

**CRIMINAL AND JUVENILE JUSTICE INFORMATION SYSTEMS  
(CJJIS) COUNCIL**

**MINUTES OF MEETING  
Wednesday, January 4, 2006 – 10:00A.M.  
FDLE Headquarters, 2331 Phillips Road  
Tallahassee, FL**

**Members Present:**

Chair Marsha Ewing, Clerk of the Court, Martin County  
Donna Uzzell, Florida Department of Law Enforcement  
Jane McElroy, Designee for Secretary Anthony Schembri , Department of Juvenile Justice  
Scott McPherson, Designee for Secretary James M. McDonough, Department of Corrections  
Mike Love, Designee for Elisabeth Goodner, State Courts Administrator  
Mark Kohl, State Attorney, Sixteenth Judicial Circuit  
John Douglas, Designee for Monica David, Chair, Florida Parole Commission  
Raymond Marsh, Designee for Director Fred O. Dickinson, Department of Highway Safety and Motor Vehicles  
John Green, designee for Chief Dorene Thomas, Chief, Pinellas Park Police Department  
Carolyn Snurkowski, Designee for Attorney General Charlie Crist  
Don Hunter, Sheriff Collier County  
Sheriff Richard Roth, Monroe County  
Mike Mills, designee for Orlando Martinez de Castro, Chief South Miami Police Department

**Members Absent:**

Bob Dillinger, Public Defender, Sixth Judicial Circuit

**WELCOME MEMBERS and OPENING**

Chair Ewing welcomed council members and attendees, recognizing new council member Mr. Mark Kohl, State Attorney for the 16<sup>th</sup> Judicial Circuit, representing the Florida Association of Prosecuting Attorneys.

**Minutes of the November 8, 2005 CJJIS Council Meeting**

Chair Ewing requested approval of the minutes of the November 8, 2005 CJJIS Council meeting. The November 8, 2005 minutes were adopted.

**ITEM 1**  
**JESSICA LUNSFORD TASK FORCE**

Ms. Marsha Ewing  
Chair, Criminal and Juvenile Justice Information Systems Council

**Action Item**

Chair Ewing briefly discussed the previous Jessica Lunsford Task Force meetings and the creation of the findings and recommendations that will be submitted to the legislature before session begins. Chair Ewing discussed the purpose of the current meeting was to review proposed legislative language to accompany these findings and recommendations. Chair Ewing opened the floor to council members who wished to discuss the current findings and recommendations. Council member Donna Uzzell discussed the issue of a select group of probationers who are not required to submit to a photograph, modification of finding number 3.

- Motion: Council member Donna Uzzell motioned to create the following additional recommendation: Require all probationers to submit to a photo that can be shared and made available to all criminal justice agencies. – Motion adopted. (Recommendation 3.4)

Council members discussed the displaying of the status of the sexual offender on select forms provided by the Department of Corrections. Council members discussed the current status of this proposal and the need to ensure this issue was not omitted.

- Motion: Council member Donna Uzzell motioned to create the following recommendation– Prominently display the status of a sexual offender or sexual predator on the Violation of Probation forms (DC3-216 and DC3-202) provided to the judge by the Department of Corrections. This can be accomplished without legislation with the agreement of the Department of Corrections. Motion adopted. (Recommendation 2.5)

*FINDING #1 –Judges do not always have access to offender information, specifically criminal history and immigration information, at both first appearance and subsequent hearings. Additionally, judges don't always have definitive information distinguishing subject identity due to the use of aliases and similar names.*

**RECOMMENDATION #1:**

- 1.1 **Continue implementation of the current Jessica Lunsford Act:** The Act requires: 1) that judges are provided the technology in all courtrooms to automate the access to relevant information about offenders in order to make determinations about release of the offender; 2) that the Department of Corrections provide a chronological list of a high risk sex offender's history accessible to judges. These requirements, when fully implemented will provide the judges with automated access to a complete criminal history of these offenders at first appearance. Courtroom technology funding is part of appropriation for Office of State Court Administrator as part of Jessica Lunsford Act.
- 1.2 **Extend automation to provide participants in the criminal justice system, at court proceedings, access to offender information, as authorized by state and federal law, at first appearance and all subsequent hearings for all offenders.** The technology developed in 1.1 should be used to provide information on all offenders not just those who are categorized as high risk sex offenders. The information provided should include all

FCIC/NCIC criminal history, warrant and any status records such as immigration and probation status.

