charge should be reported in the "Burglary" case type. The **only exception** is for attempted first degree murder (subsection 782.04 (1) (a) and 777.04 (4)(c), Florida Statutes) which shall be reported in the "Non-Capital Murder" case type.

For the OBTS, in situations where a defendant is charged under section 777.04, Florida Statutes, do not report the attempt statute in the statute number field in any of the OBTS phases. Record the Florida statute cite of the specific crime that is attempted [e.g., burglary (810.02), robbery (812.13), aggravated assault (784.021)], using one of the general offense codes for the attempted charges.

- ✓ Report defendants charged with criminal contempt filed before or after a disposition, **only** if a new information is filed; otherwise, the criminal contempt charge would be considered an additional count of the original case.

For the OBTS, a contempt charge will be counted as a new case only if it is reported using a different case number and the "Prosecutor Filing Date" field is entered.

- ✓ Report defendants in cases transferred from another court or jurisdiction **only** if an information or indictment has been filed and disposition is pending.

For the OBTS, when transferring a case from circuit to county court, the "Prosecutor Filing Date" should be entered only if a circuit court information is filed. The data in the "Basic" and "Initial Phase(s)" of the county and circuit court records should be identical.

- ✓ Report defendants **added** by the filing of an amended information.

For the OBTS, additional defendants included on an amended information should be assigned a unique case number. This can be accomplished by creating a different case number or by using an alpha suffix.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** report sworn complaints.
- ✗ **DO NOT** report defendants whose cases were previously reported as disposed and are now being resubmitted or reopened before the court (See Number of Defendants with Reopened Cases, page 2-15).

For the OBTS, cases resubmitted to the court after being disposed in the "Court Phase" should be reopened by entering the "Date Charge Reopened" and "Reason Charge Reopened" fields (See Number of Defendants with Reopened Cases, page 2-15).

DEFENDANTS - FILINGS

DEFENDANTS - DISPOSITIONS

Number of Defendants Disposed

Please refer to section “B” (page 12-1) of the SRS form which reports information associated with the number of defendants disposed during the specified period. Report these charges disposed as of the clerk’s document **stamp date**.

For the OBTS, a defendant will not be counted as disposed until all sequence numbers for a given case number are disposed.

- ✓ Report defendants as disposed when the final judicial decision is rendered which terminates a criminal proceeding by a judgment of acquittal or dismissal, or states the specific sentence in the case of a conviction. For purposes of SRS reporting, include the following:
- Defendants for whom adjudication is withheld;
 - Defendants whose cases are transferred to another court or have a change of venue;
 - Defendants declared mentally or physically unable to stand trial or to participate in the judicial process;
 - Defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, **including treatment-based drug court programs**; and
 - Defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity. In the case of blanket dismissals, the following criteria apply:
 - Felony cases must reflect no procedural activity for a minimum of five years;
 - An outstanding capias or warrant must be in effect;
 - A distinguishable Blanket Dismissal Form (nolle prosequi) must be utilized and included in the clerks records; and
 - A set minimum number of cases should be processed in this manner at one time under a cover letter to ease the administrative burden on the Clerk of the Court.

For the OBTS, the disposition code “F” should be used for reporting cases disposed for administrative reasons. This includes cases disposed as a result of a blanket dismissal.

For **non**-OBTS, these cases should be reported in the **Before Trial, Other** disposition category of the SRS form.

DEFENDANTS - DISPOSITIONS

- ✓ Report each defendant in the disposition category that uses the most judicial time. If multiple charges are being disposed at the same time with the same type of disposition, report the defendant in the case type of the most serious charge (See the section entitled **Case Type Determinations** (pages 2-32 through 2-40) which lists the case types and disposition categories in order of judicial time expended).

For the OBTS, the "Prosecutor Phase" or "Court Phase" of each record should indicate the disposition for each charge. The SRS software will determine the disposition that uses the most judicial time.

- ✓ Report each information or indictment after all charges are disposed.

For the OBTS, each information or indictment having a unique case number will be counted for SRS.

- ✓ Report defendants with multiple informations or indictments that are consolidated by the filing of an information or indictment containing all charges, in the appropriate case type of the most serious disposition category. **The case from which the charges were consolidated should not be reported.**

For the OBTS, the consolidation code "C" used in the "Final Action by Prosecutor\Grand Jury" field, should only be entered when consolidation is accomplished through the filing of an information or indictment. **The case from which the charges were consolidated will not be counted for SRS purposes.**

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** report dispositions of defendants whose cases were not reported as filed. **For SRS purposes, a new case is counted when an information or indictment is filed. Juvenile cases transferred to adult court for disposition, in which an information is not filed, should not be reported.**

For the OBTS, the SRS program will not count a disposition unless the "Prosecutor Filing Date" field contains a valid date.

- ✗ **DO NOT** report dispositions of defendants until all charges on a multiple count information or indictment have been disposed for that defendant.

DEFENDANTS - DISPOSITIONS

DISPOSITION CATEGORIES

Number of Before Trial Dispositions

Please refer to section "B1" (page 12-1) of the SRS form which reports information associated with the number of before trial dispositions in the following categories: Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea, and Other. The following guidelines refer to the dispositions that occur:

- **Before** the jurors and alternates are sworn; or
- **Before** the first evidence is introduced or an opening statement is made in a non-jury trial.

For SRS purposes, report the number of defendants disposed before a trial begins.

For the OBTS, use the "Type of Trial" code of "1" (none, no trial required).

Speedy Trial Rule Dismissals

- ✓ Report in the appropriate case type, the total number of defendants against whom **all** counts in the criminal proceeding were dismissed because the time frame of the **Speedy Trial Rule** was not met (See Rule 3.191, Florida Rules of Criminal Procedure).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "S" (speedy trial) if the dismissal occurs prior to an information being filed. If the dismissal occurs after an information is filed, use the "Court Action Taken" code of "T" (dismissed speedy trial).

Dismissed

- ✓ Report in the appropriate case type, the total number of defendants against whom **all** counts in the criminal proceeding were **dismissed**.

For the OBTS, all sequence numbers for a given case number must contain a dismissed code in either the "Prosecutor Phase" or "Court Phase" for the SRS software to count a defendant in the dismissed category.

- ✓ Report the number of defendants for whom **all** counts on an information or indictment were **dismissed** on the prosecutor's motion (i.e., nolle prosequi).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "O" (nolle prosequi).

