

By Senator Osgood

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1 A bill to be entitled
2 An act relating to cold case murders; providing a
3 short title; creating s. 782.41, F.S.; defining terms;
4 requiring the heads of law enforcement agencies or
5 their designees to review certain cold cases and make
6 a specified determination upon receiving a written
7 application from a designated person; specifying
8 requirements for such reviews; requiring law
9 enforcement agencies to conduct a full reinvestigation
10 of a cold case under certain circumstances; specifying
11 requirements for such reinvestigations; requiring law
12 enforcement agencies to develop certain written
13 applications; requiring the heads of law enforcement
14 agencies or their designees to adopt certain
15 procedures to ensure compliance with specified
16 provisions; requiring law enforcement agencies to
17 provide specified training; requiring law enforcement
18 agencies to provide written confirmation to a
19 designated person of receipt of an application to
20 review a cold case; authorizing the denial of an
21 application for review of a case that does not satisfy
22 certain criteria; requiring the head of the law
23 enforcement agency or his or her designee to issue to
24 the designated person a written explanation of the
25 reason or reasons for the denial; providing timeframe
26 and notice requirements for law enforcement agencies'
27 cold case reviews after receipt of a written
28 application; requiring law enforcement agencies, by a
29 specified date and periodically thereafter, to report

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30 certain data to the Global Forensic and Justice Center
31 at Florida International University; requiring the
32 center to establish and maintain a case tracking
33 system and searchable public website that includes
34 specified information; requiring the center to create
35 and publish on its searchable public website a list of
36 certain resources; requiring coordination between law
37 enforcement agencies if more than one law enforcement
38 agency conducted the initial investigation;
39 authorizing law enforcement agencies to request
40 investigative assistance from the Department of Law
41 Enforcement to complete cold case reviews or
42 reinvestigations; requiring that such requests be in
43 writing; providing that specified provisions are
44 subject to appropriations; providing applicability;
45 providing an effective date.

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

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49 Section 1. This act may be cited as "The Decker Act."

50 Section 2. Section 782.41, Florida Statutes, is created to
51 read:

52 782.41 Cold case murder; review; reinvestigation.-

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

54 (a) "Cold case" means a murder for which:

55 1. No likely perpetrator has been identified;

56 2. At least 5 years have passed since it was committed,
57 including the date of an application requesting a review
58 submitted by a designated person; and

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59 3. A law enforcement investigation was completed, with all
60 probative leads exhausted.

61 (b) "Designated person" means an immediate family member or
62 an immediate family member's designated legal representative,
63 which representative must be a member in good standing of The
64 Florida Bar.

65 (c) "Immediate family member" means a parent, parent-in-
66 law, grandparent, grandparent-in-law, sibling, spouse, child, or
67 stepchild of a victim, or any person who exercised in loco
68 parentis control over such victim younger than 18 years of age
69 at the time of the murder.

70 (d) "Law enforcement agency" means the law enforcement
71 agency having jurisdiction at the time of the murder.

72 (e) "Murder" means any criminal offense under s. 782.04, s.
73 782.071, or s. 782.072.

74 (f) "Probative lead" means evidence that is sufficiently
75 useful to prove an element of the crime and that was not
76 identified or determined as part of the previous investigation
77 by a law enforcement agency.

78 (g) "Victim" means an individual who was murdered and whose
79 case has been designated as a cold case.

80 (2) The head of a law enforcement agency or his or her
81 designee shall review a cold case, upon receiving a written
82 application from a designated person, to determine if a full
83 reinvestigation would result in any of the following:

84 (a) The identification of new probative leads.

85 (b) The identification of a likely perpetrator.

86 (3) A review conducted pursuant to subsection (2) must
87 include all of the following:

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88 (a) An analysis of any investigative procedures that may
89 have been absent or missed in the initial investigation.

90 (b) An assessment of whether witnesses should be
91 interviewed or reinterviewed.

92 (c) An examination of physical evidence to determine
93 whether all appropriate forensic testing and analyses were
94 performed in the initial investigation and whether additional
95 testing might produce information relevant to the investigation.

96 (d) An update of the case file using the most current
97 investigative standards as of the date of the review, if such
98 standards may help develop probative leads.

99 (4) (a) The law enforcement agency must conduct a full
100 reinvestigation of the cold case if the review pursuant to
101 subsection (2) concludes that such reinvestigation may result in
102 previously unidentified probative leads or in the identification
103 of a likely perpetrator.

