

**SB 402 by Braynon;** (Similar to CS/CS/H 0595) Council on the Social Status of Black Men and Boys

**SB 550 by Hukill;** (Similar to H 0427) Traveling Across County Lines to Commit a Felony Offense

275800 A S L RCS ACJ, Diaz de la Portilla Delete L.33 - 53: 04/09 12:06 PM

**CS/SB 1472 by CJ, Abruzzo;** (Compare to CS/CS/H 0409) Personal Identification Information Theft

529658 A S RS ACJ, Braynon Delete L.42 - 128: 04/09 12:06 PM  
394368 SA S RCS ACJ, Braynon Delete L.42 - 128: 04/09 12:06 PM  
594148 AA S L RCS ACJ, Joyner Delete L.6 - 14: 04/09 12:06 PM

**SB 1638 by CJ;** Community Reentry Programs

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND**  
**CIVIL JUSTICE**  
**Senator Bradley, Chair**  
**Senator Joyner, Vice Chair**

**MEETING DATE:** Wednesday, April 9, 2014  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 402</b> Braynon (Similar CS/CS/H 595)  <b>(If Received)</b>	Council on the Social Status of Black Men and Boys; Providing criteria for removal of a member of the council; authorizing the council to identify initiatives and programs that support the council’s mission and strategic vision, study other topics suggested by the Legislature or as directed by the chair of the council, and subject to legislative appropriations, use funds appropriated to the Department of Legal Affairs to perform certain tasks; revising what constitutes a quorum of the council, etc.  CF 02/11/2014 Favorable GO ACJ 04/09/2014 Not Received AP	Not Received
2	<b>SB 550</b> Hukill (Similar H 427)	Traveling Across County Lines to Commit a Felony Offense; Defining the terms “county of residence” and “felony offense” for the purpose of the crime of traveling across county lines with the intent to commit a felony offense; providing a criminal penalty; adding the crime of traveling across county lines with the intent to commit a felony offense to the factors a court must consider in determining whether to release a defendant on bail, etc.  CJ 03/17/2014 Not Considered CJ 03/24/2014 Favorable CA 04/01/2014 Favorable ACJ 04/09/2014 Fav/CS AP	Fav/CS Yeas 8 Nays 5

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Criminal and Civil Justice  
Wednesday, April 9, 2014, 9:00 —11:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/SB 1472</b> Criminal Justice / Abruzzo (Compare CS/CS/H 409, CS/CS/H 1029, CS/S 588)	Personal Identification Information Theft; Providing that it is unlawful for any person to willfully and without authorization fraudulently use personal identification information concerning specified individuals without their consent; creating the Identity Theft and Fraud Task Force within the Department of Law Enforcement to assist in investigation and prosecution of criminal use of personal identification information in specified counties; providing for future repeal, etc.  CJ 03/31/2014 Fav/CS ACJ 04/09/2014 Fav/CS AP	Fav/CS Yeas 12 Nays 0
4	<b>SB 1638</b> Criminal Justice	Community Reentry Programs; Requiring the Department of Corrections to develop an operational plan to implement a vocational work-release pilot program in specified counties; requiring that the operational plan describe the necessary facilities, staff, budget, and methods for selecting inmates to participate in the pilot program; providing examples of vocational training or certification; requiring inmates to be within a specified time period of their release dates to be considered for participation in the pilot program, etc.  ACJ 04/09/2014 Favorable AP	Favorable Yeas 13 Nays 0
5	Update on Electronic Filing in the State Court System		Presented

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Other Related Meeting Documents

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By Senator Braynon

36-00484-14

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1 A bill to be entitled  
 2 An act relating to the Council on the Social Status of  
 3 Black Men and Boys; amending s. 16.615, F.S.;  
 4 providing criteria for removal of a member of the  
 5 council; revising the duties of the council;  
 6 authorizing the council to identify initiatives and  
 7 programs that support the council's mission and  
 8 strategic vision, study other topics suggested by the  
 9 Legislature or as directed by the chair of the  
 10 council, and subject to legislative appropriations,  
 11 use funds appropriated to the Department of Legal  
 12 Affairs to perform certain tasks; revising what  
 13 constitutes a quorum of the council; authorizing the  
 14 council to present its findings and strategic issues  
 15 at an annual statewide conference; providing for  
 16 reimbursement for per diem and travel expenses for  
 17 individuals and entities that make presentations to  
 18 the council regarding the mission or strategic vision  
 19 of the council; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. Section 16.615, Florida Statutes, is amended to  
 24 read:

25 16.615 Council on the Social Status of Black Men and Boys.—

26 (1) The Council on the Social Status of Black Men and Boys  
 27 is established within the Department of Legal Affairs and shall  
 28 consist of 19 members appointed as follows:

29 (a) Two members of the Senate who are not members of the

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2014402\_\_

30 same political party, appointed by the President of the Senate  
 31 with the advice of the Minority Leader of the Senate.  
 32 (b) Two members of the House of Representatives who are not  
 33 members of the same political party, appointed by the Speaker of  
 34 the House of Representatives with the advice of the Minority  
 35 Leader of the House of Representatives.  
 36 (c) The Secretary of Children and Families ~~Family Services~~  
 37 or his or her designee.  
 38 (d) The director of the Mental Health Program Office within  
 39 the Department of Children and Families ~~Family Services~~ or his  
 40 or her designee.  
 41 (e) The State Surgeon General or his or her designee.  
 42 (f) The Commissioner of Education or his or her designee.  
 43 (g) The Secretary of Corrections or his or her designee.  
 44 (h) The Attorney General or his or her designee.  
 45 (i) The Secretary of Management Services or his or her  
 46 designee.  
 47 (j) The executive director of the Department of Economic  
 48 Opportunity or his or her designee.  
 49 (k) A businessperson who is an African American, as defined  
 50 in s. 760.80(2) (a), appointed by the Governor.  
 51 (l) Two persons appointed by the President of the Senate  
 52 who are not members of the Legislature or employed by state  
 53 government. One of the appointees must be a clinical  
 54 psychologist.  
 55 (m) Two persons appointed by the Speaker of the House of  
 56 Representatives who are not members of the Legislature or  
 57 employed by state government. One of the appointees must be an  
 58 Africana studies professional.

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59 (n) The deputy secretary for Medicaid in the Agency for  
60 Health Care Administration or his or her designee.

61 (o) The Secretary of Juvenile Justice or his or her  
62 designee.

63 (2) Each member of the council shall be appointed to a 4-  
64 year term; however, for the purpose of providing staggered  
65 terms, of the initial appointments, 9 members shall be appointed  
66 to 2-year terms and 10 members shall be appointed to 4-year  
67 terms. A member of the council may be removed at any time by the  
68 member's appointing authority, who shall fill the vacancy on the  
69 council. A member of the council is deemed to have vacated his  
70 or her position on the council and the member's appointing  
71 authority shall fill the vacated position if:

72 (a) The member has three consecutive unexcused absences. As  
73 used in this paragraph, the term "unexcused absence" means the  
74 member's failure to notify the chair that the member will not be  
75 present at a meeting of the council; or

76 (b) The member is absent for at least 50 percent of the  
77 council meetings within a 12-month period.

78 (3) (a) At the first meeting of the council each year, the  
79 members shall elect a chair and a vice chair.

80 (b) A vacancy in the office of chair or vice chair shall be  
81 filled by vote of the remaining members.

82 (4) ~~(a)~~ The council shall:

83 (a) Make a systematic study of the conditions affecting  
84 black men and boys, including, but not limited to, homicide  
85 rates, arrest and incarceration rates, poverty, violence, drug  
86 abuse, death rates, disparate annual income levels, school  
87 performance in all grade levels, including postsecondary levels,

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88 and health issues.

89 (b) ~~The council shall~~ Propose measures to alleviate and  
90 correct the underlying causes of the conditions described in  
91 paragraph (a). These measures may consist of changes to the law  
92 or systematic changes that can be implemented without  
93 legislative action.

94 ~~(c) The council may study other topics suggested by the~~  
95 ~~Legislature or as directed by the chair of the council.~~

96 ~~(c)(d) The council shall~~ Receive suggestions or comments  
97 pertinent to the applicable issues from members of the  
98 Legislature, governmental agencies, public and private  
99 organizations, and private citizens.

100 ~~(d)(e) The council shall~~ Monitor outcomes of the direct-  
101 support organization created pursuant to s. 16.616.

102 ~~(e)(f) The council shall~~ Develop a strategic program and  
103 funding initiative to establish local Councils on the Social  
104 Status of Black Men and Boys.

105 (f) Access data held by any state department or agency,  
106 which data is otherwise a public record.

107 (g) Make requests directly to the Joint Legislative  
108 Auditing Committee for assistance with the research and  
109 monitoring of the outcomes provided by the Office of Program  
110 Policy Analysis and Government Accountability.

111 (h) Request, through council members who are also  
112 legislators, research assistance from the Office of Economic and  
113 Demographic Research within the Legislature.

114 (i) Request information and assistance from the state or  
115 any political subdivision, municipal corporation, public  
116 officer, or governmental department thereof.

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117 (j) Apply for and accept funds, grants, gifts, and services  
 118 from the state, the Federal Government or any of its agencies,  
 119 or any other public or private source for the purpose of  
 120 defraying clerical and administrative costs as may be necessary  
 121 for carrying out its duties under this section.

122 (k) Work directly with, or request information and  
 123 assistance on issues pertaining to education from, this state's  
 124 historically black colleges and universities.

125 (5) The council may:

126 (a) Identify initiatives and programs that support the  
 127 council's mission and strategic vision;

128 (b) Study other topics suggested by the Legislature or as  
 129 directed by the chair of the council; and

130 (c) Subject to legislative appropriations, use funds  
 131 appropriated to the Department of Legal Affairs for the council  
 132 to:

133 1. Conduct additional research and studies that support the  
 134 council's mission and strategic vision;

135 2. Provide information and assistance in the establishment  
 136 of local Councils on the Social Status of Black Men and Boys;  
 137 and

138 3. Host an annual statewide conference as provided in  
 139 paragraph (9) (a).

140 ~~(a) Access data held by any state departments or agencies,~~  
 141 ~~which data is otherwise a public record.~~

142 ~~(b) Make requests directly to the Joint Legislative~~  
 143 ~~Auditing Committee for assistance with research and monitoring~~  
 144 ~~of outcomes by the Office of Program Policy Analysis and~~  
 145 ~~Government Accountability.~~

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146 ~~(e) Request, through council members who are also~~  
 147 ~~legislators, research assistance from the Office of Economic and~~  
 148 ~~Demographic Research within the Florida Legislature.~~

149 ~~(d) Request information and assistance from the state or~~  
 150 ~~any political subdivision, municipal corporation, public~~  
 151 ~~officer, or governmental department thereof.~~

152 ~~(e) Apply for and accept funds, grants, gifts, and services~~  
 153 ~~from the state, the Federal Government or any of its agencies,~~  
 154 ~~or any other public or private source for the purpose of~~  
 155 ~~defraying clerical and administrative costs as may be necessary~~  
 156 ~~for carrying out its duties under this section.~~

157 ~~(f) Work directly with, or request information and~~  
 158 ~~assistance on issues pertaining to education from, Florida's~~  
 159 ~~historically black colleges and universities.~~

160 (6) The Office of the Attorney General shall provide staff  
 161 and administrative support to the council.

