SC24-1522

In the Supreme Court of Florida

TERRY HUBBARD,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

ON PETITION FOR DISCRETIONARY REVIEW FROM THE
FOURTH DISTRICT COURT OF APPEAL
DCA NO. 4D22-3429

ANSWER BRIEF ON THE MERITS

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August 22, 2025

STATEMENT OF THE ISSUES

Petitioner Terry Hubbard is a convicted felon who has no right to vote in Florida. In July 2019, he nevertheless filled out a voter-registration form and submitted it to the Supervisor of Elections in Broward County. The supervisor transmitted information from that form to the Secretary of State's Office in Leon County, which confirmed Hubbard's identity. As a result, Hubbard was placed on the voter rolls. Hubbard then illegally voted in Broward County in the 2020 election. The Office of Statewide Prosecution charged him with false affirmation in connection with an election and voting by an unqualified elector.

The questions presented are:

I. Whether Hubbard's voting-related offenses occurred as part of a related transaction in two or more judicial circuits, such that the Statewide Prosecutor had jurisdiction to prosecute him for those crimes. *See* § 16.56(1)(a), Fla. Stat. (2021).

II. Whether, alternatively, Hubbard's voting-related offenses affected two or more judicial circuits, giving the Statewide Prosecutor authority to prosecute under Chapter 2023-2. *See* § 16.56(1)(c), Fla. Stat. (2023).

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INTRODUCTION AND SUMMARY OF ARGUMENT

Few crimes have effects felt more broadly than voting crimes. For any democracy to function, voters must be confident that their votes count and that the results of an election indeed reflect the will of the people. Absent that confidence, respect for government inevitably erodes, risking serious social unrest. Bipartisan groups like the Carter-Baker Commission have thus long urged the States to fortify elections against the pernicious effects of voter fraud.

This case involves the Office of Statewide Prosecution's efforts to punish and deter voter fraud. In 2020, Petitioner Terry Hubbard attested on a voter-application form that he was a qualified elector. In truth, he was not. By virtue of his prior convictions for sexual battery on a child under 12 and lewd and lascivious conduct with a child under 16, Hubbard had no right to vote. The circuit court nevertheless dismissed Hubbard's prosecution, finding that his crimes did not trigger the Statewide Prosecutor's jurisdiction.

In reversing that order, the Fourth District got the law right. Tracking Article IV, Section 4(b) of the Florida Constitution, the Statewide Prosecutor's implementing statute allows him to prosecute "any crime involving" "voter registration [or] voting" when the crime

has "occurred[] in two or more judicial circuits as part of a related transaction," or when the crime "has affected[] two or more judicial circuits." § 16.56(1)(c), Fla. Stat. Both grounds are available to the Statewide Prosecutor here.

First, Hubbard's fraudulent voter registration and subsequent illegal voting constitute a "related transaction" spanning multiple judicial circuits. That transaction began with Hubbard's submission of false registration information in Broward County, continued through the processing of that information by state officials in Leon County, and culminated in Hubbard's illegal vote back in Broward. His offenses thus "occurred[] in two or more judicial circuits as part of a related transaction," Art. IV, § 4(b), Fla. Const.; § 16.56(1)(a), Fla. Stat. (2021)—all that is required to trigger the Statewide Prosecutor's authority.

Hubbard's counterarguments are founded primarily in two mistakes of law. The first is grammatical. The statute requires the offense to have occurred "in two or more judicial circuits as part of a related transaction." § 16.56(1)(a), Fla. Stat. (2021). In other words, it is enough that the transaction to which the offense relates have spanned multiple circuits, even if the elements of the offense itself

were completed in just one circuit. This is because the second adverbial clause ("as part of a related transaction") is modifying the first ("in two or more judicial circuits"). It describes *how* the offense must occur in multiple judicial circuits: "as part of a related transaction."