**1.3 Promote the use of Biometric capability at court proceedings:** specifically “two digit” fingerprint readers, to increase the accuracy of subject identification and verification of criminal history as authorized by state and federal law to criminal justice participants at first appearance and subsequent hearings. The FALCON plan includes the ability to access criminal history information via a “Rapid ID” fingerprint check. This capability should be available in the near future and is funded by the legislature as part of FDLE’s Integrated Criminal History System. Technology funding is part of the appropriation for OSCA in the Jessica Lunsford Act.

➤ No changes to the current Findings and Recommendations #1. No proposed legislative language required.

Council member Mark Kohl discussed the position of the state attorneys as being opposed to the recommendation requiring states attorneys be responsible for collecting data for court appearances, specifically on weekends and holidays. Council member Kohl advised that state attorneys would not object to presenting offender information at first appearances, and that is currently being done by assistant state attorneys at most first appearances, however staff is not available to gather and provide all offender information during non business hours.

Council members discussed at length the burden of responsibility of booking agencies and court officials in regards to providing offender information at first appearances. Council member Uzzell discussed the current proposed legislative language submitted by council member Bob Dillinger and the need to ensure that select criminal history data, such as national criminal histories, not be provided to unauthorized entities within the court such as public defenders. Council members continued to discuss the recent task force meetings, the observation of certain courts which have a seamless flow of information and the need to find a bottom line of information that needs to be provided to the court. Council member Mike Love advised that current statute requires the state attorneys to be present at court proceedings in prosecution of defendants, thus there is an obligation for the state attorneys to interpret and provide that offender information to the courts. Mr. Love advised that the booking officer is not a participant in the pretrial or sentencing hearing and would not be able to provide the offender information. Mr. Kohl advised that the assistant state attorney will be present at all subsequent hearings after first appearance, and will have offender information within their files, that information will be available to the court.

Council members continued to discuss the wide variation of processes throughout the state that provide offender information for the courts at first appearances. Many of these processes work well, Ms. Uzzell reminded the council that processes that are currently in place and operate at such a stable level should not be changed due to any recommendation the council presents. Council members discussed a circuit by circuit method which would provide the chief judges the responsibility of designating who would be responsible for providing first appearance offender information. Mr. Love reminded the council that the proposed legislative language he provides would allow for such a circuit-by-circuit method however would require the state to appear at criminal proceedings advising the court. Council members discussed at length the current Article V Technology Board proposed circuit system, as a means of providing first appearance offender information. Council member Don Hunter provided a summary of his department’s flow of offender information and the need to designate a conduit for providing judges with offender information.

Council members discussed and made additions and modifications to proposed legislative language “A” for recommendation 2.1, specifically identifying the entities necessary for success and which databases will be searched and provided.

- Motion: Council member Donna Uzzell motioned the following proposed legislative language for recommendation 2.1:

The booking agency shall provide and certify to the court the state and national criminal history information and all relevant criminal justice information in the Florida Crime Information Center and National Crime Information Center for each offender appearing before the court at all first appearances. The chief circuit judge, in consultation with the clerk of court, court administrator, state attorney, public defender and any other pretrial court program, shall determine the manner in which that information is presented at first appearance and all subsequent court proceedings. The information that should be provided includes, but is not limited to:

Local, state and national criminal history information

Local, state and national warrant information

Status records from FCIC/NCIC such a probationer, sex offender, high risk sex offender, career criminal

Other identifying information including images if available

Motion adopted.