162 (7) The council shall meet quarterly and at other times at  
 163 the call of the chair or as determined by a majority of council  
 164 members and approved by the Attorney General.

165 (8) ~~Nine Eleven of the~~ members of the council constitute a  
 166 quorum, and an affirmative vote of a majority of the members  
 167 present is required for final action.

168 (9) (a) The council shall issue an ~~its first~~ annual report  
 169 ~~by December 15, 2007,~~ and by December 15 of each following year,  
 170 stating the findings, conclusions, and recommendations of the  
 171 council. The council shall submit the report to the Governor,  
 172 the President of the Senate, the Speaker of the House of  
 173 Representatives, and the chairs ~~chairpersons~~ of the standing  
 174 committees of jurisdiction in each house ~~chamber~~. The council

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175 may also present its findings and its strategic issues regarding  
 176 the status of black men and boys at an annual statewide  
 177 conference hosted by the council. The strategic issues include  
 178 all of the following:

179 1. Removing the barriers to healthy lifestyles, health  
 180 care, and community-based support and prevention services.  
 181 2. Ensuring a commitment to education and lifelong  
 182 learning.  
 183 3. Addressing the disproportionately high rate of  
 184 unemployment and unstable economic conditions.  
 185 4. Addressing crime prevention and criminal justice issues  
 186 that adversely and disproportionately affect black men and boys.  
 187 5. Promoting community awareness, leadership, and  
 188 sustainable community and agency partnerships.

189 (b) The initial report must include the findings of an  
 190 investigation into factors causing black-on-black crime from the  
 191 perspective of public health related to mental health, other  
 192 health issues, cultural disconnection, and cultural identity  
 193 trauma.

194 (10) Members of the council shall serve without  
 195 compensation. Members are entitled to reimbursement for per diem  
 196 and travel expenses as provided in s. 112.061. State officers  
 197 and employees shall be reimbursed from the budget of the agency  
 198 through which they serve. Other members may be reimbursed by the  
 199 Department of Legal Affairs. The council may also reimburse per  
 200 diem and travel expenses at the same rate provided for public  
 201 employees under s. 112.061 for individuals and entities that  
 202 make presentations to the council regarding the council's  
 203 mission or strategic vision. These individuals and entities

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204 shall be paid from funds appropriated to the council for that  
 205 purpose.

206 (11) The council and any subcommittees it forms are subject  
 207 to ~~the provisions of~~ chapter 119, related to public records, and  
 208 ~~the provisions of~~ chapter 286, related to public meetings.

209 (12) Each member of the council who is not otherwise  
 210 required to file a financial disclosure statement pursuant to s.  
 211 8, Art. II of the State Constitution or s. 112.3144, must file a  
 212 disclosure of financial interests pursuant to s. 112.3145.  
 213 Section 2. This act shall take effect July 1, 2014.

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 550

INTRODUCER: Senator Hukill

SUBJECT: Traveling Across County Lines to Commit a Felony Offense

DATE: April 4, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sumner</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Pre-meeting</b>
4.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 550 creates s. 843.22, F.S., which makes it a third degree felony for a person who resides in Florida to travel any distance and cross a Florida county boundary with the intent to commit a felony offense in a Florida county that is not their residence. The bill also makes the crossing of a county boundary with intent to commit a felony a factor to be considered in bail determinations.

The Criminal Justice Impact Conference found the bill will have an insignificant impact on prison bed space. It will also have some impact on county jails because a person charged with the new offense cannot be released on pre-trial release without appearing before a judge. In some cases, this will result in a minimum of an overnight stay in jail which would not otherwise occur.

**II. Present Situation:**

According to Martin County Sheriff William Snyder, there has been a recent phenomenon in Martin County, and most Florida counties, where traveling burglars dubbed “the pillowcase burglars” break into houses near the interstate, stuff the most valuable items into pillowcases and immediately flee to another county. According to Snyder, traditional methods of law enforcement such as using local pawn shop databases, confidential informants, normal proactive police patrols, or targeted patrols based on time and place of burglary are less effective because of the burglars’ speedy departure from the county of the burglary.<sup>1</sup>

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<sup>11</sup> Sascha Cordner, *Sheriff Enlists Legislative Help To Crack Down On Growing Problem: ‘Pillowcase Burglars,’* WFSU-FM, Dec. 18, 2013, available at, <http://news.wfsu.org/post/sheriff-enlists-legislative-help-crack-down-growing-problem-pillowcase-burglars>.



## Bail Determinations

Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges.<sup>2</sup> Generally, pretrial release is granted by releasing a defendant on their own recognizance, by requiring the defendant to post bail, and/or by requiring the defendant to participate in a pretrial release program.<sup>3</sup>

Bail requires an accused to pay a set sum of money to the sheriff to secure his or her release. If a defendant released on bail fails to appear before the court at the appointed place and time, the bail is forfeited. The purpose of a bail determination in criminal proceedings is to ensure the appearance of the criminal defendant at subsequent proceedings and to protect the community against unreasonable danger.<sup>4</sup> Courts must consider certain things when determining whether to release a defendant on bail and what level bail should be set at (e.g., the nature and circumstances of the offense charged, the weight of the evidence against the defendant, the defendant's family ties, length of residence in the community, employment history, financial resources, and mental condition, etc.).<sup>5</sup>

## Sentencing Guidelines

Chapter 921, F.S., contains the Criminal Punishment Code, which provides sentencing criteria to guide the imposition of criminal penalties for the commission of a felony offense. The "offense severity ranking chart," provided in s. 921.0022, F.S., has ten offense levels, ranked from least severe, which are level one offenses, to most severe, which are level ten offenses. In the event that a particular felony does not have a specific sentencing severity level set in s. 921.0022, F.S., its severity level is decided according to the following parameters:

- A felony of the third degree is within offense level one.
- A felony of the second degree is within offense level four.
- A felony of the first degree is within offense level seven.
- A felony of the first degree punishable by life is within offense level nine.
- A life felony is within offense level ten.<sup>6</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 843.22, F.S., which makes it a third degree felony for a person who resides in Florida to travel any distance with the intent to commit a felony offense in a Florida county that is not his or her county of residence.

The bill defines "county of residence" as the county within Florida in which a person resides. Evidence of a person's county includes, but is not limited to:

- The address on a person's driver license or state identification card;
- Records of real property or mobile home ownership;

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<sup>2</sup> Report No. 10-08, "Pretrial Release Programs' Compliance with New Reporting Requirements is Mixed," Office of Program Policy Analysis & Government Accountability, January 2010 (on file with Community Affairs Committee).

<sup>3</sup> *Id.*

<sup>4</sup> Section 903.046, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 921.0023, F.S.

- Records of a lease agreement for residential property;
- The county in which a person's motor vehicle is registered;
- The county in which a person is enrolled in an educational institution; and
- The county in which a person is employed.

The bill defines "felony offense" as an attempt, solicitation, or conspiracy to commit: battery; stalking; kidnapping; sexual battery; lewdness; prostitution; arson; burglary; theft; robbery; carjacking; home-invasion robbery; trafficking in a controlled substance; and racketeering.

**Section 2** amends s. 903.046(2)(1), F.S., to prohibit those charged with traveling across county lines with the intent to commit a felony from being released on bail until first appearance to ensure the full participation of the prosecutor and the protection of the public. The bill makes the crossing of a county line with the intent to commit a felony a factor to be considered by the court when making a bail determination.

**Section 3** provides an effective date of October 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference met on January 30, 2014, and determined SB 550 will have an insignificant negative impact on state prison beds because the bill creates a new third degree felony offense. The bill may also have a negative jail bed impact because it prohibits persons charged under s. 843.22, F.S., from being released on

bail until first appearance. However, since first appearance must occur within 24 hours of arrest, the impact on local jails will likely be insignificant.

According to the Department of Corrections (DOC), there will be a \$3,400 fiscal impact on the agency's technology systems due to the need for a new offense code and additional changes to existing codes and tables. The DOC estimates 40 hours of work at \$85.00 an hour. This amount can be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The DOC states that depending on the offender's total Criminal Punishment Code sentencing points, the additional third degree felonies could result in multiple or longer sentences for supervision offenders and/or an increase in the inmate population.

The bill does not allocate an "offense severity level" to the newly created crime for sentencing purposes. Therefore, pursuant to s. 921.0023(1), F.S., the severity level will be level one, which will score 0.7 points as an additional offense on a score sheet.<sup>7</sup>

**VIII. Statutes Affected:**

This bill substantially amends section 903.046 of the Florida Statutes.

This bill creates section 843.22 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>7</sup> Office of the State Courts Administrator, *2014 Judicial Impact Statement – SB 550* (March 13, 2014) (on file with the Senate Committee on Community Affairs).



275800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice (Diaz de la Portilla) recommended the following:

**Senate Amendment**

Delete lines 33 - 53  
and insert:

(b) "Felony offense" means burglary as defined in s. 810.02, including an attempt, solicitation, or conspiracy to commit such offense.