But Hubbard would separate "in two or more judicial circuits" from "as part of a related transaction"—in effect inserting a conjunction that does not appear in the text—so that they set out separate jurisdictional components. The effect is to require the offense itself to have spanned multiple circuits, instead of just being part of an overall transaction that spanned multiple circuits. That theory is indefensible. The 1985 implementing legislation authorized the Statewide Prosecutor to prosecute crimes—like burglary—whose elements never would have occurred in more than one circuit. Hubbard's interpretation renders those parts of the statute inoperative. The State's, by contrast, gives force to them because the Statewide Prosecutor could prosecute those local crimes when they form part of a multi-circuit transaction.

Hubbard also goes awry in suggesting that the related transaction must be criminal in its entirety, and thus that the State cannot rely on the actions of the Secretary of State in Leon County as a part

of that transaction. Nowhere in the text of Article IV, Section 4(b) or Section 16.56 does that requirement appear.

Alternatively, the Legislature's 2023 amendment to Section 16.56 authorizes the Office of Statewide Prosecution to act here because Hubbard's offenses "affected" more than one judicial circuit. Before that amendment, the Statewide Prosecutor could charge an election offense under the "effects" basis if the offense was connected with an organized criminal conspiracy that affected two or more judicial circuits. § 16.56(1)(a), Fla. Stat. (2021). Chapter 2023-2 eliminated the requirement of a conspiracy for election offenses. Now, an election crime that affects two or more judicial circuits triggers the Statewide Prosecutor's jurisdiction, even absent a conspiracy. § 16.56(1)(c), Fla. Stat. (2023).[1]

Hubbard argues that Chapter 2023-2 is inapplicable to his case because it was enacted only after the State appealed the circuit court's dismissal order. A welter of authority rejects that notion.

[1] The Legislature amended Section 16.56 again in 2024 in ways not relevant to this case. For clarity's sake, this brief cites the 2023 version when discussing the "effects" basis for jurisdiction and the 2021 version for the "related transaction" basis.

Chapter 2023-2 applies here *prospectively* because this is an ongoing prosecution; a criminal case does not end in the trial court and always continues through any appeal. Numerous Supreme Court opinions have applied a similar principle, holding that statutes conveying jurisdiction, even when enacted during an appeal, apply to pending cases. Here that is truer still because Chapter 2023-2 is remedial legislation. This Court's consistent practice is to apply remedial legislation to pending cases to effectuate the Legislature's desire to authorize remedies for underlying substantive violations.

Under Chapter 2023-2, Hubbard's crimes affected more than one judicial circuit. Indeed, they affected all of Florida: The corrosive effects of voter fraud are suffered everywhere within the State. And when a person fraudulently votes in a statewide election, he affects the whole state by deciding who will govern the state. At the very least, Hubbard's crimes affected the Second and Seventeenth Judicial Circuits because they affected governmental processes in those two circuits, including the processing of his voter-registration form and the tallying of his votes.

The Court should approve the Fourth District's decision to reinstate the charges against Hubbard.

STATEMENT OF THE CASE AND FACTS

With no lawful right to do so, Petitioner Terry Hubbard cast a ballot in the 2020 elections. The Office of Statewide Prosecution subsequently prosecuted him for two crimes: false affirmation in connection with an election and illegally voting. The circuit court dismissed those charges, concluding that the Statewide Prosecutor acted outside the scope of his jurisdiction by bringing the case. The Fourth District reversed, and this Court granted discretionary review to resolve a certified question of great public importance.

A. Florida's election-law system.

Though the U.S. Constitution creates a right to vote, that right does not extend to felons. *Richardson v. Ramirez*, 418 U.S. 24, 54–56 (1974). Like many states, Florida generally bars felons from the franchise. Art. VI, § 4(a), Fla. Const.; § 97.041(2)(b), Fla. Stat. Under state law, however, a felon may regain the franchise by completing all terms of sentence, Art. VI, § 4(a), Fla. Const., with the additional requirement that one convicted of murder or a felony sexual offense cannot vote until his civil rights have been restored. *Id.* § 4(b).