DEFENDANTS - DISPOSITIONS

- ✓ Report the number of defendants for whom **all** counts on an information or indictment were **dismissed** by the court.

For the OBTS, use the "Court Action Taken" code of "D" (dismissed) or "E" (dismissed upon payment of restitution).

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** report the number of defendants against whom all charges were dropped because the prosecutor did not obtain or seek an indictment or information (no file). No files are reported on the Special Proceedings section of the SRS report (See Number of No Files, page 2-29).

For the OBTS, if all sequence numbers for a given case contain the "Final Action by Prosecutor / Grand Jury" code of "L" (dropped/abandoned) or "J" (no bill), the case will be reported as a "No File" on the Special Proceedings section of the SRS report (See Number of No Files, page 2-29).

- ✗ **DO NOT** report the number of defendants for whom all counts were dismissed because the time frames of the Speedy Trial Rule were not met (See Speedy Trial Rule Dismissals, page 2-7).
- ✗ **DO NOT** report the number of defendants who were placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney **including treatment-based drug court programs** (See Before Trial, Other, page 2-9).
- ✗ **DO NOT** report the number of defendants who successfully completed a pretrial diversion program and a nolle prosequi was subsequently entered.

Note: The section entitled OBTS provides detailed instructions on reporting pretrial diversion dispositions (See OBTS, pages 10-10 through 10-12) .

- ✗ **DO NOT** report the number of defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity (See Before Trial, Other, page 2-10).

DEFENDANTS - DISPOSITIONS

Transferred

- ✓ Report in the appropriate case type, the number of defendants disposed by a transfer action initiated by the prosecutor *after* an information is filed or which has been disposed by a change of venue action initiated by the court. ([See SRS Tech Memo 02-02](#))

For the OBTS, use the Final Action by Prosecutor/Grand Jury code of "R" (Transferred) if the transfer is initiated by the prosecutor. If the transfer occurs before an information is filed, the Prosecutor Filing Date must contain a value of '88888888.' If the transfer occurs after an information is filed, the Prosecutor Filing Date must contain a valid date value. Report the transfer as a change of venue, Court Action Taken code "V," if the transfer occurs pursuant to a judicial order for change of venue.

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report the number of defendants for whom adjudication was withheld after the defendant entered a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Other

- ✓ Report in the appropriate case type, the number of defendants who received any disposition not included in the previously described SRS disposition categories.
- ✓ Report the number of defendants placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, **including treatment-based drug court programs, after** an information or indictment was filed.

Note: Drug court cases may differ significantly from other cases disposed by pretrial intervention (PTI) or deferred prosecution agreement, in that, post-disposition judicial involvement may be significant as a result of periodic drug court status review hearings. Regardless, drug court cases should be reported as disposed based upon the disposition criteria established for PTIs. For OBTS counties, the section entitled OBTS provides detailed instructions on reporting PTI dispositions (See OBTS, pages 10-10 through 10-12).

DEFENDANTS - DISPOSITIONS

- ✓ Report the number of defendants declared mentally or physically unable to stand trial or to participate in the judicial process.

For the OBTS, use the "Court Action Taken" code of "M" (mentally/physically unable to stand trial).

- ✓ Report the number of defendants whose cases were disposed upon the estreatment of a bond and no further action was taken by the prosecutor or the court.

For the OBTS, use the "Court Action Taken" code of "B" (bond estreatment).

- ✓ Report the number of defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity. In the case of blanket dismissals, the following criteria apply:
- Felony cases must reflect no procedural activity for a minimum of five years;
 - An outstanding capias or warrant must be in effect;
 - A distinguishable Blanket Dismissal Form (nolle prosequi) must be utilized and included in the clerks records, and
 - A set minimum number of cases should be processed in this manner at one time under a cover letter to ease the administrative burden on the Clerk of the Court

For the OBTS, the disposition code "F" should be used for reporting cases disposed for administrative reasons. This includes cases disposed as a result of a blanket dismissal.

For **non**-OBTS, these cases should be reported in the **Before Trial, Other** disposition category of the SRS form.

The following item is a common reporting error. Please check this item to ensure the SRS report **does not** include this reporting error.

- ✗ **DO NOT** use the "Final Action by Prosecutor/Grand Jury" code of "O" for cases nolle prosequi for administrative reasons due to lack of procedural activity, that fall under the criteria above.

DEFENDANTS - DISPOSITIONS

Number of After Trial Non-Jury Dispositions

Please refer to section “B2a” (page 12-1) of the SRS form which reports information associated with the number of after trial non-jury dispositions in the following SRS categories: Acquitted/Dismissed, Plea, or Convicted. For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made. A non-jury trial is a bench or judge trial where the judge has to decide the issues of law and fact in the case.

For the OBTS, use the “Type of Trial” code of “3” (non-jury trial).

Note: DO NOT include mistrials. Report the case disposed when the defendant has a final disposition, as of the clerk’s document **stamp date**.

Acquitted/Dismissed

- ✓ Report in the appropriate disposition category, the number of defendants **acquitted** on all counts.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted), and the “Defendant's Final Plea” code of “1” (not guilty).

- ✓ Report the number of defendants for whom a nolle prosequi was entered **on all** counts.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓ Report the number of defendants for whom **all counts** were **dismissed** because the defendant was **acquitted** or the defendant was found not guilty subsequent to an insanity plea.

For the OBTS, use the “Court Action Taken” code of “I” (acquitted by reason of insanity), and the “Defendant's Final Plea” code of “4” (not guilty by reason of insanity).

- ✓ Report the number of defendants for whom **all counts** were dismissed by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant's Final Plea” code of “1” (not guilty), or the “Prosecutor Phase” code of “F” (administratively dismissed).

DEFENDANTS - DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report the number of defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "2" (adjudicated guilty) or "3" (nolo contendere).

Convicted

- ✓ Report in the appropriate case type, the number of defendants **convicted** on one or more counts.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

- ✓ Report the number of defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

DEFENDANTS - DISPOSITIONS

Number of After Trial by Jury Dispositions

Please refer to section “B2b” (page 12-1) of the SRS form which reports information associated with the number of after trial by jury dispositions in the following categories: Acquitted/Dismissed, Plea, or Convicted. For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are sworn.

For the OBTS, use the “Type of Trial” code of “2” (jury trial).

The following item is a common reporting error. Please check this item to ensure that the SRS report does not include this reporting error.

- ✗ DO NOT include mistrials.** Report the case disposed when the defendant has a final disposition.