(2) A person who travels any distance with the intent to commit a felony offense in a county in this state other than the person's county of residence, if the purpose of the person's



275800

11 travel is to thwart law enforcement attempts to track the items  
12 stolen in the burglary, commits an additional felony of the

By Senator Hukill

8-00792-14

2014550\_\_

1 A bill to be entitled  
 2 An act relating to traveling across county lines to  
 3 commit a felony offense; creating s. 843.22, F.S.;  
 4 defining the terms "county of residence" and "felony  
 5 offense" for the purpose of the crime of traveling  
 6 across county lines with the intent to commit a felony  
 7 offense; providing a criminal penalty; amending s.  
 8 903.046, F.S.; adding the crime of traveling across  
 9 county lines with the intent to commit a felony  
 10 offense to the factors a court must consider in  
 11 determining whether to release a defendant on bail;  
 12 providing an effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Section 843.22, Florida Statutes, is created to  
 17 read:  
 18 843.22 Traveling across county lines with intent to commit  
 19 a felony offense.-  
 20 (1) As used in this section, the term:  
 21 (a) "County of residence" means the county within this  
 22 state in which a person resides. Evidence of a person's county  
 23 of residence includes, but is not limited to:  
 24 1. The address on a person's driver license or state  
 25 identification card;  
 26 2. Records of real property or mobile home ownership;  
 27 3. Records of a lease agreement for residential property;  
 28 4. The county in which a person's motor vehicle is  
 29 registered;

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30 5. The county in which a person is enrolled in an  
 31 educational institution; and  
 32 6. The county in which a person is employed.  
 33 (b) "Felony offense" means any of the following felony  
 34 offenses, including an attempt, solicitation, or conspiracy to  
 35 commit such offense:  
 36 1. Battery as provided in chapter 784.  
 37 2. Stalking as provided in s. 784.048.  
 38 3. Kidnapping as defined in s. 787.01.  
 39 4. Sexual battery as defined in s. 794.011.  
 40 5. Lewdness as defined in s. 796.07.  
 41 6. Prostitution as defined in s. 796.07.  
 42 7. Arson as provided in s. 806.01.  
 43 8. Burglary as defined in s. 810.02.  
 44 9. Theft as provided in s. 812.014.  
 45 10. Robbery as defined in s. 812.13.  
 46 11. Carjacking as defined in s. 812.133.  
 47 12. Home-invasion robbery as defined in s. 812.135.  
 48 13. Trafficking in a controlled substance as provided in s.  
 49 893.135.  
 50 14. Racketeering as provided in chapter 895.  
 51 (2) A person who travels any distance with the intent to  
 52 commit a felony offense in a county in this state other than the  
 53 person's county of residence commits an additional felony of the  
 54 third degree, punishable as provided in s. 775.082, s. 775.083,  
 55 or s. 775.084.  
 56 Section 2. Paragraph (1) of subsection (2) of section  
 57 903.046, Florida Statutes, is amended to read:  
 58 903.046 Purpose of and criteria for bail determination.-

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59 (2) When determining whether to release a defendant on bail  
60 or other conditions, and what that bail or those conditions may  
61 be, the court shall consider:

62 (1) Whether the crime charged is a violation of s. 843.22  
63 or chapter 874 or alleged to be subject to enhanced punishment  
64 under chapter 874. If any such violation is charged against a  
65 defendant or if the defendant is charged with a crime that is  
66 alleged to be subject to such enhancement, he or she is ~~shall~~  
67 not be eligible for release on bail or surety bond until the  
68 first appearance on the case in order to ensure the full  
69 participation of the prosecutor and the protection of the  
70 public.

71 Section 3. This act shall take effect October 1, 2014.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: CS/SB 1472

INTRODUCER: Criminal Justice Committee and Senator Abruzzo

SUBJECT: Personal Identification Information Theft

DATE: April 8, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Clodfelter</u>	<u>Sadberry</u>	<u>ACJ</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>AP</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1472 amends s. 817.568, F.S. (criminal use of personal identification information), to make it a second degree felony for any person to willfully and without authorization fraudulently use the personal identification information of an individual, without first obtaining that individual's consent, who is:

- 60 years of age or older;
- A disabled adult;
- A public servant;
- A veteran;
- A first responder; or
- A state or federal employee.

The bill also requires the court to impose a \$151 surcharge on persons convicted of any crime in s. 817.568, F.S., and specifies how that surcharge is allocated.

The bill also creates s. 817.5686, F.S., which establishes the Identity Theft and Fraud Task Force within the Florida Department of Law Enforcement (FDLE). The purpose of this task force is to develop strategies and techniques that will assist in the investigation and prosecution of the criminal use of personal identification information in Palm Beach County, Broward County, and Miami-Dade County.



The Criminal Justice Impact Conference found that similar House Bill 1029 would have an insignificant impact on the need for prison beds. The FDLE states that implementing the task force provision of the bill will require, at a minimum, four additional FTEs at a total cost of \$318,767 for salary, benefits, expenses, and equipment. However, the FDLE is reevaluating its estimate. The surcharge that must be imposed on persons who are convicted of fraudulent use of personal identification information is expected to produce a total of approximately \$180,000 annually.

## II. Present Situation:

Section 817.568, F.S., punishes criminal use of personal identification information (often referred to as “identity theft” or “identity fraud”). For purposes of this statute, “personal identification information” is any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual including any of the following:

- Name.
- Postal or electronic mail address.
- Telephone number.
- Social security number.
- Date of birth.
- Mother’s maiden name.
- Official state-issued or United States-issued driver’s license or identification number.
- Alien registration number.
- Government passport number.
- Employer or taxpayer identification number.
- Medicaid or food assistance account number.
- Bank account number.
- Credit or debit card number.
- Personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card.
- Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation.
- Unique electronic identification number, address, or routing code.
- Medical records.
- Telecommunication identifying information or access device.
- Other number or information that can be used to access a person’s financial resources.<sup>1</sup>

It is a third degree felony<sup>2</sup> for a person to willfully and without authorization fraudulently use, or possess with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual’s consent.<sup>3</sup> However, it is:

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<sup>1</sup> Section 817.568(1)(f), F.S.

<sup>2</sup> A third degree felony is punishable by up to five years in state prison, a fine of up to \$5,000, or prison and a fine. Sections 775.082 and 775.083, F.S. However, if the third degree felony is not a forcible felony (excluding ch. 810, F.S.) and total sentence points are 22 points or fewer, the court must impose a nonstate prison sanction, unless the court makes written findings that a nonstate prison sanction could present a danger to the public. Section 775.082, F.S.

<sup>3</sup> Section 817.568(2)(a), F.S.

- A second degree felony,<sup>4</sup> punishable by a three-year minimum mandatory sentence, if the person commits the prohibited act and the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud perpetrated is \$5,000 or more or if the person fraudulently uses the personal identification information of ten or more individuals, but fewer than 20 individuals, without their consent;<sup>5</sup>
- A first degree felony,<sup>6</sup> punishable by a five-year minimum mandatory sentence, if the person commits the prohibited act and the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud perpetrated is \$50,000 or more, or if the person fraudulently used the personal identification information of 20 or more but fewer than 30 individuals;<sup>7</sup> or
- A first degree felony, punishable by a ten-year minimum mandatory sentence, if the person commits the prohibited act and the pecuniary benefit, the value of the services received, the payment sought to be avoided, or the amount of the injury or fraud perpetrated is \$100,000 or more, or if the person fraudulently used the personal identification information of 30 or more individuals.<sup>8,9</sup>

The statute also provides that it is a second degree felony for any person to willfully and without authorization fraudulently use personal identification information concerning an individual who is less than 18 years of age without first obtaining the consent of that individual or of his or her legal guardian.<sup>10</sup> It is a second degree felony for a person who is in the relationship of parent or legal guardian, or otherwise exercises custodial authority over an individual who is less than 18 years of age, to willfully and fraudulently use personal identification of that individual.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill creates an identity theft offense, imposes a surcharge on persons convicted of identity theft, and establishes a task force to address identity theft in three counties. The effective date of the bill is July 1, 2014.

#### Creates an Identity Theft Offense

The bill amends s. 817.568, F.S. (criminal use of personal identification information), to make it a second degree felony for any person to willfully and without authorization fraudulently use the personal identification information of an individual, without first obtaining that individual's consent, who is:

- 60 years of age or older;

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<sup>4</sup> A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or prison and a fine. Sections 775.082 and 775.083, F.S.

<sup>5</sup> Section 817.568(2)(b), F.S.

<sup>6</sup> A first degree felony is generally punishable by up to 30 years in state prison, a fine of up to \$10,000, or prison and a fine. Sections 775.082 and 775.083, F.S.

<sup>7</sup> Section 817.568(2)(c), F.S.

<sup>8</sup> Section 817.568(2)(c), F.S.

<sup>9</sup> Section 817.568(8), F.S., imposes punishments similar to s. 817.568(2)(a)-(c), F.S., when the personal identification information involves a deceased individual.

<sup>10</sup> Section 817.568(6), F.S.

<sup>11</sup> Section 817.568(7), F.S.

- A disabled adult as defined in s. 825.101, F.S.;<sup>12</sup>
- A public servant as defined in s. 838.014, F.S.;<sup>13</sup>
- A veteran as defined in s. 1.01, F.S.;<sup>14</sup>
- A first responder as defined in s. 125.01045, F.S.;<sup>15</sup>
- An individual who is employed by the State of Florida; or
- An individual who is employed by the Federal Government.

### **Identity Theft Surcharge**

The bill also requires the court to impose a \$151 surcharge on persons convicted of any crime in s. 817.568, F.S. Payment of the surcharge must be a condition of probation, community control, or any other court-ordered supervision and may not be waived by the court. If a defendant has been ordered to pay restitution in accordance with s. 775.089, F.S., the \$151 surcharge must be included in a judgment. The bill allocates the surcharge as follows:

- \$75 of the surcharge is deposited into the FDLE Operating Trust Fund for FDLE to provide grants to local law enforcement agencies in Palm Beach County, Broward County, and Miami-Dade County to investigate the criminal use of personal identification information;
- \$75 of the surcharge is deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information in the Eleventh Judicial Circuit, Fifteenth Judicial Circuit, and Seventeenth Judicial Circuit; and
- The clerk of the court retains \$1 of the surcharge.

### **Establishes the Identity Theft and Fraud Task Force**

The bill creates s. 817.5686, F.S.,<sup>16</sup> which establishes the Identity Theft and Fraud Task Force within FDLE. The purpose of this task force is to develop strategies and techniques that will

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<sup>12</sup> The statute defines a “disabled adult” as a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living.

<sup>13</sup> The statute defines a “public servant” to mean:

- Any officer or employee of a state, county, municipal, or special district agency or entity;
- Any legislative or judicial officer or employee;
- Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function;
- A candidate for election or appointment to any of the positions listed in this subsection, or
- An individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

<sup>14</sup> The statute defines a “veteran” as a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

<sup>15</sup> The statute defines a “first responder” as a law enforcement officer as defined in s. 943.10, F.S., a firefighter as defined in s. 633.102, F.S., or an emergency medical technician or paramedic as defined in s. 401.23, F.S., who is employed by the state or a local government

<sup>16</sup> The statute is repealed on December 31, 2017.

assist in the investigation and prosecution of the criminal use of personal identification information in Palm Beach County, Broward County, and Miami-Dade County.<sup>17</sup>

The task force consists of the following members or their designees:

- The special agent in charge of the FDLE's Miami Regional Operation Center, who serves as chair;
- The sheriffs of Palm Beach County and Broward County;
- The police chief from the Miami-Dade Police Department;
- The state attorneys of the Eleventh Judicial Circuit, Fifteenth Judicial Circuit, and Seventeenth Judicial Circuit; and
- Six members appointed by the chair, consisting of two chiefs of police from Palm Beach County, two chiefs of police from Broward County, and two representatives from the Miami-Dade Police Department.

Members of the task force serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, F.S. Further, the bill provides the following legislative finding that task force participation does not preclude holding public office or employment with a public entity: "The Legislature finds that the task force serves a legitimate state, county, and municipal purpose and that service on the task force is consistent with a member's principal service in public office or employment. Therefore, membership on the task force does not disqualify a member from holding any other public office or from being employed by a public entity."

