

By Senator Martin

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1 A bill to be entitled
2 An act relating to criminal justice accountability;
3 creating s. 16.081, F.S.; authorizing the Attorney
4 General to call upon a state attorney to appear before
5 the Cabinet for a certain purpose; creating s. 16.082,
6 F.S.; authorizing the Attorney General to receive
7 cases from certain state attorneys upon request of the
8 Governor; amending 16.09, F.S.; requiring state
9 attorneys' reports to be submitted to the Attorney
10 General as he or she prescribes, rather than
11 quarterly; amending s. 16.53, F.S.; revising the use
12 of the Legal Affairs Revolving Trust Fund to pay for
13 the investigation, prosecution, and enforcement of
14 certain cases forwarded to the Attorney General;
15 amending s. 27.14, F.S.; authorizing the Governor to
16 move cases to the Attorney General from a state
17 attorney for prosecution under certain circumstances;
18 amending s. 43.16, F.S.; adding the Attorney General
19 as a permanent member of the Justice Administrative
20 Commission; specifying that the Attorney General
21 serves as chair of the commission; expanding the
22 required duties of the commission; revising
23 applicability; amending s. 900.05, F.S.; requiring
24 state attorneys to collect data on annual charges
25 referred by law enforcement agencies for which case
26 numbers were not assigned; requiring the Department of
27 Legal Affairs, by a specified date, to develop a
28 schedule for auditing certain records, and review
29 compliance and performance of the reporting entities

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30 and the validity of their reports; requiring the
31 department, by a specified date, to begin auditing
32 certain entities; requiring periodic auditing;
33 reenacting s. 27.151(1) and (3), F.S., relating to the
34 confidentiality of specified executive orders, to
35 incorporate the amendment made to s. 27.14, F.S., in
36 references thereto; reenacting s. 943.6871, F.S.,
37 relating to criminal justice data transparency, to
38 incorporate the amendment made to s. 900.05, F.S., in
39 references thereto; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Section 16.081, Florida Statutes, is created to
44 read:

45 16.081 Prosecutorial expediency; enforcement.—The Attorney
46 General may, with the consent of the Governor, call upon a state
47 attorney to speak before the Cabinet to provide information
48 regarding the oversight of his or her office.

49 Section 2. Section 16.082, Florida Statutes, is created to
50 read:

51 16.082 Reception of cases for prosecution.—Upon request by
52 the Governor, the Attorney General may receive cases forwarded
53 from a state attorney in a process under s. 27.14.

54 Section 3. Section 16.09, Florida Statutes, is amended to
55 read:

56 16.09 Regulations as to the reports of state attorneys.—The
57 Attorney General shall prescribe the time and manner in which
58 ~~regular quarterly~~ reports must ~~shall~~ be made to him or her by

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59 state attorneys, and they shall comply with the Attorney
60 General's instructions in this respect.

61 Section 4. Subsection (1) of section 16.53, Florida
62 Statutes, is amended to read:

63 16.53 Legal Affairs Revolving Trust Fund.—

64 (1) There is created in the State Treasury the Legal
65 Affairs Revolving Trust Fund, from which the Legislature may
66 appropriate funds for the purpose of funding investigation,
67 prosecution, and enforcement by the Attorney General of:

68 (a) ~~the provisions of~~ The Racketeer Influenced and Corrupt
69 Organization Act.7

70 (b) The Florida Deceptive and Unfair Trade Practices Act.7

71 (c) The Florida False Claims Act.7

72 (d) State or federal antitrust laws.7

73 (e) Section ~~s.~~ 501.1735.7 ~~or~~

74 (f) Part V of chapter 501.

75 (g) Cases forwarded from state attorneys under s. 27.14.