Council member Scott McPherson discussed several points highlighted in a December 13, 2005 memo provided to the CJJIS Council as it relates to recommendation 2.3. Mr. McPherson advised the council that due to the availability in various forms of the Offender-based Information System (OBIS), the Department of Corrections is already in compliance with recommendation 2.3. Any entity that requests OBIS access and is authorized to receive that information will not have a problem, additionally a future goal of the department is to provide a web-based interface in which to provide probation and parole information discussed in recommendation 2.3. Mr. McPherson advised the council of OPPAGA report (04-58) which recommends utilization of non-sworn personnel at probation hearings, which will require discussion by the council and modification recommendation 2.3. Council members debated at length the need to modify the recommendation in order to communicate the need for parole officials at court appearances, however staying consistent with the OPPAGA recommendations. Several council members discussed that the OPPAGA report predates the Jessica Lunsford Act, therefore the council acting in its current role must bring this issue back to the forefront. Council members continued discussion and amended recommendation 2.3.

- Motion: Council member Don Hunter motioned the following amended version of recommendation 2.3:

Support and endorse the Department of Corrections (DC) efforts to create electronic access to information, regarding a subject’s recent probation/parole behavior and arrest patterns, including automated access to the DC probation case notes. It is critical to the court to have a resident resource to interpret case notes. The OPPAGA report of 04-58 recognizes the need for resources which may be best accomplished by having properly trained and experienced non-sworn DC liaisons at probation related hearings. While this information will be available on high risk sex offenders, the judge needs information from probation records beyond that limited group of offenders. Adequate funding needs to be made available to DC to accomplish the recommendation.

Motion adopted. Council member Scott McPherson cast dissenting vote.

Council members Uzzell recommended removing recommendation 2.4 due to the fact that the listing of information sources is currently provided in the proposed legislative language of 2.1. Council member Uzzell advised to move the language from proposed legislative language “A” and mirror into the actual recommendation 2.1, thus rendering recommendation 2.4 obsolete.

- Motion: Council member Mark Kohl motioned to delete recommendation 2.4. Motion adopted.

***FINDING #2** – There is inconsistency statewide as to how judges access information in the courtroom at first appearance, whose responsibility it is to provide complete information to the judge and who is present in the courtroom to provide it also varies during weekend and holiday periods. In some counties it may be the state attorney, in others it could be the county pretrial release, the court administrator, or the booking agency. There is also inconsistency as to what information the judge has available at the time of first appearance ranging in some counties with a dossier of local, state and federal criminal history and warrant data to at least one county that only provides data from its own county records system, unless the offender has resided in the county for less than 6 months. In many counties, particularly those with high volume arrests, the procedure for the agency to gather information and prepare for first appearance begins as early as 4AM and first appearance is an all-day function.*

**RECOMMENDATION #2 Implement a consistent process statewide for information sharing at first appearance and all subsequent hearings.**

- 2.1 Designate the State Attorney (or his/her designated appointee) to be responsible for providing offender information to court officials before first appearance and at all subsequent hearings seven days a week and on holidays. Where there are successful programs in place for providing information at first appearance, encourage the local entity responsible for this function to enter into agreements to continue the service.
- 2.2 Ensure all entities responsible for providing information at first appearance are funded adequately to perform this function.
- ~~2.3 Ensure access to information regarding a subject's recent probation/parole behavior and arrest patterns, including automated access to the Department of Corrections (DC) probation case notes. This may be best accomplished by having DC liaisons at probation related hearings. While this information will be available on high risk sex offenders, the judge needs information from probation records beyond that limited group of offenders.~~

Support and endorse the Department of Corrections (DC) efforts to create electronic access to information, regarding a subject's recent probation/parole behavior and arrest patterns, including automated access to the DC probation case notes. It is critical to the court to have a resident resource to interpret case notes. The OPPAGA report of 04-58 recognizes the need for resources which may be best accomplished by having properly trained and experienced non-sworn DC liaisons at probation related hearings. While this information will be available on high risk sex offenders, the judge needs information from probation records beyond that limited group of offenders. Adequate funding needs to be made available to DC to accomplish the recommendation.

- ~~2.4 Ensure at a minimum that the State Attorney provide each judge, at first appearance and all subsequent hearings, the following information on each offender appearing before him or her:
  - ~~—Local, state and national criminal history information~~
  - ~~Local, state and national warrant information~~~~

~~Status records from FCIC/NCIC such a probationer, sex offender, high risk sex offender, career criminal. (See recommendation 1.2.)~~

Ensure that all judges and court officials handling first appearance hearings have adequate training in criminal procedure and disposition

- 2.5 Prominently display the status of sexual offender or sexual predator on the Violation of Probation forms provided to the judge by the Department of Corrections DC3-216 and DC3-202. This can be accomplished without legislation with the agreement of the Department of Corrections.