Acquitted/Dismissed

- ✓** Report in the appropriate case type, the number of defendants **acquitted** on all counts.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted) and the “Defendant's Final Plea” code of “1” (not guilty).

- ✓** Report the number of defendants for whom a nolle prosequi was entered on all counts.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓** Report the number of defendants for whom **all counts** were **dismissed** because the defendant was **acquitted** or the defendant was found not guilty subsequent to an insanity plea.

For the OBTS, use the “Court Action Taken” code of “I” (acquitted by reason of insanity), and the “Defendant's Final Plea” code of “4” (not guilty by reason of insanity).

- ✓** Report the number of defendants for whom **all counts** were dismissed by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant's Final Plea” code of “1” (not guilty), or the “Prosecutor phase” code of “F” (administratively dismissed).

DEFENDANT - DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report the number of defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Convicted

- ✓ Report in the appropriate case type, the number of defendants **convicted** on one or more counts.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

- ✓ Report the number of defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

DEFENDANTS - REOPENED CASES

Number of Defendants with Reopened Cases

Please refer to section “C” (page 12-1) of the SRS form which reports information associated with the number of reopened cases filed during the specified reporting period.

- ✓ Report in the appropriate case type, the number of defendants with cases previously reported as disposed who have proceedings that are reactivated or resubmitted to the court.
- ✓ Report the number of motions and petitions filed subsequent to the disposition of the case. This includes motions filed by either the state and/or the defendant where the validity of the imposed sentence is being challenged and/or modified, with a hearing set before the court, pursuant to rule 3.800, Florida Rules of Criminal Procedure (correction, reduction and modification of sentences).
- ✓ Report the number of defendants with cases remanded from an appellate court to the trial court for the purpose of entry of a proper judgment or decision, an evidentiary hearing, or a new trial.
- ✓ Report the number of defendants with cases filed for judicial action after being placed on deferred prosecution or other pretrial probation programs approved by the state attorney, **including treatment-based drug court programs.**

Note: The section entitled OBTS provides detailed instructions for reporting cases filed for judicial action after a defendant has been placed on deferred prosecution, other pretrial probation programs, or **treatment-based drug court programs.**

- ✓ Report the number of cases filed for judicial action after the defendant is declared mentally or physically unable to stand trial.

For the OBTS, in each of the above examples, use the “Date Charge Reopened” field to enter the reopened date, and the “Reason Charge Reopened” code of “O” (charge reopened for other reason).

- ✓ Report multiple motions/petitions filed subsequent to the close of the case **but on the same day as only one reopening.** However, if multiple motions/petitions are filed subsequent to the close of the case on different days, report each occurrence.

Note: The section entitled OBTS provides detailed instructions for reporting multiple reopenings per case in a given reporting period (See OBTS, page 10-9).

COUNTS - FILINGS

Number of Counts Filed

Please refer to section “A” (page 12-2) of the SRS form which reports information associated with the number of counts filed during the specified reporting period.

- ✓ Report each count listed on an information or indictment. Report the counts listed on those informations or indictments which are filed with the clerk's office during the reporting month.

For the OBTS, each 750-character record is treated as a count.

- ✓ Report multiple counts which are named on one information or indictment separately.

For the OBTS, each count contained on an information or indictment should be submitted as an individual 750-character record with those records having identical case numbers *but different sequence numbers*. If the information contains more charges than the arresting document, a 750-character record should be created using the identical case number but different sequence number for each added charge. The “Prosecutor Charge Status” code for the added charges is “E” (new).

Note: The assignment of sequence numbers need not correspond with the order of the charges listed on the arresting document. However, all charges on the arresting document must be submitted even if they do not appear on the information or indictment.

- ✓ Report each count in the appropriate case type.

Note: The section entitled Case Type Determinations (pages 2-32 through 2-40) explains case type and disposition category determinations.

- ✓ Report the counts for defendants charged under section 777.04, Florida Statutes. Report the offense in the appropriate circuit criminal case type.

EXAMPLE: When a defendant is charged with attempted burglary, the charge should be reported in the “Burglary” case type. The only exception is for attempted first degree murder (subsection 782.04 (1)(a) and 777.04 (4)(c), Florida Statutes) which should be reported in the “Non-Capital Murder” case type.

For the OBTS, in situations where a defendant is charged under section 777.04, Florida Statutes, **do not** report the attempt statute in the statute number field in any of the OBTS phases. Report the Florida statute cite of the specific crime that is attempted, such as burglary (810.02), robbery (812.13), aggravated assault (784.021), etc.

COUNTS - FILINGS

- ✓ Report criminal contempt counts filed before or after a disposition **only** if a new information or indictment is filed.

For the OBTS, a contempt charge will be counted only if the record contains a "Prosecutor Filing Date." Use the "Final Action by prosecutor/Grand Jury" code of "N" (filed).

- ✓ Report each count in a case transferred from another court or jurisdiction **only** if an information or indictment has been filed.

For the OBTS, when transferring a case from circuit to county court, the "Prosecutor Filing Date" should be entered **only** if a circuit court information is filed. The data in the "Basic Phase" and "Initial Phase(s)" of the county and circuit court records should be identical.

- ✓ Report **counts added** by the filing of an amended information or indictment.

For the OBTS, if an amended information or indictment is filed adding charges to an already existing case, a new 750-character record should be created for each charge added, using the identical case number but different sequence numbers. Use the "Prosecutor Charge Status" code of "E" (new). The "Prosecutor Filing Date" will be the date the amended information or indictment is filed (stamped as received) with the clerk's office.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** report sworn complaints.
- ✗ **DO NOT** report counts in cases previously reported as disposed that are now being resubmitted or reopened before the court.

For the OBTS, charges being resubmitted to the court after being disposed in the "Court Phase" should be reopened by using the "Date Charge Reopened" and "Reason Charge Reopened" fields.

- ✗ **DO NOT** report civil actions which occur in conjunction with a criminal case. Report these actions in the appropriate civil section of the SRS form.
- ✗ **DO NOT** report counts in a juvenile cases which is transferred to adult court if an information **is not** filed.

COUNTS - DISPOSITIONS

Number of Counts Disposed

Please refer to section “B” (page 12-2) of the SRS form which reports information associated with the number of counts disposed during the specific reporting period. Counts are to be reported as disposed after the final judicial decision is made which terminates a criminal proceeding by a judgment of acquittal or dismissal, or which states the specific sentence in the case of a conviction.

For the OBTS, a count will **not** be reported as disposed unless the “Prosecutor Filing Date” field contains a valid date.