The FDLE must provide administrative and support services for the task force, and must also adopt rules to implement the requirements of s. 817.5686, F.S.

The task force must organize by December 31, 2014, and meet at least four times per year thereafter.<sup>18</sup> Additional meetings may be held if the chair determines that extraordinary circumstances require such meetings. A majority of the members of the task force constitutes a quorum. The chair of the task force may appoint subcommittees and subcommittee chairs as necessary in order to address issues related to the task force.<sup>19</sup>

The task force must coordinate efforts in Palm Beach County, Broward County, and Miami-Dade County to:

- Develop strategies and techniques that will assist in the investigation and prosecution of the criminal use of personal identification information; and
- Incorporate other objectives reasonably related to the goals of enhancing the investigation and prosecution of the criminal use of personal identification information and a citizen's ability to prevent and detect identity theft and fraud.

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<sup>17</sup> The bill provides the following legislative intent language: "The Legislature finds that there is a need to develop and implement a strategy to address the investigation and prosecution of the criminal use of personal identification information in Palm Beach, Broward, and Miami-Dade Counties."

<sup>18</sup> Members may appear at meetings by electronic means.

<sup>19</sup> A subcommittee chair serves at the pleasure of the chair.

By December 1, 2017, the task force must submit a report on its activities to the governor, the president of the Senate, and the speaker of the House of Representatives. The report must include any recommendations on how to better investigate and prosecute the criminal use of personal identification information. The task force dissolves on December 31, 2017.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

The FDLE states that the Government in the Sunshine Law, s. 286.011, F.S., applies to “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision,” and may apply to the task force created by the bill. If the law does apply to the task force, the FDLE states that task force meetings will have to be noticed and public access provided.<sup>20</sup> The FDLE also states that two or more task force members would be prohibited from “discussing any matter which would foreseeably come before the [task force] for action outside the public forum,” and task force members would have to avoid discussing active criminal investigations and confidential information during meetings “in order to avoid compromising pending investigations.”<sup>21</sup>

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

##### **Prison Bed Impact**

The Criminal Justice Impact Conference (CJIC), which provides the final, official estimate of the prison bed impact, if any, of legislation has not reviewed CS/SB 1472.

<sup>20</sup> There is no separate bill providing for closed meetings of the task force or for closing a portion of task force meetings.

<sup>21</sup> 2014 FDLE Legislative Analysis (CS/SB 1472) (March 31, 2014) (on file with the Senate Committee on Criminal Justice).

However, the CJIC has reviewed CS/HB 1029, which is substantively identical to CS/SB 1472, and estimated the bill will have an insignificant prison bed impact.<sup>22</sup>

### **FDLE Impact**

The FDLE has analyzed CS/SB 1472 and determined the bill will have an impact on the department.<sup>23</sup>

#### ***Revenue:***

The FDLE states:

\$151 will be imposed for any sanction applied by the Court for criminal use of personal identification violations. State Attorneys will receive \$75 to assist with prosecution, but the \$75 deposited with FDLE is for establishment of a grant program for specific local law enforcement agencies to assist with their investigation of criminal use of personal identification, rather than to fund identity theft investigations statewide.

The Office of Economic and Demographic Research indicates that approximately 1,200 offenders were sentenced for fraudulent use of personal identification information in Fiscal Year 2012-2013. Based upon 1,200 convictions each year, the total surcharge collected annually is likely to be approximately \$180,000, with \$90,000 going to FDLE for grants, \$90,000 going to state attorneys to assist with prosecutions, and \$1,200 retained by the clerks of court as a service charge.

#### ***Expenditures:***

The FDLE states that implementing the task force provision (included in the bill) will require, at a minimum, four additional FTEs at a total cost of \$318,767 for salary, benefits, expenses, and equipment. The FTEs are itemized below:

- One Government Analyst I to coordinate meetings, minutes, analyze funding requests and make funding recommendations, and to prepare quarterly and annual task force reports.
- One Operations Review Specialist to monitor and report each grant's performance.
- One Accountant II to track grant awards, expenditures, requests for reimbursements, and prepare financial reports required by the Department of Financial Services.
- One Special Agent in the MROC region (includes Palm Beach, Broward, and Miami-Dade counties) trained and equipped for identity theft investigations and investigative forensics.

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<sup>22</sup> The identity theft offense created by the bill is a second degree felony. Since this second degree felony is not specifically ranked in the offense severity ranking chart of the Criminal Punishment Code, it defaults to a Level 4 ranking pursuant to s. 921.0023, F.S.

<sup>23</sup> 2014 FDLE Legislative Analysis (CS/SB 1472) (March 26, 2014). All information in the "Government Sector Impact" section of this analysis relevant to FDLE impact and court impact is from the FDLE analysis.

<b>Position</b>	<b>Salary &amp; Benefits</b>	<b>Expenses &amp; Equipment</b>	<b>Total Including Nonrecurring</b>
GA I	\$53,142	\$10,378	\$63,520
ORS	\$58,296	\$10,378	\$68,674
Accountant II	\$41,722	\$10,378	\$52,100
Special Agent	\$75,832	\$58,641	\$134,473
<b>Total</b>	<b>\$228,992</b>	<b>\$89,775</b>	<b>\$318,767</b>

The FDLE is reevaluating its estimate of the additional workload that would be required for administration of the task force and of any grants from revenues gained from the \$75 portion of the surcharge that is designated for grants to local law enforcement agencies.

**Court Impact**

An analysis of CS/SB 1472 by the Office of the State Courts Administrator was not available. The FDLE states the bill “[c]ould impact costs incurred by Clerks of the Courts for collection and transmitting of fines, although the Clerks are authorized to retain \$1 of the imposed fine which could offset these costs.”

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 817.568 of the Florida Statutes.

This bill creates section 817.5686 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
 (Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on March 31, 2014:**

- Creates a second degree felony for criminal use of personal ID of a person 60 years of age or older, a public servant, a veteran, a first responder, or a state or federal employee;
- Requires a court-imposed \$151 surcharge for an ID theft violation and specifies surcharge disbursement;
- Creates a temporary task force (dissolves December 31, 2017) in the FDLE to develop strategies/techniques to assist ID theft investigations/prosecutions in Palm Beach, Broward, and Miami-Dade Counties; and
- Changes the effective date of the bill to July 1, 2014.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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529658

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/09/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 42 - 128

and insert:

court shall impose a surcharge of \$1,001. Payment of the  
surcharge shall be a condition of probation, community control,  
or any other court-ordered supervision.

(a) The sum of \$500 of the surcharge shall be deposited  
into the Department of Law Enforcement Operating Trust Fund for  
the department to provide grants to local law enforcement



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11 agencies to investigate offenses related to the criminal use of  
12 personal identification information as provided in s. 817.5686.

13 (b) The sum of \$500 of the surcharge shall be deposited  
14 into the State Attorneys Revenue Trust Fund for the purpose of  
15 funding prosecution of offenses relating to the criminal use of  
16 personal identification information.

17 (c) The clerk of the court shall retain \$1 of each  
18 surcharge that he or she collects as a service charge of the  
19 clerk's office.

20 (d) The surcharge may not be waived by the court. In the  
21 event that the person has been ordered to pay restitution in  
22 accordance with s. 775.089, the surcharge shall be included in a  
23 judgment.

24 Section 2. Section 817.5686, Florida Statutes is created to  
25 read:

26 817.5686 Identity Theft and Fraud Grant Program.—

27 (1) There is created the Identity Theft and Fraud Grant  
28 Program within the Department of Law Enforcement to award grants  
29 to support local law enforcement agencies in the investigation  
30 and enforcement of personal identification information theft and  
31 fraud.

32 (2) Funds collected pursuant to s. 817.568(12)(a) and any  
33 funds specifically appropriated for the grant program shall be  
34 awarded annually by the Department of Law Enforcement to local  
35 law enforcement agencies. The total amount of grants awarded may  
36 not exceed funding appropriated for the grant program.

37 (3) The Department of Law Enforcement may establish  
38 criteria and set specific time periods for the acceptance of  
39 applications and for the selection process for awards.



529658

40           Section 3. For the 2014-2015 fiscal year the sum of \$72,000  
41 in recurring funds is appropriated from the General Revenue Fund  
42 to the Department of Law Enforcement for local law enforcement  
43 grants as provided in s. 817.5686. For the 2014-2015 fiscal year  
44 the sum of \$42,000 in recurring funds is appropriated to the  
45 Department of Law Enforcement, and the associated salary rate is  
46 authorized, from the General Revenue Fund and one full-time  
47 equivalent position is authorized to administer the Identity  
48 Theft and Fraud Grant Program as provided in s. 817.5686. For  
49 the 2014-2015 fiscal year the sum of \$186,000 in recurring funds  
50 is appropriated from the General Revenue Fund to the State  
51 Attorneys Revenue Trust Fund to be distributed equally to the  
52 state attorneys of the eleventh, fifteenth, and seventeenth  
53 circuits for salaries and benefits for one assistant state  
54 attorney for each circuit to prosecute personal identity theft  
55 and fraud offenses.

56  
57 ===== T I T L E   A M E N D M E N T =====

58 And the title is amended as follows:

59       Delete lines 8 - 19

60 and insert:

61       for a surcharge and allocation thereof; creating s.  
62       817.5686, F.S.; creating the Identity Theft and Fraud  
63       Grant Program within the Department of Law  
64       Enforcement; providing an appropriation; providing for  
65       the award of funds; providing an effective date.



394368

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Braynon) recommended the following:

**Senate Substitute for Amendment (529658) (with title amendment)**

Delete lines 42 - 128

and insert:

court shall impose a surcharge of \$1,001. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision.

(a) The sum of \$500 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for



394368

11 the department to provide grants to local law enforcement  
12 agencies to investigate offenses related to the criminal use of  
13 personal identification information as provided in s. 817.5686.

14 (b) The sum of \$500 of the surcharge shall be deposited  
15 into the State Attorneys Revenue Trust Fund for the purpose of  
16 funding prosecution of offenses relating to the criminal use of  
17 personal identification information.

18 (c) The clerk of the court shall retain \$1 of each  
19 surcharge that he or she collects as a service charge of the  
20 clerk's office.

21 (d) The surcharge may not be waived by the court. In the  
22 event that the person has been ordered to pay restitution in  
23 accordance with s. 775.089, the surcharge shall be included in a  
24 judgment.

25 Section 2. Section 817.5686, Florida Statutes is created to  
26 read:

27 817.5686 Identity Theft and Fraud Grant Program.—

28 (1) There is created the Identity Theft and Fraud Grant  
29 Program within the Department of Law Enforcement to award grants  
30 to support local law enforcement agencies in the investigation  
31 and enforcement of personal identification information theft and  
32 fraud.

33 (2) Funds collected pursuant to s. 817.568(12)(a) and any  
34 funds specifically appropriated for the grant program shall be  
35 awarded annually by the Department of Law Enforcement to local  
36 law enforcement agencies. The total amount of grants awarded may  
37 not exceed funding appropriated for the grant program.