Registering and voting implicate three election-administration procedures: voter registration, election-results reporting, and

certification. Florida has a "uniform statewide voter registration application," § 97.052(1), Fla. Stat., and a "statewide voter registration system." *Id.* § 98.035(1). The voter-registration application requires a person to affirm that, among other things, he is not a convicted felon or, if he is, that his right to vote has been restored. *Id.* § 97.052(2)(t); *see also* Art. VI, § 3, Fla. Const.

Section 97.053 describes the process by which county and state officials accept voter-registration applications. An application "is complete and becomes the official voter registration record of that applicant" when two conditions are met. § 97.053(2), Fla. Stat. First, a voter-registration official must receive "all information necessary to establish the applicant's eligibility." *Id.* Second, the Department of State must verify "the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant." *Id.* § 97.053(2), (6). That verification occurs in Tallahassee in Leon County. *See* R. 68.

Once the polls close on election day, the county Supervisor of Elections "transmit[s] the summary election results to the Division [of Elections]," housed within the Secretary of State's office. Fla.

Admin. Code R. 1S-2.053(3)(b). That reporting enables the Elections Canvassing Commission "to certify the returns of the election for each federal, state, and multicounty office." § 102.111(2), Fla. Stat.

B. Facts and procedural history.

1. Terry Hubbard is a convicted felon who had no right to vote in the 2020 elections. R. 13 (convictions for sexual battery on a child under 12 and lewd and lascivious conduct with a child under 16). The Statewide Prosecutor charged Hubbard with two counts: (1) false affirmation in connection with an election under Section 104.011(1), Florida Statutes; and (2) voting by an unqualified elector under Section 104.15, Florida Statutes. R. 9. The Statewide Prosecutor also alleged that Hubbard violated those statutes in the Seventeenth and Second Judicial Circuits (serving Broward and Leon Counties, respectively) "as part of a related transaction occurring in two or more judicial circuits." *Id.*

At that time, the Statewide Prosecutor's implementing statute stated that the Statewide Prosecutor could prosecute "any crime involving voter registration [or] voting" when the crime had "occurred[] in two or more judicial circuits as part of a related transaction," or when the crime was "connected with an organized criminal

conspiracy affecting two or more judicial circuits." § 16.56(1)(a), Fla. Stat. (2021).

The parties stipulated the following facts. R. 68–69. Hubbard registered to vote in Broward County before the 2020 election. R. 68. To do so, he completed a voter-registration application and submitted it to the Broward Supervisor of Elections. *Id.* The Supervisor of Elections forwarded information from Hubbard's application to the Secretary of State in Leon County for verification. *Id.* When the Secretary of State completed verification, the office notified the Supervisor of Elections, *see id.*, and the Supervisor sent Hubbard a voter ID card. *Id.* Hubbard then voted in the 2020 general election in Broward County. R. 69. Along with all other votes, his vote went to the Department of State's Division of Elections in Leon County. *Id.* Hubbard himself never physically entered, mailed, or electronically transferred anything to Leon County. *Id.* The acts charged in the information did not involve a criminal conspiracy. *Id.*

Hubbard moved to dismiss the information. R. 20–26. He argued that the Statewide Prosecutor lacked authority to prosecute him under Section 16.56(1)(a), Florida Statutes (2021), because his alleged criminal conduct—registering to vote and then voting—

occurred in only one judicial circuit. R. 23–25. The circuit court granted the motion to dismiss. R. 87.

2. The State appealed. *See* Fla. R. App. P. 9.140(c)(1)(A). During the pendency of the appeal, the Legislature expanded the Statewide Prosecutor's authority to prosecute. *See* Ch. 2023-2, § 1, Laws of Fla. (SB 4-B) (amending § 16.56(1), Fla. Stat.). The Governor signed that bill into law on February 15, 2023, and it went into force immediately. *Id.* § 2. After the amendment, the Statewide Prosecutor may prosecute any crime involving voter registration and voting when the crime "affected[] two or more judicial circuits"—without the requirement of an "organized criminal conspiracy"—as well as when, like before, the crime "occurred[] in two or more judicial circuits as part of a related transaction." § 16.56(1)(c), Fla. Stat. (2023).