76 Section 5. Subsection (1) of section 27.14, Florida
77 Statutes, is amended to read:

78 27.14 Assigning state attorneys to other circuits.—

79 (1) (a) If any state attorney is disqualified to represent
80 the state in any investigation, case, or matter pending in the
81 courts of his or her circuit or if, for any other good and
82 sufficient reason, the Governor determines that the ends of
83 justice would be best served, the Governor may, by executive
84 order filed with the Department of State:7 ~~either~~

85 1. Order an exchange of circuits or of courts between such
86 state attorney and any other state attorney;i ~~or~~

87 2. Order an assignment of any state attorney to discharge

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88 the duties of the state attorney with respect to one or more
89 specified investigations, cases, or matters, specified in
90 general in the executive order of the Governor; or

91 3. Order the assignment to the Attorney General for
92 prosecution one or more specified investigations, cases, or
93 matters of any state attorney, specified in general in the
94 executive order of the Governor.

95 (b) Any exchange or assignment of any state attorney to a
96 particular circuit shall expire 12 months after the date of
97 issuance, unless an extension is approved by order of the
98 Supreme Court upon application of the Governor showing good and
99 sufficient cause to extend such exchange or assignment.

100 Section 6. Subsections (2), (5), (7), and (8) of section
101 43.16, Florida Statutes, are amended to read:

102 43.16 Justice Administrative Commission; membership, powers
103 and duties.—

104 (2) Members of the Justice Administrative Commission shall
105 serve for a period of 2 years, with the terms of each dating
106 from July 1, 1985, except that initially, one state attorney
107 member and one public defender member shall each serve a 1-year
108 term. The Attorney General shall be a permanent member of the
109 commission and serve as chair. Members shall be selected in the
110 following manner:

111 (a) Two state attorneys, to be appointed by the president
112 of the Florida Prosecuting Attorneys Association.

113 (b) Two public defenders, to be appointed by the president
114 of the Florida Public Defender Association.

115 (5) The duties of the commission shall include, but not be
116 limited to, the following:

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117 (a) Providing information to each state attorney, public
118 defender, criminal conflict and civil regional counsel, and the
119 Statewide Guardian ad Litem Office to notify them of any
120 statutory changes that affect any such entities.

121 (b) Overseeing, directing, coordinating, and administering
122 all statutory requirements affecting the state attorney, public
123 defender, criminal conflict and civil regional counsel, and
124 Statewide Guardian ad Litem Office.

125 (c) Maintaining ~~The maintenance~~ of a central state office
126 for administrative services and assistance when possible to and
127 on behalf of the state attorneys and public defenders of
128 Florida, the capital collateral regional counsel of Florida, the
129 criminal conflict and civil regional counsel, and the Statewide
130 Guardian ad Litem Office.

131 (d) ~~(b)~~ Ensuring that each state attorney, public defender,
132 and criminal conflict and civil regional counsel and the
133 Statewide Guardian ad Litem Office shall continue to prepare
134 necessary budgets, vouchers that represent valid claims for
135 reimbursement by the state for authorized expenses, and other
136 things incidental to the proper administrative operation of the
137 office, such as revenue transmittals to the Chief Financial
138 Officer and automated systems plans, but will forward such items
139 to the commission for recording and submission to the proper
140 state officer. However, when requested by a state attorney, a
141 public defender, a criminal conflict and civil regional counsel,
142 or the Statewide Guardian ad Litem Office, the commission will
143 either assist in the preparation of budget requests, voucher
144 schedules, and other forms and reports or accomplish the entire
145 project involved.

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146 (7) This section is supplemental to chapter 16, relating to
147 the Attorney General; to chapter 27, relating to state
148 attorneys, public defenders, criminal conflict and civil
149 regional counsel, and capital collateral regional counsel; to
150 chapter 39, relating to the Statewide Guardian ad Litem Office;
151 or to other laws pertaining hereto.

