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# Research Report

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## **Increasing the Safety of All Floridians through Data Integration in the State's Justice System**

### **Executive Summary**

This Florida TaxWatch Research Report addresses the need for data integration within and between Florida's criminal and civil justice systems, and between those systems and other Florida state and local government entities. The recommendations of Florida TaxWatch seek to continue and enhance the process begun by the Article V Technology Board to bring together electronic data created and maintained by disparate justice system entities. Although the task is a daunting one, technology has progressed to the point where such integration can be accomplished. Further, in the interest of public safety, the Legislature already has directed that integrated data be available to judges in certain criminal cases. Justice demands that such data be available for the full range of criminal and civil cases.

### **Summary of Recommendations**

#### **Technology Governance**

##### **1. Statewide Governance Board and Judicial Circuit Governance Boards**

A permanent governance structure for integrated justice system data is necessary only if there is a system to govern. To date there is no such system.

However, the Article V Technology Board has made significant, concrete strides toward integrating justice system data. Therefore, Florida TaxWatch recommends the Article V Technology Board be continued and funded for another two years, rather than creating a permanent state governance board and permanent judicial circuit governance boards at this time. The Article V Technology Board can continue moving Florida's justice system toward integration as it already has done. The Board should continue to be housed in the Legislative branch to minimize layers of executive control and ensure its effectiveness.

## **Summary of Legislation Creating the Article V Technology Board**

As part of the 2004 legislation implementing Revision 7 to Article V of the Florida Constitution, the judicial branch of state government, the Legislature created a ten member Article V Technology Board. The Board was given the following responsibilities:

- Identify the minimum data elements and functional requirements needed by each of the state court system entities to conduct business transactions, and needed by the Legislature to maintain policy oversight;
- Identify the security and access requirements needed to enable and maintain data integration;
- Identify information standards and protocols for data integration including common identifiers, common data field elements, and a common data dictionary;
- Recommend policy, functional, and operational changes to achieve access to the data needed;
- Propose alternative integration models and analyze the advantages and disadvantages of each model. For each alternative integration model:
  - Analyze and describe the specific policy, functional, operational, fiscal, and technical advantages and disadvantages, including the specific plans and integration requirements for the Judicial Inquiry System and the Comprehensive Case Information System;
  - Propose a system for maintaining security to prevent unauthorized access to applications or data; and
- Propose an operational governance structure to achieve and maintain the required level of integration among users at both the state and judicial circuit levels.

“Integration” was defined as the minimum requirements to permit authorized users of the state courts system, the Legislature, and the Executive access to data reasonably required for the performance of official duties, regardless of where the data are maintained. The access should enable multiple users at both the state level and within each judicial circuit to securely and reliably transfer and exchange state courts system and legislative reporting data.

Section 29.0086, Florida Statutes (2005)

### *A Focused Effort Is Critical*

There is much the Article V Technology Board can and shall accomplish during 2006-08. However, the Board's efforts must be focused. In this regard, the Legislature should direct the Board to do the following:

- Continue exploration of a unique personal identifier (UPI), recognizing that the underlying basis for the UPI for the criminal justice system should be biometric whenever possible, but that it need not be biometrically based for the civil justice system;
- Because data integration in the justice system is such a large project, focus should be placed on the two areas that are of immediate, critical concern: the criminal justice system and the family law system.
  - Currently, data integration in the criminal justice system is much more advanced than it is in the family law area. The requirements of the Jessica Lunsford Act have spurred real and timely data sharing in the criminal justice system, and that effort can serve as a prototype for expanded information sharing.
  - In contrast, data integration in the civil justice system lags well behind, and because of the significant workload that family law matters represent in Florida courts, the focus should be on this area. Other state agencies that must be drawn into the effort in this area include the Department of Juvenile Justice (delinquency and dependency), the Department of Children and Families (child abuse, foster care and adoption), and the Department of Revenue (child support).

### *Powers*

With respect to powers necessary for the development of a unique personal identifier, the Technology Board was particularly concerned that it did not have the power to compel organizations to provide information to analyze the fiscal impact on justice system entities. Although the Board needs sufficient powers to do the job assigned to it, the Legislature cannot confer powers it does not have. For example, the Legislature cannot compel private parties to reveal an underlying pricing structure in a contract if the parties have by contract agreed not to disclose the structure.

### *Membership and Staffing*

The Board's membership should be modified as recommended in its Final Report. There should be 11 members rather than 10, and each entity should have only one appointment. The addition of a member appointed by the Florida Bar is appropriate, because ultimately, the Board's work affects Florida's legal system.

The staff of eight proposed by the Technology Board should be reduced and the prerequisites for one of the positions should be modified. To date, one position has covered all information technology areas. Although that is not enough technology staff if

the life of the Board is extended, four information technology staff members seems too many. The initial work in creating a catalogue of common data elements has been completed, including the assignment of extensible markup language tags. Therefore, two information technology staff members should be sufficient.

Because the Board's efforts deal with the legal system, a member of the staff should be an attorney licensed to practice law in Florida, and that qualification should be a prerequisite for the staff person dealing with legislation and federal grants. This staff person would be able to review initiatives in light of their potential legal effect on the every day operation of Florida's justice system.

Finally, in conjunction with the Florida TaxWatch recommendation not to create permanent judicial circuit governance boards at this time, there is no need for a position to coordinate these local boards.

If given the necessary powers, direction, staff, and time, the Board can develop a road map for data integration in the areas of criminal justice and family law that will enhance the safety and economic well-being of Florida's citizens well into the 21<sup>st</sup> century.

## 2. Distribution of Local Technology Funding

Because Florida's trial courts are organized by judicial circuit, court technology must be organized on that basis. Thus, the Legislature should amend section 28.24(12)(e)1., Florida Statutes, to provide that the funds collected by each county are to be administered at the judicial circuit level rather than at the county level. An *ex officio* joint commission comprised of the state attorney, public defender, and the chief judge of the circuit should administer the funds. The real effect of this change will be experienced primarily by those limited number of circuits in Florida that are comprised of more than one county.

## 3. Evaluation of the Judicial Inquiry System and the Comprehensive Case Information System

The Judicial Inquiry System (JIS) is a "single query system" that allows judges and other users to access, with a single logon, multiple state and circuit databases. The Office of the State Courts Administrator operates JIS.

The Comprehensive Case Information System (CCIS) is a single point of statewide search for court case information. CCIS is a private software system developed by the Florida Association of Court Clerks and Comptroller, Inc. (FACC), a private entity.

**Based on the evaluation of the JIS and CCIS systems, Florida TaxWatch makes the following recommendations:**

- The Legislature should reduce the statutory service charge that funds CCIS to a rate that provides only what is necessary to meet the maintenance costs of the system.

- Given that CCIS is funded by the public and serves a public function, it should be accountable to the public. Therefore, the Legislature should require regular audits of the system by the Florida Auditor General or by a private firm chosen by a public entity. Additionally, the FACC should report CCIS expenditures and projected budget to a public entity.
- The Legislature should address the long-term availability of CCIS by directing the state to contract with the FACC for takeover of the system should the FACC decide to discontinue providing it or supporting it.

### **Unique Personal Identifier**

To fully integrate within and between the criminal justice system and the civil justice system, a unique personal identifier (UPI) is necessary. However, the underlying basis for the UPI for criminal cases may be different from that for civil cases. For criminal cases, the UPI may be based on a biometric such as fingerprints, whereas for civil cases, the UPI may be based on other non-biometric data.

As it stands now, sufficient data are not being collected in civil cases to develop a UPI. Therefore, such data should begin to be collected. Requiring additional data to be supplied by litigants for the clerk's civil cover sheet would be a step in the right direction.

If the Board believes a "business process analysis" is a prerequisite to development of a UPI, then the Board should limit the scope of that analysis. Otherwise, the task will be overwhelming and likely not completed. Nevertheless, although it would be easy to work only on the criminal justice system because more is known about that system, the family law system must be given equal or greater attention because proper attention to the youth in that system could help prevent their entrance into the criminal justice system.

The Legislature should extend the life of the Board for two years to allow it to continue progress in this area. The UPI problem must be solved to attain integration within and between the criminal and civil justice systems.

### **Catalogue of Common Data Elements**

A catalogue of common data elements is a linchpin in the development of data integration in the justice system. The Board already has made significant progress in this area. By extending the life of the Board, the Legislature will give the Board the time it needs to expand the catalogue to include the other agencies relevant to the criminal justice system and the family law system. The Board also will be able to associate extensible language tags with the data elements, a process that is critical to data integration.

### **Data Security Access Standards and Protocols**

The Board found that statewide policies in the following areas are necessary to ensure data security and control access to data:

- User authentication;
- Disaster recovery and continuity of operations;
- Individual logins; and
- Risk assessments and cyber-security audits.