For ease of comparison, the difference between the old and new statutory scope of authority to prosecute voting crimes is represented here:

> The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is ~~connected with an organized criminal conspiracy~~ affecting<u>, or has affected,</u> two or more judicial circuits.

Compare § 16.56(1)(a), Fla. Stat. (2021), *with* § 16.56(1)(c), Fla. Stat. (2023). (The statutory and constitutional provisions relevant to the case are appended to the back of this brief.)

Hubbard's case does not involve a criminal conspiracy. Thus, when the information was filed, the Statewide Prosecutor relied exclusively on the fact that Hubbard's crimes occurred in two or more judicial circuits as part of a related transaction. *See* R. 9. Post-amendment, with the elimination of the conspiracy requirement for the "effects" basis of jurisdiction, the State asked the Fourth District to relinquish jurisdiction to the circuit court to give that court the opportunity to rule on the applicability of the amended law. *See* Mot. to Relinquish, No. 4D22-3429 (Apr. 17, 2023). The district court denied that request, Order, No. 4D22-3429 (June 12, 2023), but permitted the State to argue on appeal that the prosecution was also justified under the amended law.

3. The Fourth District reversed. It began by deciding which version of Section 16.56 applied: the version in place before the 2023 amendment or after. *State v. Hubbard*, 392 So. 3d 1067, 1070–72 (Fla. 4th DCA 2024). The court found that the amended statute applied. *Id.* at 1072. As it saw things, Ch. 2023-2 is a procedural law

because it merely "provides or regulates the steps by which one who violates a criminal statute is punished." *Id.* at 1072 (quoting *Love v. State*, 286 So. 3d 177, 185 (Fla. 2019)). Rather than "impact elements of the offense or the punishment if convicted," the amended law adjusts "only which arm of the state conducts the prosecution." *Id.* Because Chapter 2023-2 did not attach "new legal consequences to events completed before its enactment," the district court found that the amendment applied here. *Id.* (quoting *Love*, 286 So. 3d at 187). The State could thus take advantage of the Legislature's expansion of the multi-circuit "effects" prong.

Next, the Fourth District held that Section 16.56 authorized this prosecution under either of the two statutory bases. First, it found that the "related transaction" prong—which was identically worded in both the pre- and post-Chapter 2023-2 versions of the statute—was met. *Id.* at 1073. "Hubbard submitted his voter application in Broward County," the district court explained, and that application was "sent to the Department of State in Leon County for verification." *Id.* Hubbard "then voted in Broward County in an election that included candidates for state and federal offices." *Id.* "[T]hese actions occur[red] in both Broward and Leon County." *Id.*

Second, the "effects" prong was met. "[V]oter fraud," the Fourth District emphasized, "impacts the public's confidence in elections throughout the State." *Id.* When "statewide and federal offices" are involved, the "result of those elections impacts voters throughout the state" because voter fraud affects vote tallies and can decide who will hold statewide office. *Id.* But even more than that, Hubbard's offenses affected governmental processes in multiple judicial circuits: "submitting a fraudulent voter registration in Broward County is an act which requires subsequent involvement of the Secretary of State in Leon County," and "[s]o too does voting in an election in Broward County." *Id.*

"As a result," the district court concluded, the Office of Statewide Prosecution "had the authority to charge Hubbard with these crimes." *Id.* It therefore reversed the circuit court's order dismissing the charges. *Id.*

The Fourth District also certified a question of great public importance: "Do Article IV section 4(b) of the Florida Constitution and section 16.56, Florida Statutes, permit the Office of the Statewide Prosecutor to prosecute crimes relating to registering and/or voting in a statewide election?" Order, No. 4D22-3429 (Sept. 23, 2024).

