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LEGISLATIVE ACTION

Senate

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House

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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prima facie evidence that the:

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

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

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

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

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

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

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

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



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by the clerk of circuit court.

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

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

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

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

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

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

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



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And the title is amended as follows:

Delete lines 3 - 28

and insert:

812.014, F.S.; requiring that judgments of guilty or not guilty of petit theft be in a written record or an electronic record with the judge's electronic signature, recorded by the clerk of the circuit court; conforming provisions to changes made by the act; amending s. 921.241, F.S.; defining terms; requiring that judgments of guilty or not guilty of a felony be in a written record or an electronic record with the judge's electronic signature, recorded by the clerk of the circuit court; requiring that for an electronic judgment of guilty, the fingerprints of a defendant be electronically captured and a certain certification be included; requiring the judge to place his or her electronic signature on the certificate; conforming provisions to changes made by the act; amending s. 921.242, F.S.; requiring that specified judgments of guilty be in a written record or an electronic record with the judge's electronic signature, recorded by the clerk of the circuit court; conforming provisions to changes made by the act; providing an effective date.