38 (3) The Department of Law Enforcement may establish  
39 criteria and set specific time periods for the acceptance of



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40 applications and for the selection process for awards.

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

43 And the title is amended as follows:

44       Delete lines 8 - 19

45 and insert:

46       for a surcharge and allocation thereof; creating s.  
47       817.5686, F.S.; creating the Identity Theft and Fraud  
48       Grant Program within the Department of Law  
49       Enforcement; providing for the award of funds;  
50       providing an effective date.



594148

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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Appropriations Subcommittee on Criminal and Civil Justice  
(Joyner) recommended the following:

**Senate Amendment to Amendment (394368)**

Delete lines 6 - 14

and insert:

court shall impose a surcharge of \$151.

(a) The sum of \$75 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for the department to provide grants to local law enforcement agencies to investigate offenses related to the criminal use of personal identification information as provided in s. 817.5686.



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(b) The sum \$75 of the surcharge shall be deposited



By the Committee on Criminal Justice; and Senator Abruzzo

591-03469-14

20141472c1

A bill to be entitled

An act relating to personal identification information theft; amending s. 817.568, F.S.; providing that it is unlawful for any person to willfully and without authorization fraudulently use personal identification information concerning specified individuals without their consent; providing criminal penalties; providing for a surcharge and allocation thereof; providing legislative findings; creating s. 817.5686, F.S.; creating the Identity Theft and Fraud Task Force within the Department of Law Enforcement to assist in investigation and prosecution of criminal use of personal identification information in specified counties; providing for membership; requiring the task force to organize by a specified date; providing for meetings; specifying the duties of the task force; providing rulemaking authority; requiring a report to the Governor and Legislature; providing for future repeal; providing an effective date.

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

Section 1. Present subsections (11) through (17) of section 817.568, Florida Statutes, are renumbered as subsections (13) through (19), respectively, and new subsections (11) and (12) are added to that section to read:

817.568 Criminal use of personal identification information.—

(11) A person who willfully and without authorization

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

591-03469-14

20141472c1

fraudulently uses personal identification information concerning an individual who is 60 years of age or older; a disabled adult as defined in s. 825.101; a public servant as defined in s. 838.014; a veteran as defined in s. 1.01; a first responder as defined in s. 125.01045; an individual who is employed by the State of Florida; or an individual who is employed by the Federal Government without first obtaining the consent of that individual commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$75 of the surcharge shall be deposited into the Department of Law Enforcement Operating Trust Fund for the department to provide grants to local law enforcement agencies in Palm Beach, Broward, and Miami-Dade Counties to investigate the criminal use of personal identification information. The sum of \$75 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information in the eleventh circuit, the fifteenth circuit, and the seventeenth circuit. The clerk of the court shall retain \$1 of each surcharge that he or she collects as a service charge of the clerk's office.

(a) The surcharge may not be waived by the court.

(b) In the event that the person has been ordered to pay

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 restitution in accordance with s. 775.089, the surcharge shall  
60 be included in a judgment.

61 Section 2. Section 817.5686, Florida Statutes, is created  
62 to read:

63 817.5686 Identity Theft and Fraud Task Force.—

64 (1) FINDINGS.—The Legislature finds that there is a need to  
65 develop and implement a strategy to address the investigation  
66 and prosecution of the criminal use of personal identification  
67 information in Broward, Miami-Dade, and Palm Beach Counties.

68 (2) ESTABLISHMENT.—There is created the Identity Theft and  
69 Fraud Task Force within the Department of Law Enforcement. The  
70 purpose of the task force is to develop strategies and  
71 techniques that will assist in the investigation and prosecution  
72 of the criminal use of personal identification information in  
73 Palm Beach, Broward, and Miami-Dade Counties. The task force  
74 shall dissolve on December 31, 2017.

75 (3) MEMBERSHIP.—

76 (a) The task force shall consist of the following members  
77 or their designees:

78 1. The special agent in charge of the Miami Regional  
79 Operations Center of the Department of Law Enforcement, who  
80 shall serve as chair.

81 2. The sheriffs of Palm Beach and Broward Counties.

82 3. The police chief of the Miami-Dade Police Department.

83 4. The state attorneys of the eleventh circuit, the  
84 fifteenth circuit, and the seventeenth circuit.

85 5. Six members appointed by the chair, consisting of two  
86 police chiefs from Broward County, two representatives from the  
87 Miami-Dade Police Department, and two police chiefs from Palm

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88 Beach County.

89 (b) The Legislature finds that the task force serves a  
90 legitimate state, county, and municipal purpose and that service  
91 on the task force is consistent with a member's principal  
92 service in public office or employment. Therefore, membership on  
93 the task force does not disqualify a member from holding any  
94 other public office or from being employed by a public entity.

95 (c) Members of the task force shall serve without  
96 compensation but are entitled to reimbursement for per diem and  
97 travel expenses in accordance with s. 112.061.

98 (d) The chair of the task force may appoint subcommittees  
99 and subcommittee chairs as necessary in order to address issues  
100 related to the task force. A subcommittee chair shall serve at  
101 the pleasure of the chair.

102 (4) MEETINGS.—The task force shall organize by December 31,  
103 2014. Thereafter, the task force shall meet at least four times  
104 per year. Additional meetings may be held if the chair  
105 determines that extraordinary circumstances require an  
106 additional meeting. Members may appear at meetings by electronic  
107 means. A majority of the members of the task force constitutes a  
108 quorum. The Department of Law Enforcement shall provide  
109 administrative and support services for the task force.

110 (5) DUTIES.—The task force shall coordinate efforts in Palm  
111 Beach, Broward, and Miami-Dade Counties to:

112 (a) Develop strategies and techniques that will assist in  
113 the investigation and prosecution of the criminal use of  
114 personal identification information.

115 (b) Incorporate other objectives reasonably related to the  
116 goals of enhancing the investigation and prosecution of the

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117 criminal use of personal identification information and a  
118 citizen's ability to prevent and detect identity theft and  
119 fraud.

120 (6) RULEMAKING.—The Department of Law Enforcement shall  
121 adopt rules to implement the requirements of this section.

122 (7) REPORT.—By December 1, 2017, the task force shall  
123 submit a report on its activities to the Governor, the President  
124 of the Senate, and the Speaker of the House of Representatives.  
125 The report shall include any recommendations on how to better  
126 investigate and prosecute the criminal use of personal  
127 identification information.

128 (8) REPEAL.—This section is repealed December 31, 2017.  
129 Section 3. This act shall take effect July 1, 2014.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 1638

INTRODUCER: Criminal Justice Committee

SUBJECT: Community Reentry Programs

DATE: April 7, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sumner	Cannon		<b>CJ SPB 7030 as Introduced</b>
2.	Clodfelter	Sadberry	ACJ	<b>Favorable</b>
3.			AP	

---

**I. Summary:**

SB 1638 requires the Department of Corrections (department) to develop an operational plan to implement a vocational work-release pilot program in Santa Rosa, Escambia, Walton, and Okaloosa counties. The bill requires inmates who are within 36 months of their release date be considered for participation in the program based upon a risk assessment.

The bill does not have a fiscal impact. The department did not identify any costs to develop the plan, and the bill does not authorize implementation of the plan that is developed.

**II. Present Situation:**

**Community Work Release**

The statutory authority for the Department of Corrections to offer a work release program is found in s. 945.091, F.S., entitled "Extension of the limits of confinement; restitution by employed inmates." Section 945.091(1)(b), F.S., authorizes the department to adopt rules permitting extension of the limits of confinement to allow an inmate to leave the confines of the facility unaccompanied by a custodial agent for a proscribed period of time to:

- Work at paid employment;
- Participate in an education or training program; or
- Voluntarily serve a public or nonprofit agency or faith-based service group in the community.

An inmate may participate in paid employment only during the last 36 months of confinement unless requested sooner by the Parole Commission or the Control Release Authority.<sup>1</sup> Inmates may also apply for placement at a contracted substance abuse transition housing program while

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<sup>1</sup> s. 945.091(1)(b)1., F.S. The members of the Parole Commission acts as the Control Release Authority.

working at paid employment and residing at a facility. An inmate may also request placement in a faith-based substance abuse transition housing program after the transition specialist consults with the chaplain prior to such placement.<sup>2</sup>

**Community Release Programs**

There are several categories of community release programs:

- Center Work Assignment (CWA) – an inmate is assigned to a work release center to serve in a support capacity.
- Community Release Program – a program allowing inmates to work at paid employment or a center work assignment or to participate in education, training, substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community while in a work release center, contract community work release facility, or other contract community facility.
- Community Work Release (CWR) – a community release program that allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.
- Community Study Release – allows inmates to attend an education or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.
- Community Volunteer Service – allows inmates housed at a work release center or contract facility to voluntarily work with a governmental or nonprofit agency in the community<sup>3</sup>.

Within the four northwest Florida counties affected by the bill, the department reports that 1,450 inmates were admitted and 1,380 were released during Fiscal Year 2012-2013. The department reports this group of inmates could reasonably be assumed to have ties to the geographical area. According to the department, an independent review of each case would be required to determine eligibility for the program in order to eliminate duplication between admissions and releases.

<b>Fiscal Year 2012-2013 Admissions &amp; Releases for Counties included in Proposed Vocational Work Release Program</b>		
<b>County</b>	<b>Admissions<sup>4</sup></b>	<b>Releases<sup>5</sup></b>
Santa Rosa	217	219
Escambia	785	793
Walton	95	79
Okaloosa	353	289
<b>Total</b>	<b>1,450</b>	<b>1,380</b>

Based upon the January 31, 2014 status file, the following information from the department’s Bureau of Research and Data Analysis reflects:

<sup>2</sup> s. 945.091(1)(b)2., F.S.

<sup>3</sup> Rule 33-601.602, F.A.C.

<sup>4</sup> Florida Department of Corrections 2012-2013 Agency Statistics, [http://www.dc.state.fl.us/pub/annual/1213/stats/ia\\_county\\_commitment.html](http://www.dc.state.fl.us/pub/annual/1213/stats/ia_county_commitment.html) (last viewed 2/7/14).

<sup>5</sup> Florida Department of Corrections 2012-2013 Agency Statistics- [http://www.dc.state.fl.us/pub/annual/1213/stats/ir\\_county.html](http://www.dc.state.fl.us/pub/annual/1213/stats/ir_county.html) (last viewed 2/7/14).

- 255 inmates (221 male; 34 female) meet the basic criteria required for the proposed program – minimum custody, no murder charges/sex offenses, returning to or convicted out of the four county implementation area, and have between 37 months<sup>6</sup> and 14 months left to serve on their sentence.
- The number of eligible inmates may be further reduced when considering other required needs.