Council members began discussion of Finding 3 and its recommendations, specifically changes to driver's license which would readily identify sex offenders to law enforcement. Mr. David Dees of the Florida Sheriffs Association addressed the council regarding the association's proposal for a revised driver's license which would allow an officer to readily identify a sex offender. The council continued their discussion, mentioning the need for biometric and image verification and the future of the Falcon and JIS systems. The council discussed various possibilities and obstacles of a paperless warrant system, including the availability of images.

- Motion: Council member Donna Uzzell motioned the following addition to Finding 3: When images are available they can be included in the warrant and status records of FCIC/NCIC. Probation status records currently have images, however, except for select groups, probationers can refuse to have their photo taken. Motion adopted (Finding 3)
- Motion: Council member Donna Uzzell motioned to create the following additional recommendation: Require all probationers to submit to a photo that can be shared and made available to all criminal justice agencies. – Motion adopted. (Recommendation 3.4)
- Motion: Council member Don Hunter motioned the following: When images are available, the entering agency should append the image to warrants in FCIC/NCIC. Motion adopted. (Recommendation 3.5)
- Motion: Council member Don Hunter motioned to adopt the proposed legislative language of Recommendation 3.1: An act related to law enforcement; creating a Statewide Paperless Warrant System Pilot program to review the feasibility of statewide implementation; providing the scope of the pilot program; providing a CJJIS Council overview process; providing for a report addressing the feasibility of implementing a statewide system; providing the appropriations for the development and implementation of the pilot program, and providing effective dates for completion.

Be it enacted by the Legislature of the State of Florida:

#### Section 1. Statewide Paperless Warrant System

(1) (a) The Florida Department of Law Enforcements shall review current initiatives at the state and local level to increase the data sharing capabilities within the criminal justice system and design and implement a pilot program reviewing the feasibility of electronic processing of warrant information at a statewide level. The process shall begin from the original entry of the warrant information at the clerk of courts office to the sheriff's office for service and the subsequent transmission of said data for entry into the state and national FCIC/NCIC warrant files. The results of the pilot program will be provided to the

CJJIS Council who shall submit a preliminary report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than August 15, 2007.

The final report shall be filed with the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15, 2008.

(b) The preliminary and final report shall:

- i. Identify all the criminal justice entities involved with the warrant process, their functions, duties and information collected;
- ii. Identify all of the statutory provisions, state and national standards related to the warrant process;
- iii. Identify the information sharing protocols at the local and state level that have to be addressed to implement a statewide system;
- iv. Identify the feasibility of implementing a statewide system;
- v. Ensure the capability for electronic transmission of the warrant data from the clerk of court to the sheriff's office, and subsequent transmission of said data for entry into the state and national FCIC/NCIC warrant files;
- vi. Design an application for the electronic transfer of warrant information that can be implemented statewide;
- vii. Include the benefits and costs analysis of the implementation of a statewide paperless warrant system; and
- viii. Include recommendations for statewide implementation of a paperless warrant system to include resources and funding estimates.

(2) (a) Appropriations for the development and implementation of the pilot paperless warrant system pilot program are \$500,000 for the hiring of appropriate resources to design and develop the electronic data sharing program and to provide the pilot agencies with the associated costs for the implementation of the program.

Motion adopted.

- Motion: Council member Don Hunter motioned to include the following phrase to recommendation 2.1: “Other identifying information including images if available”  
Motion adopted.