The Legislature should direct the Board to develop specific policies in the above areas. This can be accomplished without creating a permanent Tallahassee-based entity to mandate data security and access standards and protocols. The Board first cooperatively can develop these policies with input from the affected entities. If, in the end, it is impossible to develop data security and access standards and protocols by consensus, the Legislature should consider authorizing an entity to establish the standards and enforce them.

### **Unified Statute Table**

Over time, the Legislature has created numerous criminal offenses with multiple levels of severity. This led the Legislature to create the statutory offense severity ranking chart found in chapter 921 of the Florida Statutes.

Similarly, as the Legislature, over time, has created more “base” crimes, it has created more “modifiers” to those crimes. Rather than creating a statutory chart or table of base offenses and modifiers, the Board has developed a recommendation that eliminates the need for placing a table into the statutes, with all the difficulties inherent in updating the table by way of legislation, and instead proposed that the Legislature’s Division of Statutory Revision assume responsibility for creating a unified statute table and updating it as the Legislature amends the relevant statutes and modifiers. Requiring state attorneys to use the table would result in greater uniformity in the charging phase of the criminal justice process and ultimately would lead to greater uniformity in the criminal history records of individuals. A more detailed criminal history record for an individual would improve the efficiency of all the relevant entities in the criminal justice system including law enforcement, local jails, state attorneys, public defenders, the courts, and corrections.

Given the benefits of a unified statute table, the Legislature should mandate that the Division of Statutory Revision create such a table and that state attorneys begin using the table after an appropriate period of time for review and revision. The Legislature also should consider establishing a policy whereby the effective date for new, revised or repealed criminal statutes is October 1. This date coincides with the annual publication of the Florida Statutes and allows time for justice system agencies to incorporate the changes into their systems.

## Introduction

The fundamental purpose of Article V of the Florida Constitution, the judicial branch of government, approved by Florida voters in 1972, was to create an organizationally uniform state courts system. A quarter of a century later, voters approved Revision 7 to complete the job by requiring the state, on July 1, 2004, to assume funding responsibility for the state courts system, state attorneys, public defenders, and court appointed counsel that previously had been funded by counties. The offices of the clerks of the circuit and county courts performing court-related functions now must be funded from filing fees and service charges. Counties must continue to fund buildings to house those performing court functions and existing multi-agency criminal justice information systems.

### SUMMARY OF CONSTITUTIONAL REVISION 7

Funding for the state courts system, state attorney and public defender offices, and court-appointed counsel shall be provided from state revenues.

All funding for clerks of circuit and county courts performing court-related functions shall be from filing fees for judicial proceedings and service charges. The state shall provide funding where the Constitutions of the United States or Florida preclude fees and service charges to fund court-related functions of clerks of circuit and county courts.

Counties shall fund communications services, existing radio systems, existing multi-agency criminal justice information systems, and the construction or lease, maintenance, utilities, and security of facilities for trial courts, public defender, and state attorney offices, and offices of clerks of circuit and county courts performing court-related functions.

Counties shall pay salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

Summary of Article V, Section 14, Florida Constitution, as amended by voters in the November 1998 General Election

The legislation implementing Revision 7 on July 1, 2004 also created the Article V Technology Board, which expires on July 1, 2006.<sup>1</sup> The Board has 10 members including: those with direct involvement in the justice system—the Chief Justice of the Florida Supreme Court or his or her designee, a state attorney, a public defender, a clerk of court; those with administrative involvement in the justice system—a county budget director and a county management information system director; two appointments by the President of the Florida Senate – one to represent law enforcement agencies and one with knowledge or experience in managing enterprise integration projects; and two appointments by the Speaker of the Florida House of Representatives—one to represent the Criminal and Juvenile Justice Information Systems (CJJIS) Council and one with knowledge or experience in managing enterprise integration projects.

In part the Board was charged with:

- Issuing a report to the heads of each branch of government proposing alternative models for integrating justice system data stored in disparate network systems;
- Proposing an operational governance structure for integration among system users at both the state and judicial circuit levels;
- Identifying security and access requirements to enable and maintain data integration; and
- Identifying information standards and protocols for data integration, including common data field elements and a common data dictionary.

As required by law, the Board issued its final report on January 10, 2006.

The 2005 Legislature tasked the Article V Technology Board with an additional item to review. To help the Legislature set a statewide policy for the creation, maintenance, and use of a statewide unique personal identifier (UPI) for the state courts system, the Board was required to make recommendations for establishing and implementing a UPI.<sup>2</sup> The Florida Supreme Court, the CJJIS Council, and the Florida Association of Court Clerks and Comptroller (FACC), also were required to issue recommendations on the subject. Specifically, the recommendations were to address:

- The method and responsibility for establishing the UPI;
- The costs associated with implementing the UPI;
- The extent to which these efforts should be coordinated with efforts underway at state and federal agencies; and
- The fiscal impact of implementing a UPI on the court system, the clerks of court, the counties, state attorneys, public defenders, local and state law enforcement agencies, and other related state agencies.

All the entities issued their recommendations in early 2006. The Article V Technology Board also included its UPI recommendations developed under the 2005 law in its comprehensive final report.

Before examining specific recommendations, it is important to note the recommendation of the Board that drives all others. The Board found that advances in technology and applications have made it neither desirable nor necessary to consider integration models and select one over another.<sup>3</sup> As detailed below, the Board's recommendation for adoption of extensible markup languages negates system compatibility requirements that have hindered attempts at data integration in the past.

## **Statewide and Judicial Circuit Governance Boards<sup>4</sup>**

The Article V Technology Board recommended the establishment of a permanent “Statewide Governance Board” (SGB) and permanent, local “Judicial Circuit Governance Boards” (JCGB).

### 1. Statewide Governance Board

#### a. Membership

The current Article V Technology Board is composed of ten members. The SGB would have eleven members, including the following:

- Governor appointee;
- Senate President appointee;
- Speaker of the House of Representatives appointee;
- Chief Justice of the Florida Supreme Court appointee;
- State Attorney appointed by the Florida Prosecuting Attorneys Association;
- Public Defender appointed by the Florida Public Defenders Association;
- Clerk appointed by the FACC;
- County appointee by the Florida Association of Counties;
- Sheriff appointed by the Florida Sheriffs Association;
- Florida lawyer appointed by the Florida Bar; and
- CJJIS member appointed by the CJJIS Council.

After initial appointment, members would serve three-year staggered terms with no term limits.

#### b. Powers and Duties

The primary responsibility of the SGB would be to work to ensure the integration of data across state court system entities. Specifically, the Board would:

- Have authority to set standards and policies relating to access to data, data, hardware, communication, and security and develop a strategic plan;
- Have responsibility for oversight and compliance monitoring over JCGBs;
- Have authority to set standards for information technology project management and information technology governance;
- Consider recommendations to grant the SGB, or its designee, the authority to negotiate and sign contracts on behalf of the Board; and
- Have funding oversight for all new state funds which funds could only be used to substantially enhance or replace old or obsolete systems or purchase new systems if such enhancement, replacement, or new purchase complied with the SGB’s policies, standards, and strategic plan.

c. Strategic Plan

The SGB annually would provide its strategic plan to the heads of the three branches of government. The strategic plan would be continually maintained and updated to include the following:

- JCGB compliance with the plan;
- Details of SGB efforts at monitoring JCGBs;
- Progress of JCGB integration efforts;
- Obstacles to success of the plan; and
- Compliance with governance board standards and policies.

d. Funding

All components of a statewide court information system would be funded by the State of Florida.

e. Staff

Currently, the Article V Technology Board has a staff of three—a staff director, a technology person known as an Information Systems Project Administrator, and an administrative assistant—with a recurring cost for salaries and benefits of approximately \$300,000. The Article V Technology Board recommended the permanent SGB have a staff of eight, consisting of the following:

- Director – Board liaison, direct all staff activities
- Information System Architect – Global Justice Extensible Markup language (XML) & Legal XML
- Information System Architect – Data Dictionary & Catalogue of Common Data Elements (CCDE)
- Information System Architect – Security and Access
- Information System Architect – Infrastructure and Network
- Program Specialist – Judicial Circuit Board Coordination
- Senior Legislative Analyst – Legislation & Federal Grants
- Senior Administrative Assistant – primary office support position<sup>5</sup>

The total recurring cost for the eight member staff would be approximately \$1 million.<sup>6</sup> The Governor's budget Recommendations for 2006-2007 included slightly over \$500,000 for the Article V Technology Board.<sup>7</sup>

2. Judicial Circuit Governance Boards

a. Membership

Because there are 20 judicial circuits there would be 20 JCGBs. Each Board would be composed of the following:

- Chief Judge;
- State Attorney;
- Public Defender;
- Florida Bar member appointed by the Chief Judge;
- Clerk;
- Sheriff; and
- County representative.

In multi-county circuits, the chairpersons of the county commissions in the circuit would determine the Sheriff and Clerk who would serve on the Board. If there was a tie in the selection of these members, the remaining members of the JCGB would break the tie by vote.