### **Eligibility Requirements to Participate in Community Release Programs**

To meet the eligibility requirements to participate in a community release program an inmate must:

- Be in community custody in accordance with Rule 33-601.210, F.A.C., or have a recommendation for community custody currently under review.
- Be in department custody for 60 days prior to placement in paid employment.
- For inmates with non-advanceable dates<sup>7</sup>, the inmate must be within:
  - 28 months of his earliest release date for the transition program, or
  - 19 months of his earliest release date for CWA, or
  - 14 months of his earliest release date for CWR.
- For inmates who do not have non-advanceable dates<sup>8</sup>, the inmate must be within:
  - 36 months of his earliest release date for the transition program, or
  - 28 months of his earliest release date for CWA, or
  - 19 months of his earliest release date for CWR.<sup>9</sup>

### **Ineligibility for Community Release**

An inmate is ineligible for a community release program if he or she has:

- A current or prior conviction for a sex offense;
- Been found guilty on any disciplinary report for escape or attempted escape within the last five years;
- A current or prior conviction for escape;
- Been terminated from CWR, CWA, or a transition program for disciplinary reasons during the inmates current commitment;
- Been committed to or incarcerated in a state or federal correctional facility four or more times;
- Been found guilty of any disciplinary report in the 60 days prior to placement;
- Refused to complete or has an unsatisfactory removal from a substance abuse program;
- A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer; or
- A misdemeanor detainer for child support.<sup>10</sup>

<sup>6</sup> 37 months based on the method inmates are selected for the transition centers, which is most similar to the program described in the bill.

<sup>7</sup> An inmate has a “non-advanceable date” if his or her release date is fixed and does not change due to continuous, monthly gain time awards over the entire length of the sentence. *See* Rule 33-602.602(1)(h), F.A.C.

<sup>8</sup> *Id.*

<sup>9</sup> Rule 33-601.602(2)(b), F.A.C.

<sup>10</sup> Rule 33-601.602(2)(a), F.A.C.

### **III. Effect of Proposed Changes:**

The bill directs the department to develop an operational plan to implement a vocational work-release pilot program for Fiscal Year 2015-2016 in Santa Rosa, Escambia, Walton, and Okaloosa counties.

The bill requires the program to be designed to provide residential care, custody, control, and on-the-job vocational training or certification to eligible inmates. Vocational training or certification includes housing assistance, money management training, employment assistance, vocational education, life skills training, and substance abuse education or treatment.

The bill requires the department to consider all inmates who are within 36 months of their release date for participation in the program. Selection must be based on a risk assessment process that includes, but is not limited to, whether:

- The inmate has potential for rehabilitation and has the need for on-the-job vocational training.
- The inmate can be placed in the geographic area where he or she is from, or has family or identified friends, and intends to reside upon release from custody.

The operational plan for the program must describe and document:

- Resources needed for the program, including but not limited to specific buildings, grounds, and property that must be obtained for or redesignated as vocational work release facilities;
- Placement of facilities and services in specific areas to maximize the opportunity for inmates to be located near where they plan to live;
- Necessary additional staff or changes to staff qualifications;
- Types of contracts the program intends to use for private providers;
- The security staffing plan;
- The programming plan;
- The proposed budget;
- The process and method for selecting an inmate to participate in the program; and
- Changes in the law which are necessary to implement the program.

The bill requires the department to submit a status report about the program by February 15, 2015, to the Governor, the President of the Senate, and the Speaker of the House. The report must document the projected number of inmates to be served by the pilot program in Fiscal Year 2015-2016 and the funding needed to implement the operational plan.

The bill has an effective date of July 1, 2014.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill provides for the Department of Corrections to develop a plan that will be considered for implementation in Fiscal Year 2015-2016. The department did not identify any costs associated with developing the plan, and costs of making the plan operational would be incurred in Fiscal Year 2014-2015 and thereafter.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of the Florida law.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



By the Committee on Criminal Justice

591-02091-14

20141638\_\_

A bill to be entitled

An act relating to community reentry programs; requiring the Department of Corrections to develop an operational plan to implement a vocational work-release pilot program in specified counties; requiring that the operational plan describe the necessary facilities, staff, budget, and methods for selecting inmates to participate in the pilot program; providing examples of vocational training or certification; requiring inmates to be within a specified time period of their release dates to be considered for participation in the pilot program; providing criteria to assess the risk of placing an inmate in the pilot program; requiring that the department submit a report to the Governor and the Legislature by a specified date; providing an effective date.

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

Section 1. Vocational work-release pilot program.—

(1) The Department of Corrections shall develop an operational plan to implement a vocational work-release pilot program for the 2015–2016 fiscal year in Santa Rosa, Escambia, Walton, and Okaloosa Counties. At a minimum, the operational plan for the pilot program must describe and document:

(a) The resources needed for the program, including, but not limited to, specific buildings, grounds, and property that must be obtained for or redesignated as vocational work-release facilities.

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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(b) The placement of facilities and services in specific areas to maximize the opportunity for participating inmates to benefit from being located near where they plan to live after completion of their sentences.

(c) The additional staff or changes to staff qualifications necessary to operate the program.

(d) The types of contracts the program intends to use for private providers that desire to provide on-the-job vocational training to eligible inmates.

(e) The security staffing plan.

(f) The programming plan.

(g) The proposed budget.

(h) The process and method for selecting an inmate to participate in the program, including any initial screening process, the criteria used in the risk assessment, and any prioritization of placement.

(i) The changes in law which are necessary to implement the program.

(2) The pilot program shall be designed to provide residential care, custody, control, and on-the-job vocational training or certification to eligible inmates. For purposes of the program, vocational training or certification include, but are not limited to, housing assistance, money management training, employment assistance, vocational education, life skills training, and substance abuse education or treatment.

(3) All inmates who are considered for participation in the program must be within 36 months of their release dates. The selection must be based upon a risk assessment process that includes, but is not limited to, whether:

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**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 (a) The inmate has potential for rehabilitation and has the  
60 need for on-the-job vocational training.

61 (b) The inmate can be placed in the geographic area where  
62 he or she is from, or has family or identified friends, and  
63 intends to reside in the area upon release from custody.

64 (4) The pilot program may include an existing community  
65 work-release program established pursuant to s. 945.091, Florida  
66 Statutes, as a service provider, but the existing program must  
67 provide enhanced reentry services to participating inmates,  
68 including, but not limited to, housing assistance, money  
69 management training, employment assistance, vocational  
70 education, life skills training, and substance abuse education  
71 or treatment.

72 Section 2. The Department of Corrections shall submit a  
73 status report related to the vocational work-release pilot  
74 program authorized by this act by February 15, 2015, to the  
75 Executive Office of the Governor, the President of the Senate,  
76 and the Speaker of the House of Representatives. The report must  
77 document the projected number of inmates to be served by the  
78 pilot program in the 2015-2016 fiscal year and the funding  
79 needed to implement the operational plan.

80 Section 3. This act shall take effect July 1, 2014.



FLORIDA  
**COURT CLERKS &  
COMPTROLLERS**

# **Appropriations Subcommittee on Criminal and Civil Justice**

Hon. Karen Rushing (Sarasota)

Legislative Committee Chair



FLORIDA  
**COURT CLERKS &  
COMPTROLLERS**

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# UPDATE ON ELECTRONIC FILING

# E-Filing Background

- ✦ **2009:** Legislature expressed a desire for the statewide implementation of an electronic filing process for the court system.
- ✦ **2010:** The Florida Courts E-Filing Authority was established by Interlocal Agreement between the Clerks and the Courts, in accordance with Chapter 163, F.S.

# E-Filing Background

- ◆ The Legislature mandated electronic filing to be operational by January 2011
  - Voluntary filings – January 2011**
- ◆ Supreme Court mandates e-filing
  - Civil – April 1, 2013 (67 Clerks)**
  - Criminal – October 1, 2013**
  - Appellate – Phased-in schedule**
    - Supreme Court**
    - 2<sup>nd</sup> DCA**



# Criminal E-Filing Implementation

## ◆ 67 Counties

- ◆ All are receiving some Criminal E-Filings

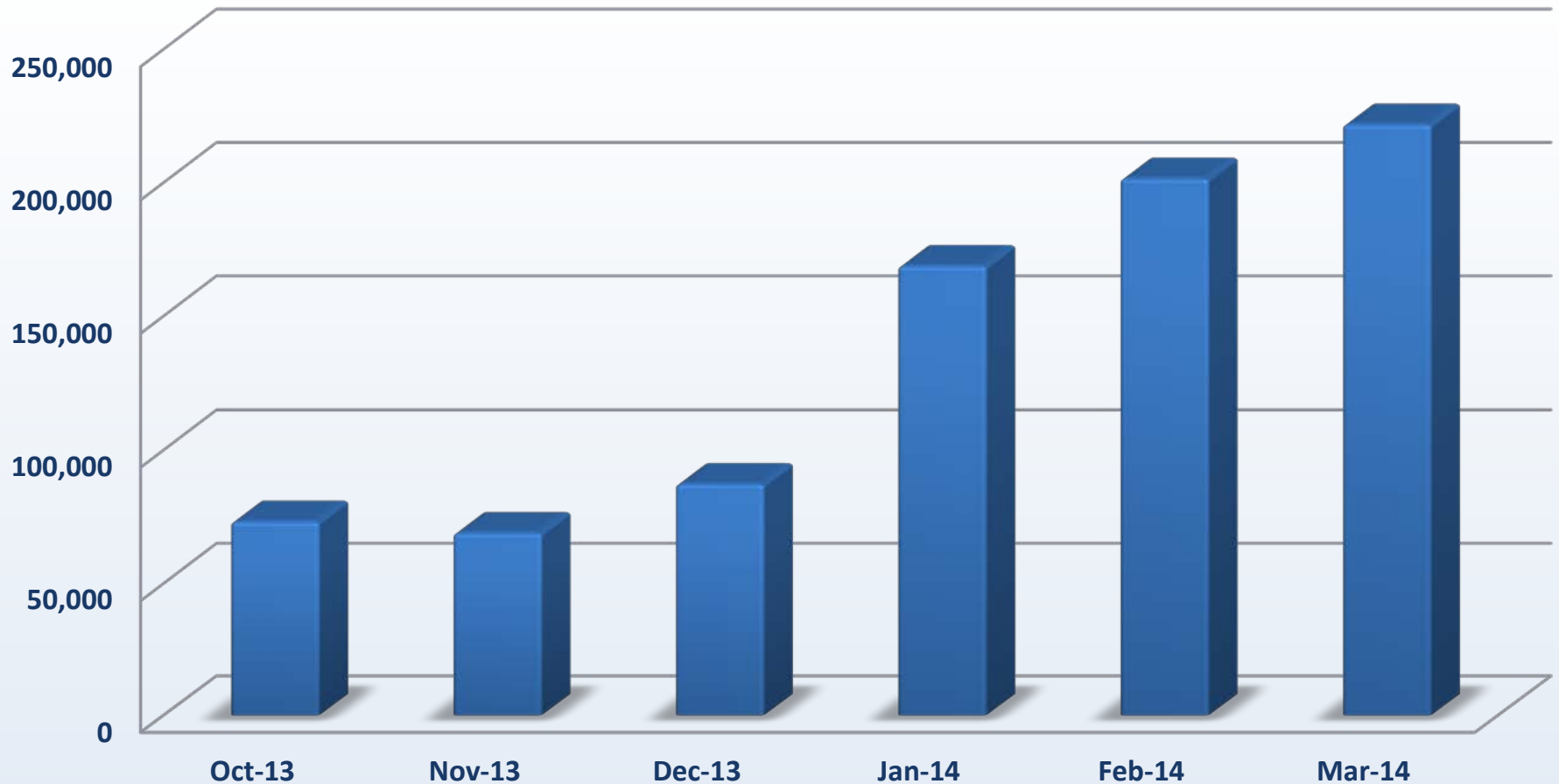
## ◆ 17 Circuits

- ◆ Using “Batch” E-Filing in Production

## ◆ AOSC13-48 Extensions

- ◆ Implementations proceeding per administrative order

# Criminal E-Filing Submissions



	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14
Series1	73,265	68,989	87,337	168,823	201,597	221,840