*FINDING #3: Technical solutions are not effectively being utilized or are not fully funded to ensure the most complete and accurate information is available to all members of the criminal justice community to enhance public safety. There are about 350,000 of warrants in FCIC and even fewer Florida warrants, about 98,000, in NCIC. Most agencies cite lack of resources for data entry and validation as the number one reason why warrants are not entered into the system. It is quite possible that a person whose warrant was not entered into the system will be released from jail or bonded at first appearance without the appropriate authority ever knowing the warrant existed. When images are available they can be included in the warrant and status records of FCIC/NCIC. Probation status records currently have images, however, except for select groups, probationers can refuse to have their photo taken.*

**RECOMMENDATION #3: Increase the use of technology to enhance information sharing and support public safety**

- 3.1 Explore the feasibility of implementing a statewide paperless warrant system in each county similar to the one already established in Broward County.

- 3.2 Fund livescan equipment for local agencies and juvenile assessment centers to ensure arrests are submitted to the state repository and available to the criminal justice community statewide in a timely manner.
- 3.3 Fund livescan equipment for courtrooms to ensure that all arrests are included in the statewide criminal history file, including those that are direct filed and those that result from a notice to appear.
- 3.4 Require all probationers to submit to a photo that can be shared and made available to all criminal justice agencies.
- 3.5 When images are available, the entering agency should append the image to warrants in FCIC/NCIC.
- 3.6 Explore the feasibility of adding information to driver licenses that would readily identify sex offenders.

Chair Ewing opened the floor for discussion of the findings and recommendations #4, the council had no changes to the current language.

***FINDING #4** – Criminal History information is a critical factor in the decisions that judges make at first appearance and subsequent court hearings. For the information to be relevant it must be complete. Missing dispositions are an obstacle when a decision needs to be made based on previous convictions. Today, juvenile arrests are required to be submitted to the state repository yet the clerks of court are not mandated to provide juvenile disposition information. While adult disposition data is part of the clerk's mandate, often there are technical obstacles in their local records management systems or the manner to which the information is captured that preclude the dispositions from updating on line to the repository.*

**RECOMMENDATION #4: Enhance disposition reporting to the state repository**

- 4.1 Support proposed legislation to mandate the clerks of court to provide juvenile dispositions to FDLE. This legislation is being proposed by FDLE and the Florida Association of Court Clerks (FACC).
- 4.2 The CJJIS Council shall establish performance standards at the county level equivalent to those at the state repository for the percentage of felony dispositions available in the criminal history file. The reporting of these standards should be a standing item on the council's agenda. Quarterly reports should be generated by FDLE and provided to the FACC for distribution.

Mr. Kurt Ahrendt of the Florida Parole Commission, Director of Operations addressed the council, providing an overview of a problem with the current Jessica Lunsford Act as it relates to conditional release and eligible offenses. Mr. Ahrendt cited sections 7 and 11 of Florida Statute 947.1405 and advised the council that the proposed legislative language under Recommendation 5 will add conditional release offenses to the current statute, thus bringing the statute into alignment with the Jessica Lunsford Act specifications.

- Motion: Council member Don Hunter motioned to approve the submitted proposed legislative language for recommendation 5.1. Motion adopted.

*§ 947.1405. Conditional release program*

(1) This section and s. 947.141 may be cited as the "Conditional Release Program Act."

(2) Any inmate who:

(a) Is convicted of a crime committed on or after October 1, 1988, and before January 1, 1994, and any inmate who is convicted of a crime committed on or after January 1, 1994, which crime is or was contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure (1993), or is convicted of any offense committed on or after July 1, 2006, under the following statutory sanctions:

1. aggravated stalking, under s. 784.048;

2. kidnapping, under s. 787.01;

3. false imprisonment, under s. 787.025;

4. luring or enticing a child, under s. 787.025;

5. human trafficking, under s. 787.06;

6. procuring person under age of 18 for prostitution, under s. 796.03;

7. sexual performance by a child, under s. 827.071;

8. computer pornography, under s. 847.0135;

9. transmission of pornography by electronic device or equipment prohibited, under s. 847.0137;

10. transmission of material harmful to minors to a minor by electronic device or equipment, under s. 847.138; or

11. selling or buying of minors, under 847.0145,

and who has served at least one prior felony commitment at a state or federal correctional institution;

(b) Is sentenced as a habitual or violent habitual offender or a violent career criminal pursuant to s. 775.084; or