Members of the JCGB would serve staggered three-year terms. There would be no term limits.

b. Powers and Duties

Identical to the SGB, the primary responsibility of the JCGBs would be to work to ensure integration of data across state court entities and other participants. Any standards or policies a JCGB sought to set would have to be approved by the SGB.

### 3. Distribution of Local Technology Funding

Section 29.008(1)(f)2., F. S. (2004) defines court technology as ...”all computer networks, systems and equipment, including support staff or services and training necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes.”

Florida law imposes a special \$4 service charge on most documents recorded in the official record books of clerks of the circuit court.<sup>8</sup> Two dollars of this service charge is retained by the clerks and \$2 is distributed to boards of county commissioners to fund technology for the state trial courts, state attorneys and public defenders.<sup>9</sup>

Under Section 29.008(1)(h), Fla. Stat. (2005), the \$2 that county commissions currently allocate to trial courts, state attorneys, and public defenders to acquire technology also is to be used, in part, to fund existing multi-agency criminal justice information systems (CJIS).

The overall funding scheme remains in place so long as counties maintain responsibility for the costs of court-related technology needs. The Legislature did not specify what portion of the \$2 service charge is to be distributed, respectively, to the state trial courts, the state attorney, and the public defender.

In a 2005 study, Florida TaxWatch recommended amending section 28.24(12)(e)1., Florida Statutes, to earmark to state trial courts \$1 of the \$2 service charge on recorded documents currently distributed to boards of county commissioners in each county and \$.50 each of the remaining \$1 to the state attorney and public defender in each county.<sup>10</sup> At the time of the report, it was unclear whether the \$2 service charge would be sufficient to fund the technology needs of all three entities, especially in rural counties that often need basic, minimum technology to adequately serve their citizens. The Legislature did not adopt this TaxWatch recommendation.

Based on 2005 figures, the \$2 service charge produced relatively little revenue in some rural counties for court-related technology for trial courts, state attorneys, and public defenders.<sup>11</sup> In eleven counties, the \$2 service charge produced less than \$50,000, and in nine other counties, the service charge produced between \$50,000 and \$100,000 in revenue. Thus, in nearly one-third of the state’s counties, the \$2 service charge produced less \$100,000. Based on the revenue allocation suggested by Florida TaxWatch in its 2005 study, i.e., \$1 to trial courts and \$0.50 each to state attorneys and public defenders, the state attorney and public defender in eleven counties each would have received less than \$10,000 for court-related technology. In one county, the state attorney and public defender each would have received less than \$3,000. These amounts are not sufficient to fund adequate local court technology for trial courts, state attorneys, and public defenders in all counties in the state.

The Article V Technology Board recommended revenue from the \$2 service charge be administered at the judicial circuit level rather than at the county level by a joint committee comprised of the circuit state attorney, circuit public defender, and the chief judge of the circuit. The Article V Technology Board noted that the intent of its recommendation was to provide direction for the administration of the \$2 fee and was not meant to alter the counties' statutory obligation for use of the fee.

Based on 2005 figures, distributing the \$2 service charge on a judicial circuit basis would result in the two circuits with the least revenue, the 3rd circuit and the 16th circuit, receiving between \$400,000 and \$500,000 for court-related technology. Further, allocating the revenue as suggested by TaxWatch in its 2005 study—\$1 to trial courts and \$0.50 each to state attorneys and public defenders—would result in the state attorney and public defender in the 3rd and 16th circuits each receiving just over \$100,000 for court-related technology.

Florida TaxWatch recommends distributing revenue from the \$2 service charge on a judicial circuit basis. For rural counties, it is the only way adequate funding for local court-related technology can be obtained.

4. Evaluation of the Judicial Inquiry System and the Comprehensive Case Information System<sup>12</sup>

As part of analyzing the advantages and disadvantages of integration models, the Legislature specifically tasked the Board with evaluating the Judicial Inquiry System (JIS) developed by the Office of the State Court Administrator (OSCA) and the Comprehensive Case Information System (CCIS) developed by the Florida Association of Court Clerks and Comptroller (FACC). The Board engaged a consultant, Infinity Software Development, Inc., to perform the evaluation. The consultant reviewed and analyzed the design, development, implementation, maintenance, functionality, and administrative processes of each system.

The JIS is a “single query system” that allows users to access, with a single logon, multiple state and circuit databases. The system was designed to address the lack of timely data available to judges from a single system that would give them a complete picture of a defendant brought before the court. The information would facilitate a judge's decision in setting bond and sentencing and in quickly identifying a defendant who poses a serious threat.

CCIS was developed to provide a single point of statewide search for court case information. Primary CCIS services are person search, case search, court calendars, and reports.

The functioning of each system is dependent on a private vendor. Metatomix developed the JIS system. CCIS uses LexisNexis to assign a unique personal identifier to cases in the system; the unique personal identifier is discussed in depth in the next section.

In general, the consultant found that each system was properly designed, developed, implemented, maintained, functioned, and administered appropriately. However, there were concerns with respect to each system.

With respect to JIS, a major concern for the future of the system was its reliance on a third party proprietary application for future compliance, updates, maintenance and support. This concern with OSCA not owning the technology was mitigated by a “Flexible Escrow Agreement” under which OSCA is a beneficiary in the event the vendor files for bankruptcy, reorganizes, or liquidates. The agreement ensures continued JIS functionality by providing access to the proprietary technology should the eventualities occur. Additionally, the deployment of JIS as a statewide system is contingent on OSCA and the Florida Department of Law Enforcement (FDLE) reaching agreement on the way in which access to FDLE data is obtained. Current FDLE standards require identification of the specific JIS user’s computer from which a request for information is originating. The issue arises in the event of system failure requiring transfer to another server location and address.

With respect to CCIS, the future of the system also was a major concern. Because CCIS is a software system privately owned by FACC, the consultant recommended that the State of Florida take steps to ensure its long-term availability commensurate with the state’s long-term strategy for its use. For example, the state could develop a plan for purchase of CCIS should FACC choose not to provide it or support it and contract with CCIS accordingly.

The consultant also noted that CCIS is funded from fees the public must pay under state law, but FACC is privately held and thus, not subject to public records laws and accountability in money management. The consultant recommended that CCIS be subject to regular audit by a public entity or by a private firm chosen by a public entity. Additionally, the consultant recommended that CCIS report to a public entity its expenditures and projected budget.

Finally, the consultant noted that the revenue from the service charge that funds CCIS exceeds the maintenance cost of CCIS. The service charge produces over \$4 million in revenue, but the maximum estimate for ongoing maintenance costs for CCIS was \$1.4 million. Therefore, the consultant recommended that the service charge be reduced or the excess funds be used other projects.

FACC responded to the consultant’s recommendations noted above as follows:

- FACC was recognized by OSCA as having legal authority to operate CCIS;
- FACC welcomes the opportunity to provide on-going status and budgetary reports to the Legislature.

**Based on the evaluation of the JIS and CCIS systems, Florida TaxWatch makes the following recommendations:**

- The Legislature should reduce the statutory service charge that funds CCIS to a rate that provides only what is necessary to meet the maintenance costs of CCIS.
- Given that CCIS is funded by the public and serves a public function, CCIS should be accountable to the public. Therefore, the Legislature should require regular audits of CCIS by the Florida Auditor General or by a private firm chosen by a public entity. Additionally, the FACC should report CCIS expenditures and projected budget to a public entity.
- The Legislature should address the long-term availability of CCIS by directing the state to contract with FACC for takeover of CCIS should FACC decide to no longer provide it or support it.

**Unique Personal Identifier (UPI)**

As noted above, the 2005 Legislature tasked the Article V Technology Board and three other entities, the Florida Supreme Court, the CJJIS Council, and FACC, with submitting recommendations for establishing and implementing a UPI. The UPI would be an identifier associated with a person's records in the database of each participating entity that would allow a judge who has a defendant or party before him or her to retrieve the person's records and know the person's history of contact with the justice system, including, for example, any criminal and civil cases in which the person may have been involved and their disposition and the person's history of fines, restitution, or child support and whether payments were made. This information would allow the judge to have a complete picture of the person to make a fully informed decision with respect to the matter. Although this kind of information is stored in data systems within the justice system, it is not now readily available to the judge from all sources when he or she is on the bench. A judge needs this information to ensure public safety and fairness in all criminal and civil matters.

1. UPI Recommendations

a. Article V Technology Board<sup>13</sup>

There is general agreement that biometrics currently is the most reliable method of UPI in widespread use. In today's criminal justice system, the fingerprint is the most common form of biometric UPI. Because fingerprinting is a longstanding method of identification, there are large fingerprint data banks at the state and federal level that are used to link an individual to a crime. However, fingerprints are not obtained in all criminal investigations or for all crimes charged.