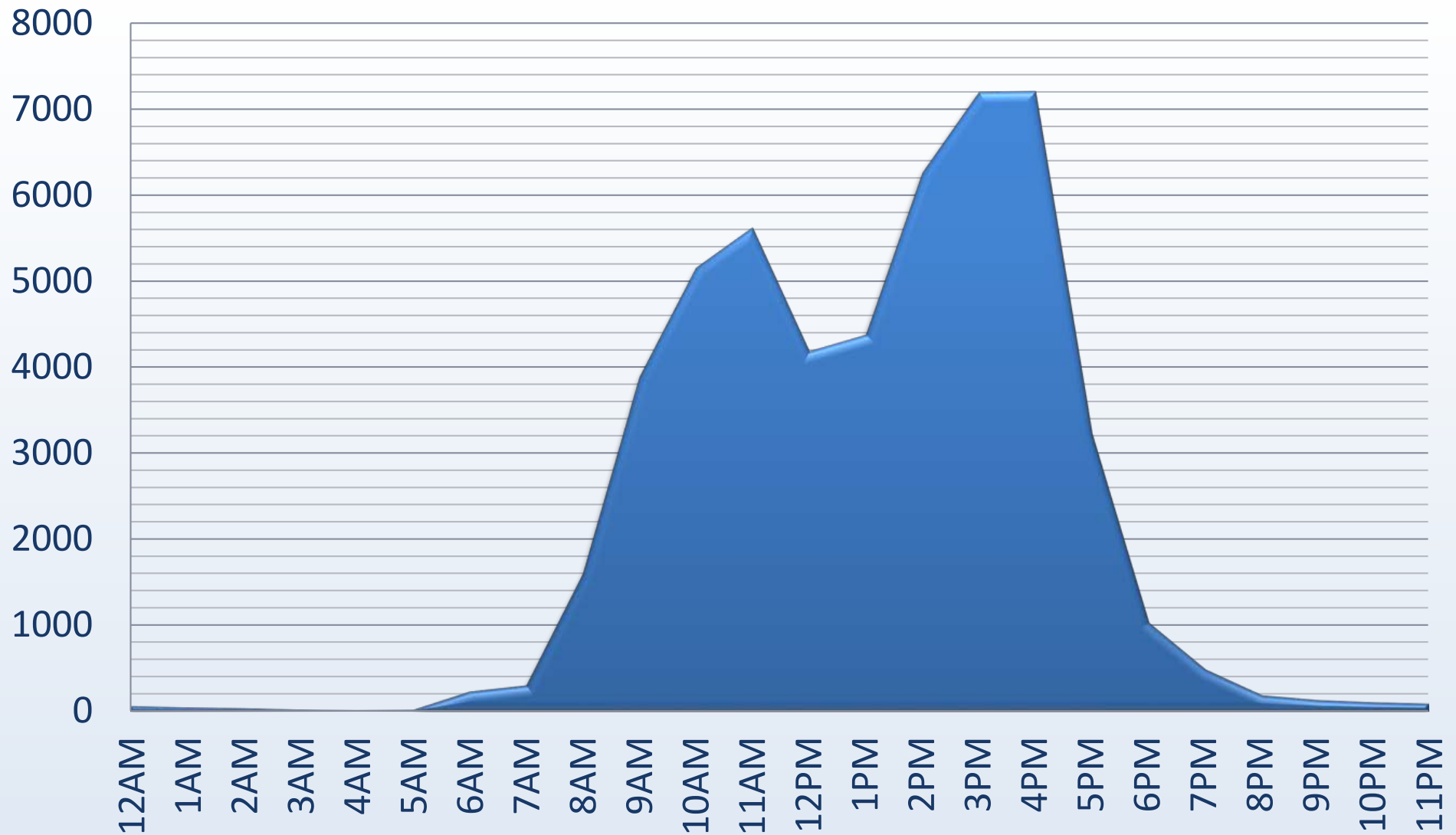




# March E-Filing Statistics

Category	Number
E-Filing Submissions	1,096,507
Individual Documents Submitted	1,739,915
Average Submissions per Weekday	51,456
Highest Volume Day 3/4/2014	54,297
User Accounts	59,673
New Case Initiation	4.9%

# Weekday E-Filings Average By Hour



# E-Service Statistics

Category	Number
E-Filing Submissions Using E-Service	792,836
E-Service Messages Sent from the Portal	3,757,964

# Customer Service Calls: 2014 Statistics

	January 2014	February 2014	March 2014
Incidents Received	3,015	2,691	3,771
Incidents Closed	3,026	2,621	3,712
Incidents Open at End of Month	79	91	75
Average Acknowledgement Time per Incident	.26 Days	.12 Days	.22 Days
Average Resolution Time per Incident	.57 Days	.45 Days	.45 Days

# E-Filing Challenges

## ✦ Impact on Filers

- ✦ Adjusting to the use of technology
- ✦ Making fundamental changes in business processes

## ✦ Impact on Clerks

- ✦ Implementation delays to use electronic records requires two systems (paper and electronic) to be maintained by the Clerks
- ✦ Significant unanticipated costs resulting from Clerks being required to print copies of electronic records for use by the judiciary

## ✦ Impact on Judges

- ✦ Cost and complexity of implementing use of judicial viewers

# Optimizing E-Portal Usage

- ✦ Standardization
  - ✦ Improving ease of use for users in all counties
- ✦ Expand filer qualifications beyond attorneys
  - ✦ Pro Se litigants
  - ✦ Non-party filers

# Conclusion

*The E-Filing Portal is a successful system that will continue to evolve and be upgraded to meet the needs of the users.*



# Florida Public Defender Association, Inc.

April 9, 2014

## **PUBLIC DEFENDERS**

*Bruce Miller  
First Circuit*

*Nancy Daniels  
Second Circuit*

*Blair Payne  
Third Circuit*

*Matt Shirk  
Fourth Circuit*

*Mike Graves  
Fifth Circuit*

*Bob. H. Dillinger  
Sixth Circuit  
Vice President*

*James S. Purdy  
Seventh Circuit  
Treasurer*

*Stacy A. Scott  
Eighth Circuit*

*Rex Dimmig  
Tenth Circuit*

*Carlos J. Martinez  
Eleventh Circuit*

*Larry L. Eger  
Twelfth Circuit  
Secretary*

*Julianne M. Holt  
Thirteenth Circuit  
President*

*Herman D. Laramore  
Fourteenth Circuit*

*Carey Haughwout  
Fifteenth Circuit*

*Rosemary E. Enright  
Sixteenth Circuit*

*Howard Finkelstein  
Seventeenth Circuit*

*Blaise Trettis  
Eighteenth Circuit*

*Diamond R. Litty  
Nineteenth Circuit*

*Kathleen A. Smith  
Twentieth Circuit*

**EXECUTIVE DIRECTOR**  
*Sheldon A. Gusky*

**GENERAL COUNSEL**  
*Robert Trammell*

Senator Rob Bradley  
Chair, Justice Appropriations

Dear Senator Bradley,

Thank you for the opportunity to update you with the status of the e-filing and e-service efforts of the Public Defenders. We are proud to report that our efforts have been largely successful in most counties and many of the offices have been able to overcome or work through the initial hurdles. Other public defender offices still experiencing some difficulties continue to work with their county and circuit partners to fully implement e-filing and e-service.

At this time 64 Clerks report that they are accepting electronic filings and three Clerks are currently under court-approved deferment. While single-session filing appears to be operational in all counties, three Public Defenders in the 1<sup>st</sup>, 3<sup>rd</sup>, and 14<sup>th</sup> Circuits are still working to implement electronic interface filing (i.e., "batch" filing) in at least one county per circuit. Without the ability to electronically interface with the portal, each document must be uploaded to the case individually. This causes significant workload. The Public Defender in the 3<sup>rd</sup> Circuit documented that one full-time position has been dedicated to these efforts for the past six months. Though not yet operational, and still under court-approved deferment, the 11<sup>th</sup> Circuit Public Defender anticipates significant workload challenges in the future due to the volume of cases and document processing in Miami-Dade.

There are three issues that appear to have statewide impact:

1. Any delays in processing filings at the statewide "e-portal" level impact local case processing and court dockets. For instance, there have been times when processing a document took up to three days from the date of filing until it appeared in the local Clerk's case management system. This can cause an issue for time-sensitive pleadings and motions, including those related to cases currently in trial or with appellate time constraints.
2. There is a lack of uniformity in court operations state wide, county wide, and within each judicial circuit. For instance, as it relates to the Courts, there is no requirement that the Courts accept or receive electronic copies. Each judge within each county has the ability to set his or her own preferences re: how individual he or she will receive courtesy copies of pleadings or whether to require electronic copies or hard copies of orders to be signed. Some circuits are comprised of up to





## Florida Public Defender Association, Inc.

six counties and more than thirty criminal court judges. This requires Clerks, Public Defenders, and State Attorneys to track the individual preferences of *each* judge in the circuit.

3. There are many agencies that interact with the Courts, Clerks, Public Defenders, and State Attorneys who are under no obligation to send or receive electronic copies. Public Defenders report that staff is needed to scan thousands of documents still received in hard copy from the Department of Corrections, Department of Juvenile Justice, Department of Children and Families, the District Courts of Appeal, *etc.* and to print the electronic documents that must be provided in hard copy to our clients who are currently incarcerated and not able to receive electronic copies either via email or disc.