For purposes of SRS reporting, include the following:

- Counts for defendants for whom adjudication is withheld;
- Counts for defendants whose cases are transferred to another court or have a change of venue;
- Counts for defendants declared mentally or physically unable to stand trial or to participate in the judicial process; and
- Counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, **including treatment-based drug court programs.**
- Defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity (See Before Trial, Other, page 2-24).
- Report each count in the appropriate case type and disposition category. Report the disposition in the case type of the offense **charged at disposition.**

For the OBTS, the “Prosecutor Phase” or “Court Phase” of each record should indicate the disposition for that individual charge.

The following items are common reporting errors. Please check this item to ensure that the SRS report **does not** include these reporting errors.

- ✘ **DO NOT** report the dispositions of counts that were previously reported as disposed that have been resubmitted or reopened before the court.

For the OBTS, charges being resubmitted to the court after being disposed in the “Court Phase” should be reopened by using the “Date Charge Reopened” and “Reason Charge Reopened” fields.

COUNTS - DISPOSITIONS

Number of Counts Disposed Before Trial

Please refer to section "B1" (page 12-2) of the SRS form which reports information associated with the number of before trial dispositions in the following categories: Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea and Other. The following guidelines refer to dispositions which occur **before** the jurors and alternates are **sworn**, or **before** the first evidence is introduced or an opening statement is made in a non-jury trial. For SRS reporting purposes, report the number of counts disposed before trial begins.

For the OBTS, use the "Type of Trial" code of "1" (none - no trial required).

Speedy Trial Rule Dismissals

- ✓ Report in the appropriate case type, the total number of counts that are dismissed because the time frame of the **Speedy Trial Rule** is not met (See Rule 3.191, Florida Rules of Criminal Procedure).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "S" (speedy trial rule) if the dismissal occurs prior to an information being filed. If the dismissal occurs after an information is filed, use the "Court Action Taken" code of "T" (dismissed speedy trial).

Dismissed

- ✓ Report in the appropriate case type, the number of counts that are **dismissed**.

For the OBTS, each sequence number that is being dismissed must contain a dismissed code in either the "Prosecutor Phase" or "Court Phase" for the SRS software to count a charge in the dismissed category.

- ✓ Report the number of counts that are **dismissed** on the prosecutor's motion (nolle prosequi).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "O" (nolle prosequi).

- ✓ Report the number of counts on an information or indictment that are **dismissed** by the court.

For the OBTS, use the "Court Action Taken" code of "D" (dismissed) or "E" (dismissed upon payment of restitution).

COUNTS - DISPOSITIONS

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✘ **DO NOT** report counts that are dropped because the prosecutor did not obtain or seek an indictment or information (no file). No Files are reported on the Special Proceedings section of the report (See page 2-29).

For the OBTS, if **all** sequence numbers for a given case contain the "Final Action by Prosecutor / Grand Jury" code of "L" (dropped/abandoned) or "J" (no bill), the case will be reported as a "No File" on the Special Proceedings section of the SRS report, page 2-29.

- ✘ **DO NOT** report counts that are dismissed because the time frames of the Speedy Trial Rule are not met (See Speedy Trial Rule Dismissals, page 2-21).
- ✘ **DO NOT** report counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, **including treatment-based drug court programs** (See Before Trial, Other, page 2-23).
- ✘ **DO NOT** report counts for defendants who successfully complete a pretrial diversion program, **including treatment-based drug court programs**, and a nolle prosequi is entered (See the section entitled OBTS, pages 10-10 through 10-12, for a detailed description of procedures to be used for reporting Pre-trial Intervention dispositions).
- ✘ **DO NOT** report counts for defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity (See Before Trial, Other, page 2-24).

Transferred

- ✓ Report in the appropriate case type, the number of defendants disposed by a transfer action initiated by the prosecutor *after* an information is filed or which has been disposed by a change of venue action initiated by the court. ([See SRS Tech Memo 02-02](#))

When reporting via the Offender Based Tracking System (OBTS), use the Final Action by Prosecutor/Grand Jury code of "R" (Transferred) if the transfer is initiated by the prosecutor. If the transfer occurs before an information is filed, the Prosecutor Filing Date must contain a value of '88888888.' If the transfer occurs after an information is filed, the Prosecutor Filing Date must contain a valid date value. Report the transfer as a change of venue, Court Action Taken code "V," if the transfer occurs pursuant to a judicial order for change of venue.

COUNTS - DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and "Defendants's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report the number of counts for defendants for whom adjudication is withheld after the defendant enters a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and "Defendants's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Other

- ✓ Report in the appropriate case type, the number of counts receiving any disposition not included in the previously described "Before Trial" dispositions.
- ✓ Report counts for defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the state attorney, **including treatment-based drug court programs, after** an information is filed.

Note: Drug court cases may differ significantly from other cases disposed by pretrial intervention (PTI) or deferred prosecution agreement, in that, post-disposition judicial involvement may be significant as a result of periodic drug court status review hearings. Regardless, drug court cases should be reported as disposed based upon the disposition criteria established for PTIs. For OBTS counties, the section entitled OBTS provides detailed instructions on reporting PTI dispositions (See OBTS, pages 10-10 through 10-12).

- ✓ Report counts for defendants declared mentally or physically unable to stand trial or to participate in the judicial process.

For the OBTS, use the "Court Action Taken" code of "M" (mentally/physically unable to stand trial).

- ✓ Report counts for defendants whose cases are disposed upon the estreatment of a bond and no further action will be taken by the prosecutor or the court.

For the OBTS, use the "Court Action Taken" code of "B" (bond estreatment).

COUNTS - DISPOSITIONS

Number of Counts Disposed After a Non-Jury Trial

Please refer to section “B2a” (page 12-2) of the SRS form which reports information associated with the number of after trial non-jury dispositions in the following categories:

Acquitted/Dismissed, Plea or Convicted. For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made. A non-jury trial is a bench or judge trial where the judge has to decide the issues of law and fact in the case.

For the OBTS, use the “Type of Trial” code of “3” (non-jury trial).

The following item is a common reporting error. Please check this item to ensure that the SRS report does not include this reporting error.

- ✗ DO NOT include mistrials.** Report the case when the defendant has a final disposition.

Acquitted/Dismissed

- ✓** Report in the appropriate case type, the number of counts which are **acquitted or dismissed**.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted), and the “Defendants's Final Plea” code of “1” (not guilty).