For logical reasons, biometric UPI is not commonly employed in civil cases. A party wishing to engage in civil litigation against another would be remiss in misidentifying his or her opponent, because to do so would be a waste of resources and could lead to legal sanctions. An attorney who represents a party in civil litigation is particularly attuned to the negative consequences of misidentifying a client or defendant because to do so could result in Bar sanctions. Where identity is an issue in civil litigation, such as in a paternity case, biometric tests typically are conducted.

The Board made two basic recommendations:

(1) A long-term strategy should be developed that would include a complete business process analysis. The Board defined "business process analysis" as "the process of analyzing and documenting each and every step that the organization performs in delivering their [sic] services."<sup>14</sup> With respect to this recommendation, the Board made several observations:

- Development of a UPI in the justice system may have implications for the community beyond those involved in that system.
- Whatever organization is chosen to perform the business process analysis must have the authority to require state and local entities to fully respond to requests for information
- The organization selected to perform the analysis must have sufficient resources, including funding, staff, and time.
- Florida's Legislature, Supreme Court, and Clerks of the Circuit Court have the inherent authority to gather the information needed.
- Using the information thus gathered, the Board could perform a complete business process analysis, assuming it has appropriate funding and staffing.

(2) The Florida Supreme Court should consider promulgating a judicial rule requiring the clerk of court to collect and maintain additional information on its cover sheet that accompanies a civil case and is generated at the time of filing. The information contained on the cover sheet should be such as to maximize the unique identification of the party, including such items as name, address, date of birth, race, sex, Social Security number, driver's license number, etc.

The Board arrived at these recommendations after soliciting individuals and groups with potential solutions to the problem of unique person identification to present their solution to the Board. Eight entities, including state agencies, a local government, and private corporations, presented to the Board what each considered a possible solution. Based on the presentations given and other information received, the Board determined that for various reasons, none of the solutions was suitable for purposes of unique personal identification in the justice system.

However, the Board identified three proposed solutions that it thought should be analyzed further but which the Board was unable to do because of insufficient time and resources. The Board briefly summarized the proposed solutions as follows:

1. *FACC*. In conjunction with the development of its Comprehensive Case Information System (CCIS), which is a single data warehouse of cases filed with the clerks of court around the state, FACC contracted with LexisNexis to develop a unique personal identifier for those whose cases are in the CCIS data warehouse. FACC sends certain identifying information from CCIS to LexisNexis, and via a proprietary algorithm, LexisNexis searches its very large data repository for matches. When a match is obtained, LexisNexis appends a UPI and sends the record back to FACC. Matches have a high degree of likelihood that the person named in the record is indeed that person.
2. *Office of the State Courts Administrator (OSCA)*. To identify individuals across all case types, court record keeping systems currently use certain identifiers throughout the state. These identifiers include Social Security number, a local sequential number, and the Florida driver's license number. OSCA recommended that the driver's license number would be the most acceptable alternative UPI for associating individuals with a court record. However, the Board identified a number of impediments to using the Florida driver's license number as a UPI. Nevertheless, given OSCA's desire to establish a UPI and an apparent ability to modify or create a UPI modeled after the driver's license number, the Board was interested in further analysis of this potential UPI solution.
3. *Northrup Grumman*. A representative of the company, a global defense enterprise headquartered in the United States, introduced the concept of a "digital birth certificate" (DBC) as a UPI. The DBC would be an electronic record consisting of an individual's name, date of birth, time of birth and place of birth. The DBC strictly would be an identity record maintained by the government to ensure that each individual has one, and only one, DBC in the identity database. Because the DBC has no privilege records associated with it, such as a Social Security number or a driver's license number, it has no value to identity thieves. The DBC may be cost prohibitive given Northrup Grumman's initial estimate of \$120 million for this solution. Essentially, a new database of DBCs would have to be created. Nevertheless, the Board was

interested in further analysis of the DBC's applicability as a UPI for the state court system.

Ultimately, the Board found that developing a UPI for use by the state courts system to link information on individuals across criminal and civil case types was much more complicated than initially imagined. Thus, the Board found that a business process analysis of all known solutions was imperative before a UPI could be recommended.

b. Florida Supreme Court<sup>15</sup>

As required by law, the Florida Supreme Court, through OSCA, filed a separate report. For several reasons, OSCA recommended the establishment of the Florida driver's license as a UPI, including:

- Statewide a large percentage of the population is assigned a driver's license number; and
- This number is
  - Currently and commonly used for identification of individuals;
  - Currently and commonly used in established automated systems; and
  - Adaptable to inclusion in automated systems in general.

OSCA found that it would be a "monumental effort" to establish a UPI across numerous state record keeping systems and would require a cooperative effort among all participating agencies. Such an effort would require managerial coordination through a central management organization. OSCA indicated the recommendation for a statewide governance board by the Article V Technology Board in support of technology administration within the justice system also could provide the structure for central management coordination across state agencies.

OSCA also found that:

- The Department of Highway Safety and Motor Vehicles (DHSMV) infrastructure should continue to be used for the driver's license, and maintenance of it should remain with that state agency.
- Because the local clerk of court is responsible for collecting information for automated record keeping systems, clerks of court must be involved in implementation of a UPI.
- With respect to state agencies, a common UPI may affect identification systems already in use such as the Secretary of State's voter registration system.

OSCA was unable to assess the cost of adopting the driver's license as a common UPI. However, because the driver's license in fact is serving that role in Florida, it would be cheaper to leverage that system than to create a new one.

Finally, OSCA acknowledged that high profile events at both the national and state level have heightened awareness of the need for sharing information that is already being captured.

c. CJIS Council<sup>16</sup>

Because the Council deals only with the criminal justice system, its recommendations regarding a UPI were limited to that system, with one exception. In the introduction to its report, the Council noted the reliability of fingerprints in identifying individuals in criminal cases and its wide use for that purpose.

The Council further noted that the use of fingerprint technology for individual identification is expanding. With the implementation by the Florida Department of Law Enforcement (FDLE) of its Integrated Criminal History System, “livescan” fingerprint technology will begin to be used in court proceedings to positively identify individuals who appear before the court. Additionally, in implementing the Jessica Lunsford Act,<sup>17</sup> probation officers will use fingerprint readers to positively identify persons who report to them as a requirement of probation. Similarly, sheriffs will use the readers in the re-registration of sexual predators and sexual offenders.

Because a biometric such as the fingerprint is a reliable form of personal identification, the Council passed a resolution supporting a biometrically based UPI within the criminal justice system. The resolution also recommended that judges in civil proceedings have access by name-based query to Florida’s database of criminal histories, and it also supported the extension of fingerprint technology to confirm a party’s identity in the courtroom in civil proceedings.

The cost for livescan fingerprint technology is slightly more than \$38,000 per machine plus approximately \$1,500 to \$8,000 for annual maintenance, depending on the level of maintenance desired. FDLE did not indicate the number of machines that would be necessary. The cost of the equipment is expected to decline in the future.

The Federal Bureau of Investigation, in conjunction with the National Institute of Standards and Technology and fingerprint experts, has developed a standard for electronically encoding and transmitting fingerprint images and identification and arrest data. Nationally, much discussion has been had about adopting a UPI, but no agency has a formal plan to adopt one.

d. FACC<sup>18</sup>

As noted above, the Article V Technology Board UPI report summarized the FACC/CCIS/LexisNexis UPI solution.<sup>19</sup> FACC’s statutorily required separate UPI report detailed the operation and funding of its CCIS/LexisNexis interface and its potential application.

CCIS is FACC's data warehouse of court cases filed with the clerks of court around the state. Using identifying information, e.g., name, court case number and Social Security number, sent to it by FACC from its CCIS system, LexisNexis searches its extensive data warehouse for a match using its unique computer language for large data sets and its proprietary algorithms. When a match is found, LexisNexis assigns a UPI number, which is a random number. When LexisNexis finds a match and assigns a UPI, it asserts the true identity of the individual has been established to a 99.99% degree of certainty. All CCIS data is returned to FACC, and none is retained by LexisNexis, regardless of whether a match is found.

Some CCIS records pose a problem for LexisNexis matching. These include older records, those from the early 1980s, and civil records. They lack the demographic data necessary to make a conclusive match. These deficiencies are reflected in the match rates for case types. To date, match rates for criminal and traffic cases are higher than those for civil and probate cases.<sup>20</sup>

Ten cents of the \$4 statutory filing fee noted above is dedicated to funding and maintaining FACC's CCIS system.<sup>21</sup> However, it is unclear what LexisNexis charges FACC for its service. This stems, in part, from FACC's status as a private entity and the contractual arrangement between FACC and LexisNexis.