As partners in the criminal justice system, Public Defenders also find their success somewhat dependent on the other parties to the system. For example, Public Defenders in the 5<sup>th</sup>, 10<sup>th</sup>, and 15<sup>th</sup> circuits are still receiving hard copies from the State Attorneys or are required to serve the State Attorneys with hard copies in some or all of the cases. In the 5<sup>th</sup>, this seems limited to stipulations and orders. The 10<sup>th</sup> Circuit advises all pleadings must be served to the State in paper format. In the 2<sup>nd</sup>, 13<sup>th</sup> and 15<sup>th</sup> Circuit, the Public Defenders continue to receive discovery exhibits, such as police reports, in hard copy rather than electronically.

In many circuits such as the 5<sup>th</sup> Circuit, Public Defenders are adjusting to using electronic files in courtrooms where internet connectivity and bandwidth make using laptops and tablets difficult, and reduces attorneys' and judges' confidence in the paperless filing system. Public Defenders are unique in that our attorneys must also be able to access their electronic documents while in the jails, many of which do not have any internet connectivity available.

Of the counties under deferment, Hillsborough County (the 13<sup>th</sup> Circuit Public Defender and State Attorney) will begin e-filing on April 14. Pasco-Pinellas (6<sup>th</sup> Circuit) and Miami-Dade (11<sup>th</sup> Circuit) will continue under the deferments while their new case management systems are implemented.

Again, I appreciate the opportunity to offer this update. I am available at your convenience to discuss this report or provide any additional information you request.

Respectfully,

Julianne M. Holt  
President, Florida Public Defender Association  
Public Defender, Thirteenth Judicial Circuit

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/9/14  
Meeting Date

Topic Crossing County lines to commit Felony Bill Number SB550  
Name Tom Bertolami Amendment Barcode \_\_\_\_\_  
Job Title Deputy Sheriff (if applicable)

Address 250 N. Beach St. suite 117 Phone 386-278-1777  
Street  
Daytona Bch. FL 32117 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing Florida Sheriff's Association

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-9-11  
Meeting Date

Topic felons crossing county lines Bill Number 550  
Name BILL CERVONE Amendment Barcode \_\_\_\_\_  
Job Title STATE ATTORNEY - 8 CIR (if applicable)

Address 120 W UNIVERSITY AVE Phone 352-374-3686  
Street  
Gainesville FL 32601 E-mail bcervone.w@sa8.org  
City State Zip

Speaking:  For  Against  Information

Representing FLA Pres Atty Assoc

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/9/11  
Meeting Date

Topic E-filing Bill Number \_\_\_\_\_ (if applicable)  
Name Nancy Daniels Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Public Defender, 2nd Circuit  
Address Leen Court Courthouse Phone 850 606-1010  
301 S. Monroe St  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ E-mail nancy.daniels@flpd2.com

Speaking:  For  Against  Information  
Representing Florida Public Defenders Association  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic # 5 Electronic Filing Bill Number \_\_\_\_\_ (if applicable)  
Name Karen Rushing Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Clerk & Comptroller Sarasota  
Address P.O. Box 3079 (main St) Phone 941-861-7605  
Sarasota Fl 342  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ E-mail K.Rushing@Scgov.net

Speaking:  For  Against  Information  
Representing \_\_\_\_\_  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 9, 2014

Meeting Date

Topic Re-Entry Programs

Bill Number 1638 (if applicable)

Name Nancy Daniels

Amendment Barcode (if applicable)

Job Title Public Defender, 2nd Circuit

Address 301 South Monroe Street

Phone 850.606.1000

Tallahassee Florida 32301

E-mail nancydaniels@fldpd2.com

Speaking: [X] For [ ] Against [ ] Information

Representing Florida Public Defender Association, Inc.

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/9/16

Meeting Date

Topic Community Re-Entry Programs

Bill Number 1638 (if applicable)

Name Chris Dawson

Amendment Barcode (if applicable)

Job Title

Address 301 E. Pine Street Suite 1400

Phone 850 449 0060

Orlando FL 32801

E-mail chris.dawson@gay-robinson.com

Speaking: [X] For [ ] Against [ ] Information

Representing Florida Smart Justice Alliance

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic State E-Filing

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Lisa Goodner

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title State Courts Administrator

Address 500 S Duval

Phone 922-5081

*Street*  
Tallahassee FL 32399  
*City State Zip*

E-mail goodnerl@flcourts.org

Speaking:  For  Against  Information

Representing State Courts System

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/20/11)

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Appropriations Subcommittee on Criminal & Civil Justice

Judge:

Started: 4/9/2014 9:07:16 AM

Ends: 4/9/2014 10:11:28 AM

Length: 01:04:13

9:07:18 AM Recording Paused  
9:07:18 AM Recording Resumed  
9:07:18 AM Meeting called to order.  
9:08:04 AM Chairman Bradley opens.  
9:09:03 AM TAB 2- SB 550 by Hukill - Traveling Across County Lines to Commit a Felony Offense  
9:09:38 AM Elizabeth Federhoth explains the bill.  
9:10:58 AM Sen. Bradley addresses amendment.  
9:11:09 AM Amendment 274800, recognized.  
9:11:24 AM Sen. Diaz de la Portilla recognized, to explain amendment.  
9:12:34 AM Sen. Dean asks how felonies apply to different counties and this new bill.  
9:12:55 AM Sen. Diaz de la Portilla explains that all felonies have elements that determine its punishment, regardless of the place.  
9:14:19 AM Sen. Hays asks for interpretation on new bill, to explain more in detail.  
9:15:03 AM Sen. Diaz de la Portilla explains that this bill will add a second felony for people who cross county lines to commit a crime, on top of original crime.  
9:16:27 AM Sen. Bradley asks for testimony.  
9:16:50 AM Sen. Dean moves to adopt the amendment  
9:17:02 AM Sen. Joyner asks what existing law is for someone who commits an offense in the county they live in, is punishment the same  
9:17:55 AM Scott Clodfelter answers that there is no enhancement in punishment, the court hearing is help in county which the offense was committed.  
9:18:39 AM Sen. Joyner asks if there is no inability for people who commit a crime in counties in which they don't reside in.  
9:19:28 AM Elizabeth \*\* responds that this bill is another way for law enforcement to deter people who go back and forth between counties to commit crimes  
9:20:38 AM Sen. Joyner asks for a number of alleged perpetrators of people who cross county lines to commit crimes.  
9:21:03 AM Tom Bertolami waives in support.  
9:21:41 AM State Attorney in Gainesville, Prosecutor goes to explain how this bill will change and effect how law enforcement can catch the people committing the crime  
9:22:49 AM Sen. Smith asks how this bill would aid in catching them.  
9:23:04 AM Sen. Soto asks if it would be used as a deterrent.  
9:23:16 AM State Attorney responds that that is the goal, although sometimes it isn't always used as that.  
9:24:09 AM Sen. Clemens thanks Sen. Hukill for bill, and Sen. Diaz de la Portilla for work to improve bill.  
9:24:32 AM Sen. Smith explains that he feels that this bill is unnecessary.  
9:26:11 AM Sen. Altman explains that this crime is not uncommon, very similar to punishments already out there.  
9:28:32 AM Sen. Joyner explains that this bill is not needed, that it is a bad idea.  
9:31:19 AM Sen. Diaz de la Portilla comments that he thinks this bill will not deter anybody, but also that bill has improved by this amendment.  
9:32:54 AM Sen. Dean comments that this bill is another tool in the tool box, he supports and commends the supporters of the bill.  
9:34:10 AM Sen. Diaz de la Portilla moves to show the bill adopted.  
9:34:34 AM By committee vote, the bill is recommended favorably.  
9:34:53 AM TAB 3- SB 1472 by Abruzzo- Personal Identification Information Theft  
9:35:15 AM Kimberly Hamel, Legislative Assistant, Sen. Abruzzo  
9:35:23 AM Sen. Bradley recognizes Kimberly Hamel to explain bill.  
9:36:16 AM Kimberly Hamel explains Amendment 529658.  
9:38:35 AM Sen. Bradley recognizes Kimberly to explain Substitute Amendment 394368.  
9:39:16 AM Sen. Bradley temporarily postpones the bill.  
9:39:30 AM TAB 4- SB 1638 by Evers -Community Reentry Programs  
9:40:02 AM Tracy Sumner is recognized to explain the bill.  
9:40:16 AM Chris Dawson waives in support.  
9:40:21 AM Nancy Daniels waives in support

**9:41:10 AM** By committee vote, the bill is recommended favorably.

**9:41:42 AM** TAB 5- Update on Electronic Filing in the State Court System

**9:42:32 AM** The Honorable Karen Rushing, Clerk of Court, Sarasota County, recognized to present presentation.

**9:47:19 AM** Sen. Hays gives suggestions to add to the presentation related to attorneys,

**9:48:19 AM** Karen Rushing responds yes.

**9:48:39 AM** Sen. Bradley asks with interfacing county to county, are you able to file complaints as we sit here today.

**9:49:38 AM** Karen Rushing responds yes it is very possible.

**9:50:13 AM** Sen. Bradley asks about the Pacers system and why it wasn't used in Florida.

**9:50:32 AM** Karen Rushing responds that the system had a very long shelf life, trying to implement a new more modern way to enhance the same system.

**9:51:07 AM** Sen. Soto comments that he uses system every day, he appreciates the new work being done.

**9:52:05 AM** Karen Rushing concludes that eFiling has saved money significantly, her team would be happy to help with issues.

**9:52:48 AM** Lisa Goodner, State Court Administrator, State Courts System, recognized to speak.

**9:53:46 AM** Sen. Bradley if any statues or manor of policy that the court system feels needed assistance by clerks of courts.

**9:54:29 AM** Lisa Goodner responds that there hasn't been any trouble with program, always focused on it.

**9:55:15 AM** Nancy Daniels, Florida Public Defenders Association, recognized to speak on manor.

**9:57:49 AM** Sen. Bradley appreciates this perspective from the Public Defenders.

**10:02:19 AM** TAB 3- SB 1472 resumed.

**10:02:54 AM** Sen. Joyner recognized to explain Amendment 594148 to Sub Amendment 394368.

**10:04:26 AM** Sen. Bradley asks for objection to file late filed amendment.

**10:04:53 AM** Sen. Hays asks why reducing surcharge for someone who has stolen someone identity

**10:05:22 AM** Sen. Joyner responds that original money was too much for people to pay, we would spend more money keeping them locked up.

**10:06:20 AM** Sen. Hays simply disagrees with dropping of surcharge of fees.

**10:06:55 AM** Sen. Flores asks if sponsor of bill has a reference.

**10:07:17 AM** Kimberly Hamel explains that at next committee stop, Sen. Abruzzo would explain this amendment.

**10:08:35 AM** By Voice vote, show amendment adopted.

**10:08:54 AM** Sen. Bradley recognizes Sub Amendment 394368.

**10:09:26 AM** By Voice Vote, show Amendment adopted.

**10:09:44 AM** Sen. Bradley recognizes SB 1472 as amended,

**10:10:50 AM** By committee vote, the bill is recommended favorably.

**10:11:15 AM** Meeting Adjourned.