(c) Is found to be a sexual predator under s. 775.21 or former s. 775.23, shall, upon reaching the tentative release date or provisional release date, whichever is earlier, as established by the Department of Corrections, be released under supervision subject to specified terms and conditions, including payment of the cost of supervision pursuant to s. 948.09. Such supervision shall be applicable to all sentences within the overall term of sentences if an inmate's overall term of sentences includes one or more sentences that are eligible for conditional release supervision as provided herein. Effective July 1, 1994, and applicable for offenses committed on or after that date, the commission may require, as a condition of conditional release, that the releasee make payment of the debt due and owing to a county or municipal detention facility under s. 951.032 for medical care, treatment, hospitalization, or transportation received by the releasee while in that detention facility. The commission, in determining whether to order such repayment and the amount of such repayment, shall consider the amount of the debt, whether there was any fault of the institution for the medical expenses incurred, the financial resources of the releasee, the present and potential future financial needs and earning ability of the releasee, and dependents, and other appropriate factors. If any inmate placed on conditional release supervision is also subject to probation or community control, resulting from a probationary or community control split sentence within the overall term of sentences, the Department of Corrections shall supervise such person according to the conditions imposed by the court and the commission shall defer to such supervision. If the court revokes probation or community control and resentsences the offender to a term of incarceration, such revocation also constitutes a sufficient basis for the revocation of the conditional release supervision on any nonprobationary or noncommunity control sentence without further hearing by the commission. If any such supervision on any nonprobationary or noncommunity control sentence is revoked, such revocation

*may result in a forfeiture of all gain-time, and the commission may revoke the resulting deferred conditional release supervision or take other action it considers appropriate. If the term of conditional release supervision exceeds that of the probation or community control, then, upon expiration of the probation or community control, authority for the supervision shall revert to the commission and the supervision shall be subject to the conditions imposed by the commission. A panel of no fewer than two commissioners shall establish the terms and conditions of any such release. If the offense was a controlled substance violation, the conditions shall include a requirement that the offender submit to random substance abuse testing intermittently throughout the term of conditional release supervision, upon the direction of the correctional probation officer as defined in s. 943.10(3). The commission shall also determine whether the terms and conditions of such release have been violated and whether such violation warrants revocation of the conditional release.*

**FINDING # 5:** Section 12 of the Lunsford Act specifically mentions s. 827.071, F.S. as an offense which would trigger the requirement of electronic monitoring, if “the activity involved a victim who was 15 years of age or younger and the offender is 18 years of age or older...” However, s. 827.071, F.S., is NOT an offense subject to Conditional Release supervision. The Parole Commission indicated it cannot impose a condition of supervision requiring electronic monitoring unless that person commits a Conditional Release–eligible offense. Eligibility provisions set forth in s. 947.1405(2), F.S., require Conditional Release supervision only on a crime which “is or was contained in category 1, category 2, category 3, or category 4” of the Florida Rules of Criminal Procedure. Section 827.071, F.S. is not a crime contained in any of these categories. The same thing holds true for the crime of Selling or Buying of Minors, under s. 847.0145, F.S. This crime is specifically listed in Section 12 of the Lunsford Act as requiring a special condition of electronic monitoring. However, this offense is not a Conditional Release–eligible offense because it is not a crime in Category 1, 2, 3, or 4, of the Florida Rules of Criminal Procedure. Testimony from State Attorneys, Public Defenders and a member of the Parole Commission revealed the potential need to clarify certain provisions of the Jessica Lunsford Act.

*The Jessica Lunsford Act requires electronic monitoring for persons who violate probation. Confusion exists as to whether this includes persons who commit a misdemeanor offense and are placed on county probation or if it only applies to probation at the state level.*

**RECOMMENDATION #5:** Clarify existing legislation to ensure consistent implementation in the state.

5.1 Clarify the language in the current statutes regarding those persons convicted of a violation of 827.071, F.S. or 847.0145, F.S. If they are to be subject to electronic monitoring under Conditional Release Supervision. Proposed modification of s. 947.1405(7)(a) should state:

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has previously been convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145 and shall be subject to conditional release supervision, and shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission.