This Court then granted Hubbard's petition for discretionary review.

STANDARD OF REVIEW

This case presents pure questions of law that are reviewed de novo. *See Dettle v. State*, 395 So. 3d 1054, 1056 n.2 (Fla. 2024).

ARGUMENT

I. The Statewide Prosecutor properly filed these charges under the "related transaction" basis for jurisdiction.

Even before the 2023 amendment to Section 16.56, the Office of Statewide Prosecution could prosecute Hubbard under its authority to prosecute crimes that "occurred[] in two or more judicial circuits as part of a related transaction." § 16.56(1)(a), Fla. Stat. (2021); Art. IV, § 4(b), Fla. Const. The Fourth District correctly concluded that although the elements of Hubbard's false-affirmation and illegal-voting crimes were completed in Broward County, those crimes "occurred" both there and in Leon County "as part of a related transaction." *Hubbard*, 392 So. 3d at 1072–73.[2] That transaction was Hubbard's scheme to vote illegally in the 2020 election.

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[2] Hubbard contends that the "gravamen" of the Fourth District's opinion "rests on the ground that" Chapter 2023-2 applies to his pending prosecution. Init. Br. 12. That is inaccurate. The Fourth

The transaction had two, interwoven components: registration and voting. Hubbard could not have voted in the 2020 election without first registering. § 97.041(3), Fla. Stat.; *see* Art. VI, § 2, Fla. Const. That part of the scheme began with conduct in Broward County in the Seventeenth Judicial Circuit. To submit a complete voter-registration application, Hubbard falsely affirmed his eligibility to vote. (Had he been truthful, he could not have registered. *See* §§ 97.041(2)(b), 97.052(2)(t), Fla. Stat.; *see also* Art. VI, §§ 3, 4(b), Fla. Const.) He also could not have registered without the State's statutorily required process for acceptance of voter-registration applications. *See* § 97.053, Fla. Stat. That process entailed, among other things, the Department of State's verification in the Second Judicial Circuit of Hubbard's application information. *See* § 97.053(6), Fla. Stat. By statute, upon verifying that information, the Department would have notified the Supervisor of Elections that verification was

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District found that the Office of Statewide Prosecution properly brings these charges under *both* the "related transaction" prong—which was available for election crimes even before Chapter 2023-2 was enacted, *see* § 16.56(1)(a), Fla. Stat. (2021)—*and* the "effects" prong. *Hubbard*, 392 So. 3d at 1073 ("Not only did these actions occur in both Broward and Leon County, but voter fraud impacts the public's confidence in elections throughout the state.").

complete, causing the Supervisor to issue Hubbard his voter ID card. It was only after convincing the Secretary of State to verify his information—verification that occurred in Leon County—that Hubbard could complete the scheme by illegally voting in Broward County. Together these events composed a single transaction that took place in at least two circuits.

Hubbard attempts to avoid this conclusion through two misreadings of the statute. First, he assumes that the Statewide Prosecutor can act under the "related transaction" prong only if the offense both (1) itself "occurred in two or more judicial circuits" *and* (2) was "part of a related transaction." *See, e.g.*, Init. Br. 30–32 ("[T]he locus of the alleged criminal activity is paramount."). Second, he appears to assume that related transactions must comprise exclusively criminal activity. *See* Init. Br. 33–34. These readings cannot be squared with text, context, or precedent.

A. A crime occurs in two or more judicial circuits if, like Hubbard's, it is part of a related transaction that itself spans two or more circuits.