FACC noted other potential uses to which the CCIS UPI may be put. These include:

- *Family courts.* A family may have multiple cases, such as domestic violence, dissolution of marriage and child delinquency, dependency, or abuse, in one or more Florida jurisdictions. A UPI would allow a judge who has one such case to be cognizant of the other cases in which the family is involved.
- *Sexual predators or offenders.* By connecting to another application under development by LexisNexis, the UPI could be used to track when an individual moves into Florida or changes address within the state.
- *Child support enforcement.* The UPI could be used to help locate parents who are delinquent in child support payments.
- *Foster care and adoption.* The Department of Children and Families could check CCIS to determine if a potential foster family or adoptive family has any court records that indicate a placement would be inappropriate.

Despite the divergent recommendations by the Board, the Supreme Court, FACC and the CJJIS Council, there can be no doubt that to fully integrate both sides of the justice system—criminal and civil—there must be a UPI. It may be that the underlying basis for the UPI may differ for criminal cases and civil cases. Differing underlying bases may be necessary for both cost and legal reasons. A proven biometric such as the fingerprint may serve as the basis for a UPI in criminal cases. Because of the legal ramifications and expense of collecting a biometric such as fingerprints in all civil cases, other non-biometric, personal data such as name, address, date of birth, race, sex, Social Security number, driver's license number, and perhaps other data that a vendor such as LexisNexis has could serve as the basis for a UPI in such cases. Thus, a UPI can and should be

developed, but its basis may be different depending on whether the case is criminal or civil.

### **Catalogue of Common Data Elements**<sup>22</sup>

The Board's accomplishments within the broad area of common data elements are more technical in nature, but they are crucial to achieving the ultimate goal of data integration within the justice system.

For several reasons, the Board chose not to create a common data dictionary and instead created a Catalogue of Common Data Elements (CCDE). The Board chose not to create a dictionary because to do so would:

- Identify only a limited number of data elements, and for security reasons, a database of only those elements would require limited access;
- Imply a strict definition of each data element within its specific platform or language; and
- Require all participants to incorporate into their existing automated systems the data elements within the dictionary that would be an unplanned and costly additional expense.

The CCDE provides a more comprehensive list of available data elements. As of January 2006, the CCDE had been populated with 2005 data elements from four Florida organizations including the:

- Office of the State Courts Administrator;
- Department of Law Enforcement;
- Department of Juvenile Justice; and
- FACC.

The Board plans to add data elements from two other Florida agencies—the Department of Corrections and the Department of Revenue.

The CCDE does not include data, only descriptive information about each data element from each organization, such as field names, physical attributes, edits, and valid values. Through the Internet, authorized users from the contributing agency will be able to add, modify, or delete the data elements of that agency, and all authorized users will be able to search and review all data elements in the CCDE.

To promote data sharing and integration, the Board adopted Global Justice Extensible Markup Language (GJXML) as the standard for exchange of criminal data elements among state court entities and among state court entities and non-state court entities. Similarly, the Board adopted Oasis Legal Extensible Markup Language (LegalXML) for all other data elements. The Board adopted these two languages because each of the state court system entities, at a Board meeting, stated it would adopt these specific XML standards if the Board endorsed the XML standards.

To further promote data sharing and integration, the Board is modifying the CCDE to store tags associated with each data element. The tags are in GJXML for criminal cases and in LegalXML for all other cases. For example, use of these tags would allow trial courts to gather information from the database of each participating agency, with permission of the agency, and configure the data in a way useful to the court without having to interfere with the database of the particular agency. Thus, through this mechanism, true data integration is made possible.

The CCDE is the knowledge base on which data from justice system entities can be integrated. It must be preserved and expanded. Therefore, the Legislature should provide for the retention and expansion of the CCDE, including the addition of GJXML and LegalXML tags.

### **Data Security and Access Standards and Protocols**<sup>23</sup>

The Board's accomplishments within the broad area of standards and protocols also are technical in nature, but again, they are crucial to achieving the ultimate goal of data integration within the justice system.

Florida's justice system is composed of numerous entities, each with its own hardware, software, and database. Prerequisites to increased data sharing and integration are adequate security for data within each entity's database and standards and protocols for access to the data by others who do not keep the data or maintain the database.

The Board found there are four overarching concepts relating to data security and access:

- Trust is the overriding requirement among participants;
- Each entity is responsible for establishing the security and access requirements for its data and applications in accordance with law;
- For effective information sharing, all participating entities must agree on minimum operational security rules, standards, and policies for the data under their control; and
- The CJJIS Council retains its authority as set out in statute.<sup>24</sup>

For purposes of data integration and sharing in the justice system, the Board found statewide policies in the following areas were necessary to ensure data security and control access to data:

- *User Authentication.* For "single sign on" that allows access to all justice system databases for which consent to access has been granted by the entity, the highest level of user authentication for any single system should be required.
- *Disaster Recovery and Continuity of Operations.* State and local justice system entities must have plans for recovery and continuity of operations following a disaster on file with the appropriate governmental authority.

- *Individual Logins.* Any person requesting access to an application not on his or her own network must comply with the data owner's requirements, and the person requesting access must be identifiable to the level of the individual user. Individual user identity currently is a requirement for access to state and federal criminal history information available through the Florida Department of Law Enforcement. The Board recognized that policies in this area may require an entity to incur costs and the recovery of those costs from the entity seeking access to the data must be resolved before access is granted.
- *Risk Assessments and Cyber-Security Audits.* A risk assessment of an information system involves a comprehensive review of risks to the system – from the adequacy of the lock on the door to the computer room to the ability of the system to survive a natural disaster. Under current state law, the State Technology Office is required to conduct, and periodically update, a comprehensive risk analysis to determine the security threats to the data and information technology resources of each agency of the executive branch of state government.<sup>25</sup> Many justice system entities are not within the executive branch of state government. Thus, the Board recommended these entities periodically undergo a risk assessment.

The Board also recommended that participating entities should have a cyber-security audit every three years by a third party. A cyber-security audit is a more specialized review of threats to the data and applications in the system from those within the organization and from those outside the organization via the internet. Both risk assessments and cyber-security audits would be mandatory.

The Board recommended that the proposed SGB should set minimum security and access standards for state justice system entities. The Board also thought the SGB should have authority to approve and enforce standards for individual log-ins, data validation, data-level security, and entity-to-entity and sever-to-server data exchange.

Rather than having a permanent Tallahassee entity mandate data security and access standards and protocols, it is important to first know the range of security and access standards and protocols for state and local justice system entities in Florida. Once that information is available, it would then be possible to gauge what is reasonable minimum security and what are reasonable access standards and protocols. The Legislature should mandate that the Board develop this information for the criminal justice system and the family law system and then develop reasonable security and access standards by consensus.

### **Unified Statute Table**<sup>26</sup>

From the time of arrest through charging, conviction, sentencing, disposition, and release from the criminal justice system, knowledge of the specific Florida criminal statutes under which a defendant is processed is critical.

Additionally, the Florida criminal statutes affecting a defendant also are critical to the criminal history record created and maintained by the Florida Department of Law

Enforcement in its Florida Criminal Information Center (FCIC) and, in turn, to similar records that are created and maintained by the federal National Criminal Information Center (NCIC) from information received from the states.

Each of the 20 state attorney offices in Florida has created its own criminal statute table for purposes of charging a defendant with a crime or crimes. The statute tables are not uniform across the 20 state attorney offices. This results in FCIC and NCIC criminal history records that are not uniform, even though two different defendants were charged and convicted of the same crime. What is worse is that the criminal history records can be misleading.

The following example shows how a lack of uniformity can result in the creation of a misleading criminal history record. Assume an individual committed a robbery while wearing a mask, but carried no weapon. Florida's robbery statute is found at section 812.13.<sup>27</sup> Under paragraph (1)(c) of that statute, the robbery is a felony of the second degree. However, because the defendant was wearing a mask, the crime is reclassified to a felony of the first degree pursuant to section 775.0845(2)(b), and for purposes of sentencing under chapter 921, an offense that is reclassified under subsection (2) is ranked one level above the ranking for the offense committed.<sup>28</sup> If the individual's criminal history record in FCIC and NCIC only contains the general robbery statute, section 812.13, but not the specific paragraph reflecting no weapon was used, (2)(c), or the specific provision for reclassification for wearing a mask when the crime was committed, section 775.0845 (2)(b), then when law enforcement or anyone else has occasion to review the criminal history record at a later date, they will not have a complete picture as to the nature of the crime this individual committed. Given the number of reclassification statutes the Legislature has passed over the years, the greater the likelihood a person's criminal history record does not contain specific information on the crime or crimes committed.

The Board recommended that a "unified statute table" be created containing all "base statutes" such as the general robbery statute, section 812.13, and all "modifying statutes" such as section 812.13(1)(c) and section 775.0845(2)(b). Criminal history information would be more accurate and complete. In those locations where the modifying statute is not captured by number but rather by narrative, there will be increased efficiency; similarly, there will be increased efficiencies where the narrative information is converted to statute numbers at a later time.