- ✓** Report counts for defendants for whom a nolle prosequi is entered.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓** Report the number of counts **dismissed** because the defendant is **acquitted** or the defendant is found not guilty subsequent to an insanity plea.

For the OBTS, use the “Court Action Taken” code of “I” (acquitted by reason of insanity), and the “Defendants's Final Plea” code of “4” (not guilty by reason of insanity).

- ✓** Report the number of counts **dismissed** by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant's Final Plea” code of “1” (not guilty), or the “Prosecutor phase” code of “F” (administratively dismissed).

COUNTS - DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report counts for defendants whose adjudication is withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Convicted

- ✓ Report in the appropriate case type, the number of counts for defendants **convicted** on one or more counts.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), and the "Defendant's Final Plea" code of "1" (guilty) or "4" (nolo contendere).

- ✓ Report the number of counts for defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "1" (guilty) or "4" (nolo contendere).

COUNTS - DISPOSITIONS

Number of Counts Disposed After Trial by Jury

Please refer to section “B2b” (page 12-2) of the SRS form which reports information associated with the number of after trial by jury dispositions in the following disposition categories: Acquitted/Dismissed, Plea or Convicted. For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are **sworn**.

For the OBTS, use the “Type of Trial” code of “2” (jury trial).

The following item is a common reporting error. Please check this item to ensure that the SRS report does not include this reporting error.

- ✗ **DO NOT include mistrials.** Report these actions in the appropriate disposition category when the defendant has a final disposition.

Acquitted/Dismissed

- ✓ Report in the appropriate case type, the number of counts for defendants **acquitted**.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted) and the “Defendant's Final Plea” code of “1” (not guilty).

- ✓ Report counts for defendants for whom a nolle prosequi is entered.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓ Report the number of counts **dismissed** because the defendant is **acquitted** or the defendant is found not guilty subsequent to an insanity plea.

For the OBTS, use the “Court Action Taken code of “I” (acquitted by reason of insanity), and the “Defendant's Final Plea” code of “4” (not guilty by reason of insanity).

- ✓ Report the number of counts **dismissed** by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant's Final Plea” code of “1” (not guilty), or the “Prosecutor phase” code of “F” (administratively dismissed).

COUNTS - DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report in the appropriate case type, the number of counts for defendants convicted following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report counts for defendants whose adjudication is withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Convicted

- ✓ Report in the appropriate case type, the number of counts for defendants **convicted**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

- ✓ Report the number of counts for defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

SPECIAL PROCEEDINGS

Number of No Files

- ✓ Report the number of defendants against whom **all charges** in a criminal episode are dropped because the prosecutor did not obtain or seek an indictment or file an information.

For the OBTS, enter the appropriate date under the “Prosecutor Final Decision Date” field and use the “Final Action by Prosecutor/Grand Jury” code of “L” (dropped/ abandoned) or “J” (no bill) for all the charges.

Number of Appeals Filed From County Criminal Court

- ✓ Report the number of defendants with appeals from **county criminal court** that are filed during the reporting period. Include only those appeals that will go before a circuit court judge or panel of circuit court judges.

For the OBTS, the “Date of Notice of Appeal” must be entered in the **county criminal** case that is being appealed.

The following is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✗ **DO NOT** include appeals to the District Court of Appeal or the Supreme Court.

Number of Post Conviction Relief Motions Filed (Rule 3.850, Florida Rules of Criminal Procedure)

- ✓ Report the number of defendants filing formal motions to vacate, set aside, or correct a judgment or sentence during the reporting period.

For the OBTS, enter the appropriate date under the “Date Charge Reopened” field and use the “Reason Charge Reopened” code of “P” (post conviction relief motions).

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✗ **DO NOT** include correspondence or other informal inquiries about a judgment or a sentence that are not pursuant to rule 3.850, Florida Rules of Criminal Procedure.

SPECIAL PROCEEDINGS

Number of Probation Revocation Hearings

- ✓ Report the number of defendants for whom a hearing is held to determine whether the probation of the defendant should be modified or revoked.

For the OBTS, enter the date the violation of probation warrant *is served* in the “Date Charge Reopened” field, and use the “Reason Charge Reopened” code of “V” (violation of probation).
If a warrant is not issued, use the date a notice to appear is served, or, if this is not available, the date the defendant appears in court for a final determination regarding the condition of the probation.

For **non**-OBTS counties, if a defendant violates probation and is brought before the court for multiple hearings on that violation, the date of the final hearing should be used to denote the date of the probation revocation.

- ✓ Report **one probation hearing** for each defendant even if, after the hearing, the conditions of the probation remain the same. That is, if a defendant violates probation and is brought before the court for multiple hearings on that violation, report only one probation hearing.

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✗ **DO NOT** report the initial appearance held in order to plea to the charges even if the probation is temporarily revoked. If the judge makes a decision about the condition of the probation and the decision is final, the hearing should be reported.

Number of Bond Hearings

- ✓ Report the number of defendants whose **pretrial release status** is considered by a **circuit judge, or a county court judge acting as a circuit judge**, at a special hearing for the purpose of setting or modifying bond or other pretrial release (See Frequently Asked Questions, page 2-43).

For the OBTS, a valid date must be entered in the “Date of Bond Hearing” field for at least one charge and may be entered for each charge. The SRS software will count one bond hearing per case.

- ✓ Report post conviction bond hearings.
- ✓ Report only those hearings that are heard by a circuit court judge or county court judge acting as a circuit court judge.
- ✓ Report each hearing when a defendant appears before a judge for more than one bond hearing during the reporting period.

SPECIAL PROCEEDINGS

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✘ **DO NOT** report bond decisions made at first appearance.
- ✘ **DO NOT** report a bond hearing **for each charge** brought before the court. Report only the number of hearings held.

Number of Adversary Preliminary Hearings (Rule 3.133 (b), Florida Rules of Criminal Procedure)

- ✓ Report the number of defendants for whom a hearing is held to determine whether there is sufficient cause to hold the defendant for trial.

For the OBTS, a valid date must be entered in the "Date of Adversary Preliminary Hearing" field for at least one charge, and may be entered for each charge. The SRS software will count one adversary preliminary hearing per case.

- ✓ Report only those hearings held before a circuit judge, or a county court judge acting as a circuit judge.

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✘ **DO NOT** report the number of non-adversary probable cause determinations (Rule 3.133 (a), Florida Rules of Criminal Procedure).