104 (b) A full reinvestigation must include a review of all
105 available evidence and an analysis of those items that may
106 contain forensic value which were collected for the purpose of
107 developing probative leads or identifying a likely perpetrator.

108 (5) (a) A full reinvestigation required pursuant to
109 subsection (4) may not be conducted solely by the person who
110 previously investigated the murder.

111 (b) Only one full reinvestigation may be undertaken at any
112 time with respect to the same victim.

113 (c) If a full reinvestigation is completed and a likely
114 perpetrator is not identified as a result, an additional case
115 file review or full reinvestigation is not required for that
116 cold case for a period of 5 years beginning on the date of the

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117 conclusion of the reinvestigation, unless materially significant
118 evidence is discovered.

119 (6) (a) Each law enforcement agency shall develop a written
120 application to be used by a designated person to request a cold
121 case review under subsection (2).

122 (b) No later than July 1, 2027, the head of each law
123 enforcement agency or his or her designee shall adopt procedures
124 to ensure compliance with this section.

125 (c) Each law enforcement agency shall train the appropriate
126 law enforcement employees and officers of that law enforcement
127 agency on the procedures required and the responsibilities and
128 obligations imposed under this section.

129 (7) The law enforcement agency shall, as soon as
130 practicable, provide to the designated person who submitted the
131 application requesting review of a cold case a written
132 confirmation of receipt of the application. Such confirmation
133 must include a description of the process for submitting a
134 complaint to, and contact information for, the law enforcement
135 agency's unit responsible for internal investigations involving
136 allegations of misconduct.

137 (8) An application for review of a case that does not meet
138 the criteria for a cold case specified in paragraph (1) (a) may
139 be denied. If an application is denied, the head of the law
140 enforcement agency or his or her designee must issue to the
141 designated person who submitted the application a written
142 explanation of the reason or reasons for the denial of the
143 application.

144 (9) No later than 1 year after receipt of a written
145 application requesting a cold case review, the law enforcement

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146 agency must complete the case file review and conclude, pursuant
147 to subsection (2), whether a full reinvestigation as provided in
148 subsection (4) is warranted.

149 (10) The law enforcement agency may, one time only, extend
150 the time limit provided under subsection (9) for a period not to
151 exceed 6 months if the law enforcement agency finds that the
152 number of case files to be reviewed makes compliance with the
153 time limit impracticable without diverting resources from other
154 law enforcement activities. If the time limit is extended, the
155 law enforcement agency must provide notice and an explanation of
156 its reasoning for the extension to the designated person who
157 submitted the written application for review.

158 (11) By October 1, 2026, and at least quarterly thereafter,
159 each law enforcement agency shall report data as described in
160 subsection (12) to the Global Forensic and Justice Center at
161 Florida International University.

162 (12) The Global Forensic and Justice Center shall establish
163 and maintain a case tracking system and searchable public
164 website that includes all of the following information about
165 cold case investigations covered under this section:

166 (a) The number of written applications for cold case
167 reviews filed with each law enforcement agency as provided under
168 subsection (2).

169 (b) The number of full reinvestigations initiated and
170 closed under subsection (9).

171 (c) The total number of cases in which the time for review
172 was extended and a summary of the reasons for any such
173 extensions under subsection (10).

174 (d) Statistical information on the aggregate number of cold

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175 cases, defendants, arrests, indictments, and convictions.

176 (13) The Global Forensic and Justice Center shall create
177 and publish on its searchable public website a list of resources
178 for immediate family members or designated persons who have
179 submitted an application for a cold case review pursuant to
180 subsection (2). The resources must, at a minimum, include
181 system-based and community-based cold case advocacy services.

182 (14) If more than one law enforcement agency conducted the
183 initial investigation of a cold case, each law enforcement
184 agency must coordinate the case file review or full
185 reinvestigation such that there is only one joint case file
186 review or full reinvestigation occurring at a time as required
187 by paragraph (5) (b).

188 (15) A law enforcement agency may request investigative
189 assistance from the Department of Law Enforcement to complete a
190 cold case review or reinvestigation under this section. The
191 request must be submitted in writing.

192 (16) The operation of this section is subject to the
193 availability of funds specifically appropriated by the
194 Legislature or other relevant political subdivision of this
195 state for this purpose.

196 (17) This section applies to any cold case in which the
197 murder occurred on or after January 1, 1970.

198 Section 3. This act shall take effect July 1, 2026.