The Board recognized that use of the unified statute table would require modifications to the documents and automated records management systems used by many of the justice system agencies. Therefore, the Board recommended that use of the unified statute table be required as funds become available for justice system agencies to make changes to their documents and systems.

Finally, the Board recommended that the task of compiling and maintaining the uniform statute table be assigned to the Legislature's Division of Statutory Revision, and that the Legislature appropriate the funds necessary to do the work. The Board also suggested that

the Legislature consider establishing a policy whereby the effective date for new, revised or repealed criminal statutes would be October 1. This would coincide with the annual publication of the Florida Statutes and would allow time for justice system agencies to incorporate the changes into their systems.

Given the benefits of a unified statute table, Florida TaxWatch recommends that the Legislature direct the Division of Statutory Revision to create the table and that after appropriate review and revision state attorneys in Florida begin using the table.

## Conclusion

The purpose of Revision 7 to Article V of the State Constitution approved by the voters in 1998 was to create an organizationally uniform state courts system. In 2004, the Legislature created the Article V Technology Board as part of the legislation implementing Revision 7. The Board was charged with developing a blueprint for integrating justice system data stored in disparate network systems. Data integration is a critical step in creating the uniform state courts system the voters thought was necessary when they approved Revision 7.

What is gained from data integration in the state courts system? Public safety is a key mission of Florida's state government. In the judicial branch that mission falls to the state courts system. To accomplish the mission requires data integration within and between the state's criminal and civil justice systems.

The Article V Technology Board has developed recommendations that, if implemented, would advance data integration in the state's justice system. Some of the Board's recommendations can be implemented immediately. The Legislature should implement the following during the 2006 session:

- Assign the task of creating a Unified Statute Table to the Legislature's Division of Statutory Revision and require the 20 state attorney offices to use the table when it is completed; and
- Mandate that local technology funding be distributed on a judicial circuit basis after input from the trial courts, the state attorneys, and the public defenders in the circuit. Additionally, the Legislature again should consider allocating specific dollar amounts of the revenue for local technology to the trial courts, state attorneys, and public defenders.

Although the Article V Technology Board made great strides in the effort to achieve data integration, the magnitude of the task was more than the Board could accomplish in two years. Therefore, the 2006 Legislature should extend the life of the Board for another two years and provide it with additional staff and funding to do the work. The Legislature should direct the Board to continue its efforts at data integration in the criminal justice system but also direct the Board to focus on data integration in the civil justice system, particularly in the family law system. In addition, the Legislature should direct the Board to continue its efforts in the following specific areas:

- Building consensus on technology governance;
- Developing a unique personal identifier;
- Completing a catalogue of common data elements with associated extensible language tags; and
- Developing specific security and data access standards and protocols.

## ENDNOTES

(A Uniform System of Citation [Harvard “Blue Book”] form was not followed for all citations and not all citations are pinpoint)

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<sup>1</sup> s. 29.0086, F.S. (2005); s. 29, ch. 2004-265, Laws of Fla.

<sup>2</sup> s. 2, ch. 2005-239, Laws of Fla.

<sup>3</sup> Article V Technology Board, Final Report (January 10, 2006) at 20-22.

<sup>4</sup> *Id.* at 12-19 and accompanying footnotes.

<sup>5</sup> Article V Technology Board presentations to Florida Legislature, Senate and House Appropriations Subcommittees (Feb. 2006).

<sup>6</sup> *Id.*

<sup>7</sup> Specific Appropriation 2793, Governor’s Policy and Budget Recommendations Fiscal Year 2006-2007, [www.ebudget.state.fl.us/billview/billpage.aspx?hpage=278](http://www.ebudget.state.fl.us/billview/billpage.aspx?hpage=278).

<sup>8</sup> s. 28.24(12)(e)1., F. S. (2005). The paragraph provides in part:

(12) ...

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), 10 cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006; \$1.90 shall be retained by the clerk to be deposited in the Public Records Modernization Trust Fund and used exclusively for funding court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h); and \$2 shall be distributed to the board of county commissioners to be used exclusively to fund court-related technology, and court technology needs as defined in s. 29.008(1)(f)2. and (h) for the state trial courts, state attorney, and public defender in that county. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h), notwithstanding any other provision of law, the county is not required to provide additional funding beyond that provided herein for the court-related technology needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All court records and official records are the property of the State of Florida, including any records generated as part of the Comprehensive Case Information System funded pursuant to this paragraph and the clerk of court is designated as the custodian of such records, except in a county where the duty of maintaining official records exists in a county office other than the clerk of court or comptroller, such county office is designated the custodian of all official records, and the clerk of court is designated the custodian of all court records. The clerk of court or any entity acting on behalf of the clerk of court, including an association, shall not charge a fee to any agency as defined in s. 119.011, the Legislature, or the State Court System for copies of records generated by the Comprehensive Case Information System or held by the clerk of court or any entity acting on behalf of the clerk of court, including an association.

<sup>9</sup> *Id.*

<sup>10</sup> Florida TaxWatch, Proper Management, Accountability, and Funding of the State Courts System Is Crucial to the Rule of Law, Taxpayer Confidence, and a Healthy Economy (March 2005).

<sup>11</sup> See Appendix A of this report for a table showing 2005 revenue under the statute by county within judicial circuit.

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<sup>12</sup> Article V Technology Board, *supra* note 3 at 23 and Appendix D.

<sup>13</sup> Article V Technology Board, Report on the Establishment and Maintenance of a Unique Personal Identifier for Use by the State Courts of Florida (January 2, 2006) at 1-26.

<sup>14</sup> *Id.* at Appendix UPI-M.

<sup>15</sup> Florida Supreme Court, Office of State Courts Administrator, Recommendations for Establishing a Unique Personal Identifier (January 2, 2006).

<sup>16</sup> Criminal and Juvenile Justice Information Systems Council, Report on SB 348 Unique Personal Identifier (UPI) (December 30, 2005).

<sup>17</sup> Ch. 2005-28, Laws of Fla.

<sup>18</sup> Florida Assn. of Court Clerks and Comptroller, Unique Personal Identifier Legislative Proposal Pursuant to Senate Bill 348 (December 21, 2005).

<sup>19</sup> *See* text accompanying *supra* note 3.

<sup>20</sup> Article V Technology Board *supra* note 3 at 20-21. FACC reported match rates for certain case types in a limited number of counties at 87% for criminal, 65% for civil, 96% for traffic and 79% for probate.

<sup>21</sup> s. 28.24(12)(e)1., F. S. (2005). *See supra* note 8 for the text of the statute.

<sup>22</sup> Article V Technology Board *supra* note 3 at 24-31.

<sup>23</sup> Article V Technology Board *supra* note 3 at 40-42.

<sup>24</sup> For the CJJIS Council statute *see* s. 943.08, F.S. (2005).

<sup>25</sup> s. 282.318(2)(a)2., F.S. (2005).

<sup>26</sup> Article V Technology Board *supra* note 3 at 46-51.

<sup>27</sup> s. 812.13, F.S. (2005).

<sup>28</sup> s. 775.0845(2)(b), F.S. (2005).