CASE TYPE DETERMINATIONS

Case Type Determinations

The following list identifies SRS case types with corresponding Florida Statute cites. These statute cites are your guidelines for reporting data for SRS. For additional reference, the tabbed section entitled **Florida Statute Table** provides a detailed list of felony statutes and corresponding SRS case type designations.

In situations where a defendant is charged under chapter 777, Florida Statutes, report the offense under the appropriate circuit criminal case type.

EXAMPLE: If a defendant is charged with attempted burglary, the charge should be reported under the “Burglary” case type. The **only exception** is for attempted first degree murder (i.e., section 777.04 (4)(a), Florida Statutes) which is to be reported under the “Non-Capital Murder” case type.

Following this list are instructions for selecting the correct SRS case types for accused defendants and counts charged on single and multiple charged informations or indictments.

Quick Tip: Please note that for counties **not reporting** SRS through the OBTS, changes in case type assignments as provided by the OSCA should be conveyed to the appropriate Information Systems Staff (ISS) at the local level so that automated programs are updated accordingly, or adjustments to manual reporting procedures will have to be implemented.

Capital Murder

782.04 (1)(a)(1), FS
 (1)(a)(2)
 (1)(a)(3)
790.161 (4), FS

Non-Capital Murder

316.193 (3)(c)(3)(a) , FS
 (3)(c)(3)(b)
327.35 (1), FS
CH. 782, FS (except 782.04 (1)(a)(1), & 782.051, FS
 (1)(a)(2)
 (1)(a)(3)

860.121 (2) (d), FS
860.091, FS

CASE TYPE DETERMINATIONS

Sexual Offenses

Ch. 491, FS
Ch. 794, FS (except 794.0235 (5)(a) & (5)(b))
Ch. 800, FS
825.1025 (2), FS
825.1025 (3), FS
825.102 (4), FS
Ch. 826, FS
944.35 (3) (b), FS
985.4045 (1) (a) (2), FS

Robbery

812.13, (2)(a), FS
 (2)(b)
 (2)(c)
812.131(2)(a), FS
 (2)(b)
812.133 (2)(a), FS
 (2)(b)
812.135, FS

CASE TYPE DETERMINATIONS

Other Crimes Against Persons

316.027(1a) & (1b), FS	775.0877 , FS	Ch.914, FS (except 914.14)
316.193 (3)(c)(2), FS	782.051(1)(2)(3), FS	944.35(3a1)(2) & (4)(c), FS
316.1935 (3) & (4)(b), FS	Ch.784, FS	944.44, FS
316.545(1), FS	Ch.787, FS	985.4045(3)(c), FS
322.34 (6)(b), FS	790.054, FS	
327.30(5), FS	796.08(5), FS	
327.35(3)(c)(3)(a) & (3)(c)(2), FS	806.031(2), FS	
Ch.370.036, FS	823.07, FS	
381.0041(11)(b), FS	Ch.825, FS (except 825.1025(2)(3)(4)	
381.0081(3), FS	Ch.827, FS (except 827.071(3)(4)(5) & 827.08	
Ch.384, FS (except 384.24 (3) & (6)	Ch.836, FS	
Ch.401, FS	838.021(3a) & (3b), FS	
415.111, FS	843.01, FS	
415.513, FS	843.0855(4), FS	
450.151, FS	859.01, FS	
468.629(1)(f), FS	860.121(2)(c), FS	
562.455, FS	860.16 , FS	
767.13 (3), FS		

Burglary

Ch.810, FS (except 810.08, 810.09, and 810.095,FS)

CASE TYPE DETERMINATIONS

Theft, Forgery, Fraud

Ch.24, FS	Ch.220, FS	Ch.365, FS
39.205(6), FS	240.5337(3), FS	Ch.367, FS
Ch.48, FS	Ch.252, FS	370.13 (2)(c)(2), (2)(c)(3), & (2)(c)(4)
S.63.212 (1g), FS; (1i), FS; (4) FS; (5) FS	Ch.255, FS	Ch.341, FS
Ch.103, FS	267.13(1)(c), FS	370.0605(10), FS
Ch.104, FS (except 104.051 (3), 104.0515 (2)(a), (4), (1), (2)(b), (3), 104.081, 104.13, 104.23, 104.271, & 104.30	Ch.280, FS	370.142, FS
Ch.106, FS	Ch.287, FS	372.83, FS
Ch.116, FS	288.039 (2)(c), FS	376.302(5), FS
Ch.117, FS	288.1045(2g), FS	376.16 (12), FS
Ch 138, FS	288.106(3d2), FS	376.3071 (10)(a) , FS
Ch.192, FS	Ch.319, FS (except 319.28 (1)(b) & 319.30 (8)(b)	Ch.377, FS
Ch.198, FS	319.30 (2b), FS	Ch.380, FS
Ch.199, FS	Ch.320, FS	381.0075 (8a1) & (8a2), FS
Ch.201, FS	Ch.322, FS (except 322.34)	381.89, FS
Ch.206, FS	Ch.325, FS	Ch.382, FS
Ch.207, FS	Ch.326, FS	384.34 (3), FS
Ch.210, FS	Ch.328, FS	Ch.391.205, FS
Ch.211, FS	Ch.329, FS	402.319(2), FS
Ch.212, FS	Ch.330, FS	402.61(10)(a)(1), FS
Ch. 218, FS	Ch. 337, FS	Ch.409, FS {(except 409.175(11b1); (11b2); (11c) & (409.176(12d); (12e)}

CASE TYPE DETERMINATIONS

Ch.415, FS	Ch.489, FS (except 489.133)	561.24, FS
Ch.420, FS	Ch.493, FS	561.32 (2)
Ch.440, FS	Ch.494, FS	562.061; 562.28; 562.32; 562.45, FS
Ch.443, FS	Ch.496, FS	Ch.585, FS (except 585.19 & 585.85)
Ch.455, FS	Ch.497, FS (except 497.409, & 497.439)	586..025 (2)(3)(5) & 586.03
Ch.458, FS	Ch.498, FS (except 498.059 (1 & 2)	609.05, 609.06, FS
Ch.459, FS	Ch.499, FS (except 499.005 (14), 499.06, 499.063, & 499.75, (10), (1), (4)	Ch.624, FS
Ch.460, FS	Ch.501, FS	Ch.626, FS
Ch.462, FS	Ch.509, FS	Ch.628, FS (except 628.271)
Ch.463, FS	Ch.513, FS	Ch. 629, FS
Ch.464, FS	Ch.517, FS	Ch.633, FS
Ch.465, FS	Ch.527, FS	Ch.641, FS
Ch.466, FS	Ch.538, FS	Ch.648, FS {(except 648.44 (1j); (1m); (2)(8); 648.442, & 648.49}
	Ch.539, FS	651.051, FS
Ch.467, FS	Ch.540, FS	651.125, FS
Ch.468, FS (except 468.454; 468.629(1f); (2)	Ch.542, FS	Ch.655, FS (except 655.059 (2c) & 655.057)
Ch.474, FS	552.22(2), FS	Ch.687, FS
Ch.483, FS	Ch.559, FS	697.08, FS
Ch.484, FS	Ch. 560, FS (except 560.121(4), 560.125, & 560.129)	