The "related transaction" clause of Article IV, Section 4(b) and Section 16.56(1) might be read in either of two ways. One reading—favored by Hubbard—holds that "the charged offense must actually

have occurred in two or more judicial circuits *and* be a part of a related transaction." *King v. State*, 790 So. 2d 477, 479 (Fla. 5th DCA 2001). The other reading holds that "an offense which is local in nature" will be deemed to have "'legally occurred' in two or more judicial circuits" if it is part of a related transaction that "involved multiple judicial circuits." *Id.* at 479–80. Only the Sixth District takes the former view. *See State v. Washington*, 403 So. 3d 465, 475 (Fla. 6th DCA 2025). The Third, Fourth, and Fifth Districts take the latter. *See State v. Miller*, 394 So. 3d 164, 168–69 (Fla. 3d DCA 2024) (asking not where the elements of the crime occurred but whether "these transactions . . . occurred in multiple jurisdictions" and were "related"); *Hubbard*, 392 So. 3d at 1073 (finding that the "actions" forming the related transaction "occur[ed] in both Broward and Leon County"); *King*, 790 So. 2d at 480 (holding that even local crimes are deemed to occur—"legally occur[]"—in two or more circuits for purposes of the Statewide Prosecutor's authority when they happen "as part of" a statewide or multi-circuit related transaction).

The Third, Fourth, and Fifth Districts have the better of it. That follows, most basically, from the text: The Office of Statewide Prosecution may prosecute "violations of criminal laws occurring or having

occurred[] in two or more judicial circuits as part of a related transaction." Art. IV, § 4(b), Fla. Const.; *see* § 16.56(1)(a), Fla. Stat. (2021). The adverbial phrases "in two or more judicial circuits" and "as part of a related transaction" are not naturally read as independent modifiers of "occurred" because no conjunction links them. *See* Bryan A. Garner, THE REDBOOK: A MANUAL ON LEGAL STYLE 235 (4th ed. 2019) (coordinating conjunctions, such as "and," "join like elements"). The first—"in two or more judicial circuits"—"explain[s] more about the action": where a crime must occur. *Id.* And the second—"as part of a related transaction"—"modifi[es]" the first: it explains what it means for the crime to occur "in two or more judicial circuits." *Id.* at 230.

Without that second adverbial phrase, Hubbard might have a point, for the unvarnished requirement that the crime have "occurred[] in two or more judicial circuits" tends to suggest that the elements of the crime must have been spread across circuits. But the second adverbial phrase provides critical context for determining the meaning of the first: it explains "*how*" a crime should be deemed to have occurred in two or more judicial circuits. *Id.*; *see also* Antonin Scalia & Bryan A. Garner, READING LAW: THE INTERPRETATION OF LEGAL TEXTS 152 (2012) (nearest-reasonable-referent canon) ("[A]

postpositive modifier [most commonly an adverbial phrase] normally applies only to the nearest reasonable referent."). An offense occurs in multiple circuits when it forms a piece of a related transaction that spanned multiple circuits. The "offense" itself could have been completed in one circuit but the multi-circuit scope of the "related transaction" would still bring it within the Statewide Prosecutor's jurisdiction.

If the "in two or more" and "as part of a related transaction" phrases described two separate requirements for Statewide-Prosecutor jurisdiction, they would be separated by the conjunction "and." They are not. The "in two or more" and "as part of a related transaction" phrases therefore make up a single element.

Statutory context reinforces this reading. The original list of enumerated crimes included burglary, Ch. 85-179, § 1, Laws of Fla.; § 16.56(1)(a)1., Fla. Stat., and "[n]othing is more 'local' than a burglary unless the property burgled happens to sit on both sides of a county line." *King*, 790 So. 2d at 479. As a practical matter, all the elements of a burglary will occur simultaneously in the same place, not "in two or more judicial circuits." The same could be said for numerous other crimes in the 1985 implementing legislation. *See* Ch.