152 ~~(8) Chapter 120 does not apply to the Justice~~
153 ~~Administrative Commission.~~

154 Section 7. Paragraph (b) of subsection (3) of section
155 900.05, Florida Statutes, is amended, and subsection (7) is
156 added to that section, to read:

157 900.05 Criminal justice data collection.—

158 (3) DATA COLLECTION AND REPORTING.—An entity required to
159 collect data in accordance with this subsection shall collect
160 the specified data and report them in accordance with this
161 subsection to the Department of Law Enforcement on a monthly
162 basis.

163 (b) *State attorney*.—Each state attorney shall collect the
164 following data:

165 1. Information related to a human victim of a criminal
166 offense, including:

167 a. Identifying information of the victim, including race,
168 ethnicity, gender, and age at the time of the offense.

169 b. Relationship to the offender, if any.

170 2. Number of full-time prosecutors.

171 3. Number of part-time prosecutors.

172 4. Annual felony caseload.

173 5. Annual misdemeanor caseload.

174 6. Disposition of each referred charge, such as filed,

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175 declined, or diverted.

176 7. Number of cases in which a no-information was filed.

177 8. Information related to each defendant, including:

178 a. Each charge referred to the state attorney by a law
179 enforcement agency or sworn complainant related to an episode of
180 criminal activity.

181 b. Case number, name, and date of birth.

182 c. Drug type for each drug charge, if applicable.

183 d. Deferred prosecution or pretrial diversion agreement
184 date, if applicable.

185 e. Annual charges referred by any law enforcement agency
186 for which a case number was not assigned.

187 (7) AUDITING.—

188 (a) By December 31, 2025, the Department of Legal Affairs
189 shall develop a schedule for the auditing of records provided by
190 reporting entities under this section, having established the
191 scope of such audits that must review, at a minimum, the
192 compliance and performance of each entity with respect to the
193 requirements of this section, and the validity of such reports.
194 Each entity required to report under this section must be
195 notified of the scope and the schedule of such audits.

196 (b) Beginning July 1, 2026, the Department of Legal Affairs
197 shall begin auditing each entity pursuant to the scope and
198 schedule established in paragraph (a). Each entity must be
199 audited once every 5 years thereafter.

200 Section 8. For the purpose of incorporating the amendment
201 made by this act to section 27.14, Florida Statutes, in
202 references thereto, subsections (1) and (3) of section 27.151,
203 Florida Statutes, are reenacted to read:

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204 27.151 Confidentiality of specified executive orders;
205 criteria.—

206 (1) If the Governor provides in an executive order issued
207 pursuant to s. 27.14 or s. 27.15 that the order or a portion
208 thereof is confidential, the order or portion so designated, the
209 application of the Governor to the Supreme Court and all
210 proceedings thereon, and the order of the Supreme Court shall be
211 confidential and exempt from the provisions of s. 119.07(1).

212 (3) To maintain the confidentiality of the executive order,
213 the state attorney, upon entering the circuit of assignment,
214 shall immediately have the executive order sealed by the court
215 prior to filing it with the clerk of the circuit court. The
216 Governor may make public any executive order issued pursuant to
217 s. 27.14 or s. 27.15 by a subsequent executive order, and at the
218 expiration of a confidential executive order or any extensions
219 thereof, the executive order and all associated orders and
220 reports shall be open to the public pursuant to chapter 119
221 unless the information contained in the executive order is
222 confidential pursuant to the provisions of chapter 39, chapter
223 415, chapter 984, or chapter 985.

224 Section 9. For the purpose of incorporating the amendment
225 made by this act to section 900.05, Florida Statutes, in
226 references thereto, section 943.6871, Florida Statutes, is
227 reenacted to read:

228 943.6871 Criminal justice data transparency.—In order to
229 facilitate the availability of comparable and uniform criminal
230 justice data, the department shall:

231 (1) Collect, compile, maintain, and manage the data
232 submitted by local and state entities pursuant to s. 900.05 and

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233 coordinate related activities to collect and submit data. The
234 department shall create a unique identifier for each criminal
235 case received from the clerks of court which identifies the
236 person who is the subject of the criminal case. The unique
237 identifier must be the same for that person in any court case
238 and used across local and state entities for all information
239 related to that person at any time. The unique identifier shall
240 be randomly created and may not include any portion of the
241 person's social security number or date of birth.