CASE TYPE DETERMINATIONS

Ch.703, FS	893.0(4), FS
Ch.713, FS	895.03, FS
Ch.718, FS	896.101(4)(a), (4)(b), (4)(c),(5)(a) & (5)(b)
Ch.719, FS	901.36(2), FS
Ch.721, FS	Ch.903, FS
Ch.741, FS	914.14, FS
Ch.765, FS	943.0585(1), FS
790.065(7), FS; (12a)	944.33, FS
790.0655 (3)(b), FS	943.059, FS
790.27(1), FS	960.18, FS
Ch.812, FS (except 812.13; 812.131; 812.133; & 812.135)	
Ch. 815 , FS	
Ch. 817 , FS	
Ch. 831 , FS	
Ch. 832, FS	
837.05(2), FS	
Ch. 838, FS (except 838.021)	
Ch. 839, FS	
843.08, FS	
843.0855(2) & (3), FS	
849.09(1a)(1b)(1c)(1g), FS	
849.10	
860.145(4)(a), FS	
860.20(2)(a) & (2)(b), FS	
877.08(4) & 877.18, FS	

CASE TYPE DETERMINATIONS

Worthless Checks

Ch. 832, FS

Other Crimes Against Property

ss. 267.13(1)(b)

ss. 298.66(2)

S. 316.0775

S. 376.3071 (10)(a) & (10)(b)

Ch. 590, FS

Ch. 806, FS (except 806.031(2))

S. 810.08, FS

S. 810.09, FS

S. 810.095

Ch. 828

S. 861.03

Ch.872

Drugs

Ch. 893, FS (except 893.06(4))

S. 859.05, FS

Misdemeanors

All misdemeanors that are charged on a felony information or indictment.

Note: Misdemeanors are reported on the “Counts Page” only.

Other

All other **felony** crimes not included in the above described case types.

CASE TYPE DETERMINATIONS

Procedures for Reporting Single Count Informations or Indictments

Use the following procedures to determine the SRS case type on a single count information or indictment:

1. Review the information or indictment and determine which Florida Statute is being cited.
2. Find the cited Florida Statute in the section entitled **Case Type Determinations** (pages 2-32 through 2-38). The Florida Statute will be listed with the corresponding SRS case type, which should be used for reporting purposes. The tabbed section entitled **Florida Statute Table** provides a detailed list of felony statutes and corresponding SRS case type designations for additional reference.
3. Report the defendant accused under the appropriate case type on page 12-1 of the Circuit Criminal SRS forms.
4. Report the count under the appropriate case type (See page 12-2, Circuit Criminal SRS forms).

Procedures for Reporting Multiple Count Informations or Indictments

In situations where a defendant is charged with multiple counts, use the following procedures to determine the most serious offense case type for the defendant accused (page 12-1 of the Circuit Criminal SRS forms) and the case types for the remaining counts (page 12-2 of the Circuit Criminal SRS forms).

1. Review the information or indictment and determine which Florida Statutes are being cited.
2. Select the most serious statutory offense (i.e., capital felonies are more serious than first degree felonies; first degree felonies are more serious than second degree felonies, and so forth).

Note: For offenses that are statutorily equal, use the following ranking to determine the most serious offense. The ranking scheme is listed on the following page in descending order of seriousness.

- Capital Murder
- Non-Capital Murder
- Sexual Offenses
- Robbery
- Other Crimes Against Persons
- Burglary
- Theft, Forgery and Fraud
- Worthless Checks
- Other Crimes Against Property
- Drugs
- Other

CASE TYPE DETERMINATIONS

3. Once the most serious statutory offense is selected, find the cited Florida Statute in the section entitled **Case Type Determinations** (pages 2-32 through 2-38). The Florida Statute will be listed with the corresponding SRS case type, which should be used for reporting purposes. The tabbed section entitled **Florida Statute Table** provides a detailed list of felony statutes and corresponding SRS case types designations for additional reference.
4. Report the defendant accused under the appropriate case type on page 12-1 of the Circuit Criminal SRS forms.
5. Report the count for the defendant accused, under the same case type on page 12-2 of the Circuit Criminal SRS forms.
6. Report the remaining counts under the appropriate case types selected on page 12-2 of the Circuit Criminal SRS forms.

Disposition Category Determination

In situations where multiple charges are being disposed at the same time, the defendant should be reported in the disposition category that uses the most judicial time. The corresponding counts should be reported in the disposition category that is appropriate. The following disposition categories are listed **in descending order of judicial time expended**.

After Trial Disposition Categories

- By Jury Convicted;
- By Jury Plea;
- By Jury Acquitted/Dismissed;
- By Non-Jury Convicted;
- By Non-Jury Plea; And
- By Non-Jury Acquitted/Dismissed.

Before Trial Disposition Categories

- Plea (Guilty/Nolo);
- Transferred;
- Other;
- Dismissed; and
- Speedy Trial Rule Dismissal.

If you are unable to determine the correct SRS case type or disposition category, please contact Court Services staff at (850) 922-5094 or SUNCOM 292-5094.

CIRCUIT CRIMINAL - EXAMPLES

Example 1:

A defendant is charged with **Robbery** (second degree felony) and **Burglary** (third degree felony). The “Robbery” charge is dismissed and the defendant enters a plea before trial on the **Burglary** charge. For SRS reporting in this case, the defendant would be reported in the **Disposed Before Trial, Plea** disposition category, in the **Burglary** case type column. Although the robbery charge was the most serious charge at the time of filing, the **Burglary** disposition resulted in the most judicial time expended; therefore it should be reported on the Defendant's page of the SRS form (page 12-1). On the Counts page of the SRS form (page 12-2), the **Burglary** count would be reported in the **Before Trial, Plea** category and the **Robbery** count would be reported in the **Before Trial, Dismissed** category.

