

1 A bill to be entitled
 2 An act relating to elimination of potential bias from
 3 charging decisions; creating s. 925.13, F.S.;
 4 requiring each state attorney and the statewide
 5 prosecutor to adopt a two-tier system for charging
 6 criminal defendants that is designed to reduce the
 7 potential for racial bias; requiring documentation for
 8 certain decisions; requiring reports; authorizing
 9 rulemaking; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Section 925.13, Florida Statutes, is created to
 14 read:

15 925.13 Elimination of potential racial bias from charging
 16 decisions.—

17 (1) Each state attorney and the statewide prosecutor shall
 18 adopt a two-tier system for charging criminal defendants.

19 (a) Before a prosecutor may make a preliminary charging
 20 decision, all potentially racially identifying information shall
 21 be redacted from the information provided to the prosecutor.
 22 Such information includes the arrested person's name, race,
 23 photographs, videos, and any other information that would be
 24 likely to indicate the person's race. Based on this redacted
 25 information, a prosecutor shall then make a preliminary charging

26 decision.

27 (b) After a preliminary charging decision is made, the
28 prosecutor may review the unredacted information before making a
29 final charging decision in the case.

30 (2) If a prosecutor changes the preliminary charging
31 decision after reviewing the unredacted information, he or she
32 must document what additional evidence caused the change in the
33 charging decision.

34 (3) Each state attorney and the statewide prosecutor
35 shall, by October 1 of each year, report to the Department of
36 Law Enforcement the number of charging decisions changed after
37 prosecutors reviewed the unredacted information, the additional
38 evidence that caused such changes, statistics on the cases
39 involved, the races of the defendants and victims in such cases,
40 and any other information specified by the Department of Law
41 Enforcement. The department shall, by December 31 of each year,
42 submit a report to the Governor, the President of the Senate,
43 and the Speaker of the House of Representatives summarizing the
44 information reported to it under this section and making any
45 recommendations for legislative changes necessary to reduce any
46 biases in the criminal justice system revealed by the
47 information reported.

48 (4) The Department of Law Enforcement may adopt rules to
49 administer this section.

50 Section 2. This act shall take effect July 1, 2021.