

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.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1230
INTRODUCER: Senator Baxley
SUBJECT: Criminal Judgments
DATE: February 5, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Storch	Jones	CJ	Pre-meeting
2.			JU	
3.			RC	

I. Summary:

SB 1230 requires that a judgment of guilty or not guilty of a felony or misdemeanor be in a written or an electronic record, signed by the judge, and recorded by the clerk of the court.

The bill requires the fingerprints and social security number of a defendant who is found guilty of a felony or misdemeanor to be taken and indicated on the judgment.

The bill permits a judge to electronically sign an electronic judgment and the certification of the electronic fingerprints required under the bill if certain conditions are met.

The bill is effective July 1, 2018.

II. Present Situation:

Petit Theft and Felony Judgments

Every criminal judgment adjudicating a person guilty or not guilty of petit theft or a felony must be *in writing*, signed by the judge, and recorded by the clerk of the court.¹

At the time the judgment of guilty is rendered, the fingerprints of the defendant must be taken and affixed beneath the judge's signature to such judgment. Beneath the fingerprints, the judge must certify and attest that such fingerprints belong to the defendant. Such certification is admissible as prima facie evidence that the fingerprints are those of the defendant.²

For a felony judgment, in addition to the defendant's fingerprints, the judge must also record the defendant's social security number and affix it to the written judgment. If the defendant is unable

¹ Sections 812.014(3)(d)1. and 921.241(2), F.S.

² Sections 812.014(3)(d)2. and 921.241(2) and (3), F.S.

or unwilling to provide his or her social security number, the reason for its absence must be indicated on the written judgment.³

Criminal Judgments Under Chapter 796, F.S.

Chapter 796, F.S., governs prostitution and similar crimes. Every criminal judgment adjudicating a person guilty of an offense governed by ch. 796, F.S., must be in writing, signed by the judge, and recorded by the clerk of the circuit court.⁴ Additionally, the fingerprints of the defendant must be taken and affixed beneath the judge's signature to such judgment.⁵ Beneath the fingerprints, the judge must certify and attest that such fingerprints belong to the defendant. Such certification is admissible as prima facie evidence that the fingerprints are those of the defendant.⁶

Judgments of guilty for such offenses does not require the procurement of the defendant's social security number.

III. Effect of Proposed Changes:

The bill requires that a judgment of guilty or not guilty of a felony or *misdemeanor* must be in a written or an *electronic* record, signed by the judge and recorded by the clerk of the court.

Current law only requires a judgment for a misdemeanor petit theft or a guilty judgment for a misdemeanor under ch. 796, F.S., be written, signed by a judge, and recorded by the clerk of the court.

The bill requires the fingerprints and social security number of a defendant who is found guilty of a felony or *any misdemeanor* to be taken and indicated on the judgment. Current law only requires a defendant with a guilty judgment for a misdemeanor petit theft or a misdemeanor under ch. 796, F.S., have his or her fingerprints taken and indicated on the judgment. Current law does not require the social security number of a defendant of any misdemeanor to be taken.

The bill provides that the fingerprints can be taken either manually or *electronically* and requires them to be attached beneath the judge's signature to the judgment.

The bill retains the requirements that:

- If a defendant is unable or unwilling to provide his or her social security number, the reason for its absence must be noted on the judgment.
- The judge sign and certify that the fingerprints belong to the defendant and attach such certification to the judgment.
- The judgment, or the accompanying certification, is admissible as prima facie evidence that the fingerprints are those of the defendant.

³ Section 921.241(4), F.S.

⁴ Section 921.242(1), F.S.

⁵ *Id.*

⁶ Section 921.242(2), F.S.

The bill allows a judge to electronically sign:

- An electronic judgment, as provided for in the bill, if the judge determines that the electronic record accurately reflects the judgment entered by the court; and
- The certificate required to accompany the fingerprints of the defendant if the judge:
 - Witnesses the electronic taking of such fingerprints; and
 - Certifies that such fingerprints have been attached to the judgment by reliable electronic means.

The bill provides that the term “electronic signature” means any letters, characters, symbols, or process manifested by electronic or similar means and attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record, as provided in s. 933.40, F.S.⁷

The bill repeals s. 921.242, F.S., relating to guilty judgments for offenses under ch. 796, F.S., since the bill includes these offenses in its revisions to s. 921.241, F.S.

The bill reenacts s. 775.084, F.S., to make conforming changes for the purposes of incorporating amendments made by the bill.

The bill is effective July 1, 2018.

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.

⁷ Section 933.40(1)(d), F.S

C. Government Sector Impact:

The bill permits the courts to implement an electronic fingerprinting and judgment process. Circuits that wish to implement such electronic recordkeeping will need to procure electronic Live Scan fingerprinting technology, which could provide for initial costs associated with implementing this electronic system. However, this may save money and reduce the workload on the courts in the long run to the extent that it is less time consuming to create and maintain electronic criminal fingerprints and judgments.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 921.241 of the Florida Statutes.

This bill reenacts section 775.084 of the Florida Statutes.

This bill repeals section 921.242 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.

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

⁸ Office of the State Courts Administrator, *2018 Judicial Impact Statement for SB 1230*, (January 17, 2018) (on file with the Senate Criminal Justice Committee).