242 (2) Promote criminal justice data sharing by making such
243 data received under s. 900.05 comparable, transferable, and
244 readily usable.

245 (3) Create and maintain an Internet-based database of
246 criminal justice data received under s. 900.05 in a modern,
247 open, electronic format that is machine-readable and readily
248 accessible through an application program interface. The
249 database shall allow the public to search, at a minimum, by each
250 data element, county, judicial circuit, or unique identifier.
251 The department may not require a license or charge a fee to
252 access or receive information from the database.

253 (4) Develop written agreements with local, state, and
254 federal agencies to facilitate criminal justice data sharing.

255 (5) Establish by rule:

256 (a) Requirements for the entities subject to the
257 requirements of s. 900.05 to submit data through an application
258 program interface.

259 (b) A data catalog defining data objects, describing data
260 fields, and detailing the meaning of and options for each data
261 element reported pursuant to s. 900.05.

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262 (c) How data collected pursuant to s. 900.05 is compiled,
263 processed, structured, used, or shared. The rule shall provide
264 for tagging all information associated with each case number and
265 unique identifier.

266 (d) Requirements for implementing and monitoring the
267 Internet-based database under subsection (3).

268 (e) How information contained in the Internet-based
269 database under subsection (3) is accessed by the public.

270 (6) Consult with local, state, and federal criminal justice
271 agencies and other public and private users of the database
272 under subsection (3) on the data elements collected under s.
273 900.05, the use of such data, and adding data elements to be
274 collected.

275 (7) Monitor data collection procedures and test data
276 quality to facilitate the dissemination of accurate, valid,
277 reliable, and complete criminal justice data.

278 (8) Develop methods for archiving data, retrieving archived
279 data, and data editing and verification.

280 (9) Keep all information received by the department under
281 s. 900.05 which is confidential and exempt when collected by the
282 reporting agency confidential and exempt for purposes of this
283 section and s. 900.05.

284 (10)(a) By October 1, 2019, assist the Criminal and
285 Juvenile Justice Information Systems Council in developing
286 specifications for a uniform arrest affidavit to be used by each
287 state, county, and municipal law enforcement agency to
288 facilitate complete, accurate, and timely collection and
289 reporting of data from each criminal offense arrest. The uniform
290 arrest affidavit must at a minimum include all of the following:

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- 291 1. Identification of the arrestee.
292 2. Details of the arrest, including each charge.
293 3. Details of each vehicle and item seized at the time of
294 arrest.
295 4. Juvenile arrestee information.
296 5. Release information.
297

298 The uniform arrest affidavit specifications must also include
299 guidelines for developing a uniform criminal charge and
300 disposition statute crosswalk table to be used by each law
301 enforcement agency, state attorney, and jail administrator; and
302 guidelines for developing a uniform criminal disposition and
303 sentencing statute crosswalk table to be used by each clerk of
304 the court.

305 (b) By January 1, 2020, subject to appropriation, the
306 department shall procure a uniform arrest affidavit, a uniform
307 criminal charge and disposition statute crosswalk table, and a
308 uniform criminal disposition and sentencing statute crosswalk
309 table following the specifications developed under paragraph
310 (a). The department shall provide training on use of the
311 affidavit and crosswalk tables to each state, county, and
312 municipal law enforcement agency, clerk of the court, state
313 attorney, and jail administrator, as appropriate.

314 (c) By July 1, 2020, each state, county, and municipal law
315 enforcement agency must use the uniform arrest affidavit, each
316 state attorney and jail administrator must use the uniform
317 criminal charge and statute crosswalk table, and each clerk of
318 the court must use the uniform criminal disposition and
319 sentencing statute crosswalk table.

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Section 10. This act shall take effect July 1, 2025.