Example 2:

A defendant is charged with aggravated battery and enters a plea to battery which is a misdemeanor. For SRS reporting in this case, the defendant would be reported in the **Before Trial, Plea** category in the **Other Crimes Against Persons** column (page 12-1) and the count would be reported in the **Before Trial, Plea** category in the **Misdemeanor** column (page 12-2).

Therefore, if a defendant enters a plea to a felony that has been reduced to a misdemeanor and it is the disposition that expends the most judicial time, the defendant would be reported in the SRS case type for the felony before it was reduced, and the count would be reported in the **Misdemeanor** case type.

Remember, when a charge originates as a misdemeanor and the disposition of the misdemeanor charge results in the most judicial time expended, the defendant should be reported in the appropriate disposition category in the **Other** SRS case type (page 12-1) and the count should be reported in the appropriate disposition category in the SRS **Misdemeanor** case type (page 12-2).

FREQUENTLY ASKED QUESTIONS

Circuit Criminal Frequently Asked Questions

1. (Q) If a defendant comes back to court on a violation of probation (VOP) and there is a change in adjudication (i.e., adjudication was withheld at the original sentencing but the defendant was adjudicated guilty at the VOP sentencing), how should clerk staff handle this change in order to satisfy the Florida Department of Law Enforcement's (FDLE's) need for the change in adjudication to be reported, as well as SRS disposition reporting requirements?

(A) For OBTS counties, in cases in which the court withheld adjudication on a defendant and subsequently finds the defendant guilty, the "Court Action" field should be modified to reflect a "G" for Guilty (i.e., the new disposition). The remaining fields within the "Court Phase" should NOT be modified (i.e., Statute Number" and "Court Decision Date"). Additionally, the "Sentence Phase" fields should be modified to reflect the outcome of the new disposition.

For Non-OBTS counties, the above instructions stand in that the original disposition date should NOT be modified. The only fields that may require a change would be as to new sentencing information and the original adjudication status.

2. (Q) If an Information is filed and an Amended Information is subsequently filed adding additional charges, should ALL charges now reflect the date the Amended Information was filed?

(A) No, the OBTS and Non-OBTS records for the original counts (charges) should NOT be changed to reflect the date the Amended Information is filed. For OBTS Counties, the software used by the OSCA to extract the SRS statistics from the OBTS records will determine the "defendant count" as the most serious charge filed, regardless of whether different filing dates are reported for each charge.

3. (Q) How should you report the date of disposition when the final judgment and sentence form is filed with the clerk over a month after the actual disposition date, with a nunc pro tunc instruction accompanying the judge's signature?

(A) The date of disposition for SRS should always be reported as of the clerk's document stamp date. For example, in a scenario in which the clerk's office date stamps the disposition paperwork on 3/12/01, with the judge having signed the order on 3/12/01 with a nunc pro tunc dating the order to 1/10/01, the document should be reported disposed for SRS on the 3/12/01 stamp date.

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Quick Tip: Black's Law Dictionary defines *nunc pro tunc* as, "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, *i.e.*, with the same effect as if regularly done. Nunc pro tunc entry is an entry made now of something actually previously done to have effect of former date;". For instance, a nunc pro tunc order may reflect an effective date which is earlier than the signature date.

4. (Q) Should a bond hearing be reported when a hearing is held pursuant to rule 3.134, Florida Rules of Criminal Procedure, where the judge shall order the defendant released on own his recognizance (ROR) if formal charges haven't been filed by the State Attorney within the required time period?

(A) Yes. You may report hearings pursuant to rule 3.134, Florida Rules of Criminal Procedure, in the "Bond Hearing" category under Special Proceedings. Page 2-30 of the SRS Manual states the following with regard to reporting bond hearings, "(R)eport the number of defendants whose pretrial release status is considered by a circuit judge at a special hearing for the purpose of setting or modifying bond or other pretrial release.

5. (Q) How should criminal bond forfeitures be reported for SRS?

(A) The bond forfeiture should be considered as part of the criminal case and not reported separately for SRS. If, for some extraordinary reason, the criminal case is disposed prior to the bond forfeiture, the proceeding should be reported as a Reopening under the case type of the criminal action in which it was disposed for SRS.

6. (Q) If a county judge handles a bond hearing for a Circuit Criminal case, should the hearing still be reported under the "Bond Hearing" category in the Circuit Criminal division?

(A) Yes. SRS measures workload activity by division. Although the county judge is hearing the Circuit Criminal case, the workload issue is arising out of circuit court and the county judge is acting as a circuit court judge. For OBTS, the date of the bond hearing should be entered into the appropriate data field for the circuit criminal case number.

NOTES

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7. (Q) How should the following circumstance be handled in which an Information was filed as to five charges, and an Amended Information was subsequently filed as to only four charges? No other changes were made to the original four counts. The Assistant State Attorney (ASA) was phoned and advised that it was indeed their intent not to prosecute the fifth charge, hence the filing of the Amended Information. What code should be used in the "Final Action by Prosecutor / Grand Jury" field to denote the dropped charge given that the charge was originally filed via an Information (i.e., there is a date in the "Prosecutor Filing Date" field), and that no formal Nolle Prosequi paperwork has or will be filed?

(A) The following steps should be taken for the above "Amended Information - Dropped Counts" scenario:

- 1. The original information filing date SHOULD REMAIN in the "Prosecutor Filing Date" field for the dropped charge.*
- 2. The "O" code should be entered in the "Final Action by Prosecutor/Grand Jury" field for the dropped charge only.*
- 3. The date of the Amended Information should be entered in the "Prosecutor Final Decision Date" field for the dropped charge only.*
- 4. The "Prosecutor Filing Date" field for the remaining charges should not change from the original Information date.*

Additionally, the "Z" code should be used for those counts that are listed on an arrest affidavit, but are never formally pursued by the state attorney on an Information.

8. (Q) Our state attorney is not using the same statute table the clerk's office is using, and this causes a big problem. What should we do?

(A) The state attorneys are not bound by the reporting requirements established for the SRS. Unfortunately, the OSCA can do little other than suggest that all agencies involved in the development of criminal history records adhere to the same statute table. It is the OSCA's understanding that the statute table found on the FDLE website is probably the most reliable in the state. For that reason, the OSCA will continue to use this table as a basis for verifying OBTS data. Additionally, we will follow up with staff at FDLE to determine whether they have been successful in persuading local state attorneys to use their updated statute table.

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