5.2 Consider adding additional serious criminal offenses, specifically kidnapping under ch. 787, F.S., aggravated stalking under s. 784.048, F.S., selling minors into sex trafficking or prostitution, under s. 796.03, F.S., computer pornography under 847.0135, F.S., transmission of pornography by electronic device or equipment, under s. 847.0137, F.S.,

and transmission of material harmful to minors to a minor by electronic device or equipment, under s. 847.138, F.S. to those eligible for Conditional Release supervision and electronic monitoring. If not made subject to Conditional Release provisions, these offenders will continue to just walk out of prison, free of any constraints, without any supervision or period of electronic monitoring.

- 5.3 Section 948.063 mandates electronic monitoring for persons who have been previously designated as sexual predators or offenders and who violate probation or community control. Funding for electronic monitoring must be provided to county agencies providing probation services. If the act only applies to felony violations then further clarification is necessary.

Council member Donna Uzzell discussed the consensual sex issue as it relates to youths who participated in consensual sex (not drug induced) with other youths, however due to the current law, these individuals are prosecuted for sex offenses and subsequently are placed in the sex offender registry. Council members discussed referring this issue to OPPAGA for possible legislative referral or action, however this issue was brought up repeatedly at the regional task force meetings by law enforcement and thus should be included in the final report.

- Motion: Council member Donna Uzzell motioned to provide the following finding: Testimony was taken regarding the observation that the sex offender registry contains persons who are required to register for crimes that would not be a crime except for the age of the victim at the time of the offense (i.e. consensual sex between boyfriend and girlfriend). (Finding 6) Motion Adopted.
- Motion: Council member Donna Uzzell motioned to provide the following recommendation: While not under the information sharing purview of the Jessica Lunsford Act task force, the legislature should be aware of the finding and assess whether any actions are warranted. (Recommendation 6) Motion adopted.

*FINDING #6: Testimony was taken regarding the observation that the sex offender registry contains persons who are required to register for crimes that would not be a crime except for the age of the victim at the time of the offense (i.e. consensual sex between boyfriend and girlfriend).*

RECOMMENDATION #6: While not under the information sharing purview of the Jessica Lunsford task force, the legislature should be aware of the finding and assess whether any actions are warranted.

Council member Donna Uzzell revisited recommendation 2.3, discussing to the need to augment the recommendation with language that would provide funding for the Department of Corrections in order to accomplish the goal of the recommendation.

- Motion: Council member Donna Uzzell motioned to provide the following additional language to Recommendation 2.3: Adequate funding needs to be made available to DC to accomplish the recommendation. Motion adopted. Council member Scott McPherson cast dissenting vote.

Council member Don Hunter revisited recommendation 3 and reiterated the need to provide guidance on the issue of possible drivers license modifications as it relates to sex offender identification. Mr. David Dees of the Florida Sheriffs Association provided several scenarios in which a license identification of a sex offender would be beneficial, such as storm shelter

screenings during a hurricane when many data systems are down, or during field interviews. Mr. Dees stressed the importance of working with DHSMV on a proposal for an inconspicuous check digit on driver's license which would alert officers that a subject is a sex offender. Sheriff Hunter concurred with Mr. Dees assessment, any additional information that may assist officers has value and should be explored.

- Motion: Council member Don Hunter motioned to amend Recommendation 3, adding "and state credentialing". The amended recommendation will read: Increase the use of technology and state credentialing to enhance information sharing and support public safety. Motion adopted.
- Motion: Council member Don Hunter motioned to create a new recommendation under Finding 3, as follows: Explore the feasibility of adding information to driver licenses that would readily identify sex offenders. (Recommendation 3.6) Motion adopted.

### **CLOSING REMARKS**

Chair Ewing reminded council members that a draft of the final report will be emailed to each council member for their review. Council member Uzzell briefly discussed the layout and the methodology that will be included in the report. Chair Ewing reminded council members of the upcoming spring SEARCH Conference (Symposium on Justice and Public Safety Information Sharing), to be held in Washington D.C, March 13-15, 2006. The SEARCH Conference will be open to council members to attend as part of the Florida Team. The CJJIS Council will reimburse travel and registration for one attendee from each council entity.

Chair Ewing thanked members for their attendance, meeting adjourned 1:15 P.M.

