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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Criminal Justice (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 90

and insert:

Section 1. Paragraph (d) of subsection (3) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(3)

(d)1. A ~~Every~~ judgment of guilty or not guilty of a petit theft shall be in:



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11 a. A written record that is ~~writing~~, signed by the judge
12 and recorded by the clerk of the circuit court; or

13 b. An electronic record that contains the judge's
14 electronic signature, as defined in s. 933.40, and is recorded
15 by the clerk of the circuit court.

16 2. At the time a defendant is found guilty of petit theft,
17 the judge shall cause the following to occur ~~to be affixed to~~
18 ~~every such written judgment of guilty of petit theft~~, in open
19 court and in the presence of such judge:

20 a. For a written judgment of guilty, the fingerprints of
21 the defendant against whom such judgment is rendered shall be
22 manually taken. Such fingerprints shall be affixed beneath the
23 judge's signature on the ~~to such~~ judgment. Beneath such
24 fingerprints shall be appended a certificate to the following
25 effect:

26
27 "I hereby certify that the above and foregoing fingerprints
28 on this judgment are the fingerprints of the defendant,,
29 and that they were placed thereon by said defendant in my
30 presence, in open court, this the day of,
31 . . . (year)"

32
33 Such certificate shall be signed by the judge, whose signature
34 thereto shall be followed by the word "Judge."

35 b. For an electronic judgment of guilty, s. 921.241(3)(b)
36 applies.

37 3.2. A ~~Any such~~ written or an electronic judgment of guilty
38 of a petit theft, or a certified copy thereof, is admissible in
39 evidence in the courts of this state as provided in s.



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40 ~~921.241(4) prima facie evidence that the fingerprints appearing~~
41 ~~thereon and certified by the judge are the fingerprints of the~~
42 ~~defendant against whom such judgment of guilty of a petit theft~~
43 ~~was rendered.~~

44 Section 2. Section 921.241, Florida Statutes, is amended to
45 read:

46 921.241 Felony judgments; fingerprints and social security
47 number required in record.—

48 (1) As used in this section, the term:

49 (a) "Electronic signature" has the same meaning as in s.
50 933.40.

51 (b) "Transaction control number" means the unique
52 identifier comprised of numbers, letters, or other symbols for a
53 digital fingerprint record which is generated by the device used
54 to electronically capture the fingerprints ~~At the time a~~
55 ~~defendant is found guilty of a felony, the judge shall cause the~~
56 ~~defendant's fingerprints to be taken.~~

57 (2) A ~~Every~~ judgment of guilty or not guilty of a felony
58 shall be in:

59 (a) A written record that is writing, signed by the judge,
60 and recorded by the clerk of the court; or

61 (b) An electronic record that contains the judge's
62 electronic signature and is recorded by the clerk of court.

63 (3) At the time a defendant is found guilty of a felony,
64 the judge shall cause the following to occur ~~to be affixed to~~
65 ~~every written judgment of guilty of a felony,~~ in open court and,
66 in the presence of such judge:

67 (a) For a written judgment of guilty, and at the time the
68 ~~judgment is rendered,~~ the fingerprints of the defendant shall be



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69 manually taken and against whom such judgment is rendered. Such
70 fingerprints shall be affixed beneath the judge's signature on
71 the ~~to~~ such judgment. Beneath such fingerprints shall be
72 appended a certificate to the following effect:
73

74 "I hereby certify that the above and foregoing fingerprints
75 on this judgment are the fingerprints of the defendant,,
76 and that they were placed thereon by said defendant in my
77 presence, in open court, this the day of,
78 . . . (year)"
79

80 Such certificate shall be signed by the judge, whose signature
81 thereto shall be followed by the word "Judge."

82 (b) For an electronic judgment of guilty, the fingerprints
83 of the defendant shall be electronically captured and the
84 following certificate shall be included in the electronic
85 judgment:
86

87 "I hereby certify that the digital fingerprints record
88 associated with Transaction Control Number contains the
89 fingerprints of the defendant,, which were electronically
90 captured from the defendant in my presence, in open court, this
91 the day of, . . . (year)"
92

93 The judge shall place his or her electronic signature, which
94 shall be followed by the word "Judge," on the certificate.