**Appendix A: 2005 Revenue for Court-Related Technology  
Pursuant to Section 28.242(12)(e)1., F.S.\***

	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)			Total \$2 Revenue	\$2.00 of \$4 to County		
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS	Amt. Assuming \$1.00 to Trial Courts		Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender	
	<b>1st CIRCUIT</b>									
1	Escambia	1,805,856.00	902,928.00	857,781.60	45,146.40	902,928.00	451,464.00	225,732.00	225,732.00	
2	Okaloosa	1,663,892.00	831,946.00	790,348.70	41,597.30	831,946.00	415,973.00	207,986.50	207,986.50	
3	Santa Rosa	1,319,752.00	659,876.00	626,882.20	32,993.80	659,876.00	329,938.00	164,969.00	164,969.00	
4	Walton	1,020,420.00	510,210.00	484,699.50	25,510.50	510,210.00	255,105.00	127,552.50	127,552.50	
	<b>TOTAL</b>	<b>5,809,920.00</b>	<b>2,904,960.00</b>	<b>2,759,712.00</b>	<b>145,248.00</b>	<b>2,904,960.00</b>	<b>1,452,480.00</b>	<b>726,240.00</b>	<b>726,240.00</b>	
	<b>2nd CIRCUIT</b>									
5	Franklin	171,804.00	85,902.00	81,606.90	4,295.10	85,902.00	42,951.00	21,475.50	21,475.50	
6	Gadsden	166,452.00	83,226.00	79,064.70	4,161.30	83,226.00	41,613.00	20,806.50	20,806.50	
7	Jefferson	64,632.00	32,316.00	30,700.20	1,615.80	32,316.00	16,158.00	8,079.00	8,079.00	
8	Leon	1,811,490.80	905,745.40	860,458.13	45,287.27	905,745.40	452,872.70	226,436.35	226,436.35	
9	Liberty	22,392.00	11,196.00	10,636.20	559.80	11,196.00	5,598.00	2,799.00	2,799.00	
10	Wakulla	206,028.00	103,014.00	97,863.30	5,150.70	103,014.00	51,507.00	25,753.50	25,753.50	
	<b>TOTAL</b>	<b>2,442,798.80</b>	<b>1,221,399.40</b>	<b>1,160,329.43</b>	<b>61,069.97</b>	<b>1,221,399.40</b>	<b>610,699.70</b>	<b>305,349.85</b>	<b>305,349.85</b>	
	<b>3rd CIRCUIT</b>									
11	Columbia	291,708.00	145,854.00	138,561.30	7,292.70	145,854.00	72,927.00	36,463.50	36,463.50	
12	Dixie	66,068.00	33,034.00	31,382.30	1,651.70	33,034.00	16,517.00	8,258.50	8,258.50	
13	Hamilton	45,304.00	22,652.00	21,519.40	1,132.60	22,652.00	11,326.00	5,663.00	5,663.00	
14	Lafayette	34,492.00	17,246.00	16,383.70	862.30	17,246.00	8,623.00	4,311.50	4,311.50	
15	Madison	63,132.00	31,566.00	29,987.70	1,578.30	31,566.00	15,783.00	7,891.50	7,891.50	
16	Suwannee	291,128.00	145,564.00	138,285.80	7,278.20	145,564.00	72,782.00	36,391.00	36,391.00	
17	Taylor	82,688.00	41,344.00	39,276.80	2,067.20	41,344.00	20,672.00	10,336.00	10,336.00	
	<b>TOTAL</b>	<b>874,520.00</b>	<b>437,260.00</b>	<b>415,397.00</b>	<b>21,863.00</b>	<b>437,260.00</b>	<b>218,630.00</b>	<b>109,315.00</b>	<b>109,315.00</b>	

**Appendix A: 2005 Revenue for Court-Related Technology  
Pursuant to Section 28.242(12)(e)1., F.S.\***

	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)		Total \$2 Revenue	\$2.00 of \$4 to County			
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS		Amt. Assuming \$1.00 to Trial Courts	Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender	
	<b>4th CIRCUIT</b>									
18	Duval	6,115,976.00	3,057,988.00	2,905,088.60	152,899.40	3,057,988.00	1,528,994.00	764,497.00	764,497.00	
19	Clay	1,380,860.00	690,430.00	655,908.50	34,521.50	690,430.00	345,215.00	172,607.50	172,607.50	
20	Nassau	587,760.00	293,880.00	279,186.00	14,694.00	293,880.00	146,940.00	73,470.00	73,470.00	
	<b>TOTAL</b>	<b>8,084,596.00</b>	<b>4,042,298.00</b>	<b>3,840,183.10</b>	<b>202,114.90</b>	<b>4,042,298.00</b>	<b>2,021,149.00</b>	<b>1,010,574.50</b>	<b>1,010,574.50</b>	
	<b>5th CIRCUIT</b>									
21	Citrus	1,287,136.00	643,568.00	611,389.60	32,178.40	643,568.00	321,784.00	160,892.00	160,892.00	
22	Hernando	1,621,060.00	810,530.00	770,003.50	40,526.50	810,530.00	405,265.00	202,632.50	202,632.50	
23	Lake	2,785,444.00	1,392,722.00	1,323,085.90	69,636.10	1,392,722.00	696,361.00	348,180.50	348,180.50	
24	Marion	2,696,056.00	1,348,028.00	1,280,626.60	67,401.40	1,348,028.00	674,014.00	337,007.00	337,007.00	
25	Sumter	572,036.00	286,018.00	271,717.10	14,300.90	286,018.00	143,009.00	71,504.50	71,504.50	
	<b>TOTAL</b>	<b>8,961,732.00</b>	<b>4,480,866.00</b>	<b>4,256,822.70</b>	<b>224,043.30</b>	<b>4,480,866.00</b>	<b>2,240,433.00</b>	<b>1,120,216.50</b>	<b>1,120,216.50</b>	
	<b>6th CIRCUIT</b>									
26	Pasco	4,298,428.00	2,149,214.00	2,041,753.30	107,460.70	2,149,214.00	1,074,607.00	537,303.50	537,303.50	
27	Pinellas	7,694,792.00	3,847,396.00	3,655,026.20	192,369.80	3,847,396.00	1,923,698.00	961,849.00	961,849.00	
	<b>TOTAL</b>	<b>11,993,220.00</b>	<b>5,996,610.00</b>	<b>5,696,779.50</b>	<b>299,830.50</b>	<b>5,996,610.00</b>	<b>2,998,305.00</b>	<b>1,499,152.50</b>	<b>1,499,152.50</b>	
	<b>7th CIRCUIT</b>									
28	Flagler	1,405,436.00	702,718.00	667,582.10	35,135.90	702,718.00	351,359.00	175,679.50	175,679.50	
29	Putnam	434,324.00	217,162.00	206,303.90	10,858.10	217,162.00	108,581.00	54,290.50	54,290.50	
30	St. Johns	2,076,764.00	1,038,382.00	986,462.90	51,919.10	1,038,382.00	519,191.00	259,595.50	259,595.50	

**Appendix A: 2005 Revenue for Court-Related Technology  
Pursuant to Section 28.242(12)(e)1., F.S.\***

	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)			Total \$2 Revenue	\$2.00 of \$4 to County		
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS	Amt. Assuming \$1.00 to Trial Courts		Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender	
31	Volusia	4,598,748.00	2,299,374.00	2,184,405.30	114,968.70	2,299,374.00	1,149,687.00	574,843.50	574,843.50	
	<b>TOTAL</b>	<b>8,515,272.00</b>	<b>4,257,636.00</b>	<b>4,044,754.20</b>	<b>212,881.80</b>	<b>4,257,636.00</b>	<b>2,128,818.00</b>	<b>1,064,409.00</b>	<b>1,064,409.00</b>	
	<b>8th CIRCUIT</b>									
32	Alachua	1,251,764.40	625,882.20	594,588.09	31,294.11	625,882.20	312,941.10	156,470.55	156,470.55	
33	Baker	115,456.00	57,728.00	54,841.60	2,886.40	57,728.00	28,864.00	14,432.00	14,432.00	
34	Bradford	104,680.00	52,340.00	49,723.00	2,617.00	52,340.00	26,170.00	13,085.00	13,085.00	
35	Gilchrist	76,640.00	38,320.00	36,404.00	1,916.00	38,320.00	19,160.00	9,580.00	9,580.00	
36	Levy	250,552.00	125,276.00	119,012.20	6,263.80	125,276.00	62,638.00	31,319.00	31,319.00	
37	Union	43,968.00	21,984.00	20,884.80	1,099.20	21,984.00	10,992.00	5,496.00	5,496.00	
	<b>TOTAL</b>	<b>1,843,060.40</b>	<b>921,530.20</b>	<b>875,453.69</b>	<b>46,076.51</b>	<b>921,530.20</b>	<b>460,765.10</b>	<b>230,382.55</b>	<b>230,382.55</b>	
	<b>9th CIRCUIT</b>									
38	Orange	11,290,279.20	5,645,139.60	5,362,882.62	282,256.98	5,645,139.60	2,822,569.80	1,411,284.90	1,411,284.90	
39	Osceola	3,866,884.00	1,933,442.00	1,836,769.90	96,672.10	1,933,442.00	966,721.00	483,360.50	483,360.50	
	<b>TOTAL</b>	<b>15,157,163.20</b>	<b>7,578,581.60</b>	<b>7,199,652.52</b>	<b>378,929.08</b>	<b>7,578,581.60</b>	<b>3,789,290.80</b>	<b>1,894,645.40</b>	<b>1,894,645.40</b>	
	<b>10th CIRCUIT</b>									
40	Hardee	100,748.00	50,374.00	47,855.30	2,518.70	50,374.00	25,187.00	12,593.50	12,593.50	
41	Highlands	786,730.00	393,365.00	373,696.75	19,668.25	393,365.00	196,682.50	98,341.25	98,341.25	
42	Polk	4,344,960.00	2,172,480.00	2,063,856.00	108,624.00	2,172,480.00	1,086,240.00	543,120.00	543,120.00	
	<b>TOTAL</b>	<b>5,232,438.00</b>	<b>2,616,219.00</b>	<b>2,485,408.05</b>	<b>130,810.95</b>	<b>2,616,219.00</b>	<b>1,308,109.50</b>	<b>654,054.75</b>	<b>654,054.75</b>	
	<b>11th CIRCUIT</b>									