95 (4)(3) A written or electronic ~~Any such written~~ judgment of
96 ~~guilty of a felony~~, or a certified copy thereof, shall be
97 admissible in evidence in the several courts of this state as



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98 prima facie evidence that the:

99 (a) Manual fingerprints appearing thereon and certified by
100 the judge as aforesaid are the fingerprints of the defendant
101 against whom the ~~such~~ judgment of guilty ~~of a felony~~ was
102 rendered.

103 (b) Digital fingerprint record associated with the
104 transaction control number specified in the judge's certificate
105 contains the fingerprints of the defendant against whom the
106 judgment of guilty was rendered.

107 (5)(4) At the time the defendant's fingerprints are
108 manually taken or electronically captured, the judge shall also
109 cause the defendant's social security number to be taken. The
110 defendant's social security number shall be specified in each
111 ~~affixed to every~~ written or electronic judgment of guilty of a
112 felony, in open court, in the presence of such judge, and at the
113 time the judgment is rendered. If the defendant is unable or
114 unwilling to provide his or her social security number, the
115 reason for its absence shall be specified in ~~indicated on~~ the
116 written or electronic judgment.

117 Section 3. Section 921.242, Florida Statutes, is amended to
118 read:

119 921.242 Subsequent offenses under chapter 796; method of
120 proof applicable.—

121 (1) A ~~Every~~ judgment of guilty with respect to any offense
122 governed by the provisions of chapter 796 shall be in:

123 (a) A written record that is ~~writing~~, signed by the judge,
124 and recorded by the clerk of the circuit court; or

125 (b) An electronic record that contains the judge's
126 electronic signature, as defined in s. 933.40, and is recorded



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127 by the clerk of circuit court.

128 (2) At the time a defendant is found guilty, the judge
129 shall cause the following to occur ~~to be affixed to every such~~
130 ~~written judgment of guilty,~~ in open court and in the presence of
131 such judge:

132 (a) For a written judgment of guilty, the fingerprints of
133 the defendant against whom such judgment is rendered shall be
134 manually taken. Such fingerprints shall be affixed beneath the
135 judge's signature on the ~~to any such~~ judgment. Beneath such
136 fingerprints shall be appended a certificate to the following
137 effect:

138
139 "I hereby certify that the above and foregoing fingerprints
140 are of the defendant, ...(name)..., and that they were placed
141 thereon by said defendant in my presence, in open court, this
142 the day of, ...(year)...."

143
144 Such certificate shall be signed by the judge, whose signature
145 thereto shall be followed by the word "Judge."

146 (b) For an electronic judgment of guilty, s. 921.241(3)(b)
147 applies.

148 (2) A ~~Any such~~ written or an electronic judgment of guilty,
149 or a certified copy thereof, shall be admissible in evidence in
150 the several courts of this state as provided in s. 921.241(4)
151 ~~prima facie evidence that the fingerprints appearing thereon and~~
152 ~~certified by the judge as aforesaid are the fingerprints of the~~
153 ~~defendant against whom such judgment of guilty was rendered.~~

154
155 ===== T I T L E A M E N D M E N T =====



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156 And the title is amended as follows:

157 Delete lines 3 - 28

158 and insert:

159 812.014, F.S.; requiring that judgments of guilty or
160 not guilty of petit theft be in a written record or an
161 electronic record with the judge's electronic
162 signature, recorded by the clerk of the circuit court;
163 conforming provisions to changes made by the act;
164 amending s. 921.241, F.S.; defining terms; requiring
165 that judgments of guilty or not guilty of a felony be
166 in a written record or an electronic record with the
167 judge's electronic signature, recorded by the clerk of
168 the circuit court; requiring that for an electronic
169 judgment of guilty, the fingerprints of a defendant be
170 electronically captured and a certain certification be
171 included; requiring the judge to place his or her
172 electronic signature on the certificate; conforming
173 provisions to changes made by the act; amending s.
174 921.242, F.S.; requiring that specified judgments of
175 guilty be in a written record or an electronic record
176 with the judge's electronic signature, recorded by the
177 clerk of the circuit court; conforming provisions to
178 changes made by the act; providing an effective date.