**Appendix A: 2005 Revenue for Court-Related Technology  
Pursuant to Section 28.242(12)(e)1., F.S.\***

	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)			Total \$2 Revenue	\$2.00 of \$4 to County		
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS			Amt. Assuming \$1.00 to Trial Courts	Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender
43	Dade	19,550,204.80	9,775,102.40	9,286,347.28	488,755.12	9,775,102.40	4,887,551.20	2,443,775.60	2,443,775.60	
	<b>TOTAL</b>	<b>19,550,204.80</b>	<b>9,775,102.40</b>	<b>9,286,347.28</b>	<b>488,755.12</b>	<b>9,775,102.40</b>	<b>4,887,551.20</b>	<b>2,443,775.60</b>	<b>2,443,775.60</b>	
	<b>12th CIRCUIT</b>									
44	Desoto	167,656.00	83,828.00	79,636.60	4,191.40	83,828.00	41,914.00	20,957.00	20,957.00	
45	Manatee	3,176,836.00	1,588,418.00	1,508,997.10	79,420.90	1,588,418.00	794,209.00	397,104.50	397,104.50	
46	Sarasota	4,641,640.40	2,320,820.20	2,204,779.19	116,041.01	2,320,820.20	1,160,410.10	580,205.05	580,205.05	
	<b>TOTAL</b>	<b>7,986,132.40</b>	<b>3,993,066.20</b>	<b>3,793,412.89</b>	<b>199,653.31</b>	<b>3,993,066.20</b>	<b>1,996,533.10</b>	<b>998,266.55</b>	<b>998,266.55</b>	
	<b>13th CIRCUIT</b>									
47	Hillsborough	9,589,836.00	4,794,918.00	4,555,172.10	239,745.90	4,794,918.00	2,397,459.00	1,198,729.50	1,198,729.50	
	<b>TOTAL</b>	<b>9,589,836.00</b>	<b>4,794,918.00</b>	<b>4,555,172.10</b>	<b>239,745.90</b>	<b>4,794,918.00</b>	<b>2,397,459.00</b>	<b>1,198,729.50</b>	<b>1,198,729.50</b>	
	<b>14th CIRCUIT</b>									
48	Bay	1,483,620.00	741,810.00	704,719.50	37,090.50	741,810.00	370,905.00	185,452.50	185,452.50	
49	Calhoun	40,960.00	20,480.00	19,456.00	1,024.00	20,480.00	10,240.00	5,120.00	5,120.00	
50	Gulf	143,308.00	71,654.00	68,071.30	3,582.70	71,654.00	35,827.00	17,913.50	17,913.50	
51	Holmes	58,348.00	29,174.00	27,715.30	1,458.70	29,174.00	14,587.00	7,293.50	7,293.50	
52	Jackson	183,340.00	91,670.00	87,086.50	4,583.50	91,670.00	45,835.00	22,917.50	22,917.50	
53	Washington	150,812.00	75,406.00	71,635.70	3,770.30	75,406.00	37,703.00	18,851.50	18,851.50	
	<b>TOTAL</b>	<b>2,060,388.00</b>	<b>1,030,194.00</b>	<b>978,684.30</b>	<b>51,509.70</b>	<b>1,030,194.00</b>	<b>515,097.00</b>	<b>257,548.50</b>	<b>257,548.50</b>	
	<b>15th CIRCUIT</b>									
54	Palm Beach	13,177,476.00	6,588,738.00	6,259,301.10	329,436.90	6,588,738.00	3,294,369.00	1,647,184.50	1,647,184.50	

**Appendix A: 2005 Revenue for Court-Related Technology  
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	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)			Total \$2 Revenue	\$2.00 of \$4 to County		
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS			Amt. Assuming \$1.00 to Trial Courts	Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender
	<b>TOTAL</b>	13,177,476.00	6,588,738.00	6,259,301.10	329,436.90	6,588,738.00	3,294,369.00	1,647,184.50	1,647,184.50	
	<b>16th CIRCUIT</b>									
55	Monroe	937,333.60	468,666.80	445,233.46	23,433.34	468,666.80	234,333.40	117,166.70	117,166.70	
	<b>TOTAL</b>	937,333.60	468,666.80	445,233.46	23,433.34	468,666.80	234,333.40	117,166.70	117,166.70	
	<b>17th CIRCUIT</b>									
56	Broward	17,984,356.00	8,992,178.00	8,542,569.10	449,608.90	8,992,178.00	4,496,089.00	2,248,044.50	2,248,044.50	
	<b>TOTAL</b>	17,984,356.00	8,992,178.00	8,542,569.10	449,608.90	8,992,178.00	4,496,089.00	2,248,044.50	2,248,044.50	
	<b>18th CIRCUIT</b>									
57	Brevard	4,869,987.20	2,434,993.60	2,313,243.92	121,749.68	2,434,993.60	1,217,496.80	608,748.40	608,748.40	
58	Seminole	3,627,148.00	1,813,574.00	1,722,895.30	90,678.70	1,813,574.00	906,787.00	453,393.50	453,393.50	
	<b>TOTAL</b>	8,497,135.20	4,248,567.60	4,036,139.22	212,428.38	4,248,567.60	2,124,283.80	1,062,141.90	1,062,141.90	
	<b>19th CIRCUIT</b>									
59	Indian River	1,282,936.00	641,468.00	609,394.60	32,073.40	641,468.00	320,734.00	160,367.00	160,367.00	
60	Martin	1,314,132.00	657,066.00	624,212.70	32,853.30	657,066.00	328,533.00	164,266.50	164,266.50	
61	Okeechobee	256,296.00	128,148.00	121,740.60	6,407.40	128,148.00	64,074.00	32,037.00	32,037.00	
62	St. Lucie	3,456,436.00	1,728,218.00	1,641,807.10	86,410.90	1,728,218.00	864,109.00	432,054.50	432,054.50	
	<b>TOTAL</b>	6,309,800.00	3,154,900.00	2,997,155.00	157,745.00	3,154,900.00	1,577,450.00	788,725.00	788,725.00	
	<b>20th CIRCUIT</b>									
63	Charlotte	2,178,256.00	1,089,128.00	1,034,671.60	54,456.40	1,089,128.00	544,564.00	272,282.00	272,282.00	

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	Circuit & County	Total \$4 Service Charge Revenue		\$2.00 of \$4 to Clerk(s)			Total \$2 Revenue	\$2.00 of \$4 to County		
			Total \$2 Revenue	\$1.90 to Local Clerk's Pub. Records Mod. TF	\$0.10 to FACC for CCIS	Amt. Assuming \$1.00 to Trial Courts		Amt. Assuming \$0.50 to State Attorney	Amt. Assuming \$0.50 to Public Defender	
64	Collier	4,002,034.00	2,001,017.00	1,900,966.15	100,050.85	2,001,017.00	1,000,508.50	500,254.25	500,254.25	
65	Glades	58,360.00	29,180.00	27,721.00	1,459.00	29,180.00	14,590.00	7,295.00	7,295.00	
66	Hendry	231,216.00	115,608.00	109,827.60	5,780.40	115,608.00	57,804.00	28,902.00	28,902.00	
67	Lee	9,361,586.40	4,680,793.20	4,446,753.54	234,039.66	4,680,793.20	2,340,396.60	1,170,198.30	1,170,198.30	
	<b>TOTAL</b>	<b>15,831,452.40</b>	<b>7,915,726.20</b>	<b>7,519,939.89</b>	<b>395,786.31</b>	<b>7,915,726.20</b>	<b>3,957,863.10</b>	<b>1,978,931.55</b>	<b>1,978,931.55</b>	
	<b>GRAND TOTALS</b>	<b>170,838,834.80</b>	<b>85,419,417.40</b>	<b>81,148,446.53</b>	<b>4,270,970.87</b>	<b>85,419,417.40</b>	<b>42,709,708.70</b>	<b>21,354,854.35</b>	<b>21,354,854.35</b>	

\* In the table above, the figures for the Clerks "Total \$2.00 Revenue" column and for the column "\$0.10 to FACC for CCIS" are from a table submitted by the Florida Association of Court Clerks and Comptroller (FACC) to the Florida Senate Committee on Justice Appropriations in 2006. The remaining figures in the table were generated from the FACC submission based upon the statute.

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***Michael Jennings, Chairman; Dominic M. Calabro, President, Publisher and Editor.***

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Florida TaxWatch is a private, non-profit, non-partisan research institute that over its 25 year history has become widely recognized as the watchdog of citizens' hard-earned tax dollars. Its mission is to provide the citizens of Florida and public officials with high quality, independent research and education on government revenues, expenditures, taxation, public policies and programs and to increase the productivity and accountability of Florida Government.

Florida TaxWatch's research recommends productivity enhancements and explains the statewide impact of economic and tax and spend policies and practices on citizens and businesses. Florida TaxWatch has worked diligently and effectively to help state government shape responsible fiscal and public policy that adds value and benefit to taxpayers.

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Florida TaxWatch has a historical understanding of state government, public policy issues, and the battles fought in the past necessary to structure effective solutions for today and the future. It is the only statewide organization devoted entirely to Florida taxing and spending issues. Its research and recommendations are reported on regularly by the statewide news media.

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