85-179, § 1, Laws of Fla. (including, among other crimes, "bribery," "criminal fraud," "criminal usury," "extortion," "gambling," "kidnapping," "larceny," "murder," and "robbery"). It would have made little sense for the Legislature to list crimes that, under Hubbard's interpretation, the Statewide Prosecutor could never prosecute under his "related transaction" authority. Interpreting the "in two or more" and "as part of a related transaction" language as a single unit harmonizes the text and gives effect to the "related transaction" basis of authority.[3]

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[3] Though far from necessary for that conclusion, the legislative history is in accord. In its final report, the Governor's Commission on the Statewide Prosecution Function, which was charged with investigating the need for, and ultimately proposed the creation of, the Office of Statewide Prosecution, opined that the "related transaction" language set out a single step of the jurisdictional test:

> In summary, the enabling legislation provides that before the Statewide Prosecutor can initiate criminal prosecution, a two-part jurisdictional test must be met: first, the subject matter of the offense prosecuted must be one of the offenses enumerated in the enabling legislation, and second, such offense must be occurring, or must have occurred, in two or more circuits as part of a related transaction.

Report of the Governor's Comm'n on the Statewide Prosecution Function, at 5 (Feb. 8, 1985), https://tinyurl.com/msmuk5pv. Put another way, the "two-part jurisdictional test" required (1) an enumerated offense and (2) that the offense "occurred in two or more judicial circuits as part of a related transaction." That second step

Moreover, the text of Article IV, Section 4(b) was not created from whole cloth; it was borrowed from the text of the Statewide Grand Jury Act. *See* §§ 905.31–40, Fla. Stat. That Act, passed just over a decade before the Statewide Prosecutor's formation, contained the identical requirement that an offense indictable by the Statewide Grand Jury must either have "occurred[] in two or more judicial circuits as part of a related transaction" or be "connected with an organized criminal conspiracy affecting two or more judicial circuits." *Id.* § 905.34. Elsewhere, the Act makes clear that the "related transaction" clause sets forth a single jurisdictional requirement. In an express statement of legislative intent, Section 905.32 provides that the Legislature established the Statewide Grand Jury to "improv[e] the evidence-gathering process *in matters which transpire* or have significance *in more than one county*." § 905.32, Fla. Stat. (1973) (emphasis added). What mattered, that statute suggests, is that the "matter[]"—i.e., the related transaction—have "transpire[d]" in more than one

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encompassed but one jurisdictional component. Were it otherwise, the Commission would have described the test as having *three* parts, with two separate components of the "related transaction" prong: that the defendant committed the elements in two or more judicial circuits *and* that the crime formed part of a related transaction.

county, not that the elements of any particular crime happened in more than one circuit.

Remarking on that language, this Court has thus characterized the Legislature's "intent" in crafting the Act's jurisdiction-granting provisions as "extremely broad." *McNamara v. State*, 357 So. 2d 410, 414 n.1 (Fla. 1978).

Contemporaneous venue rules offer additional contextual backing for the State's interpretation. Hubbard supports his contrary reading of the "related transaction" clause by analogizing to the rules governing "venue for criminal prosecution." Init. Br. 28. "[T]here is no plausible argument," he claims, "that Mr. Hubbard could be prosecuted in Leon County for merely registering to vote and voting in Broward County." *Id.* He therefore implies that the Statewide Prosecutor's jurisdiction should be limited to crimes where venue would lie in multiple circuits.

If anything, that comparison cuts for the State. When the Office of Statewide Prosecutor was created in 1985 (and still today), Florida law recognized that venue was not limited to those places in which either the actus reus or another element of the crime occurred. Several provisions of Florida law exemplified this principle. When, for

example, a crime "is committed on a railroad car, vehicle, watercraft, or aircraft traveling within this state and it is not known in which county the offense was committed," the defendant could be tried "in any county in which the railroad car, vehicle, watercraft, or aircraft has traveled." § 910.02, Fla. Stat. (1970). That provision acknowledges that it is sometimes hard to identify precisely where a crime took place, and liberates venue from the literal location of a crime's elements. *See also* § 910.03, Fla. Stat. (1972) (specifying rules applicable when the "county" where the crime occurred "is not known").

Another contemporaneous venue provision stated that a defendant "who obtains property by larceny, robbery, or embezzlement may be tried in any county in which he exercises control over the property." § 910.10, Fla. Stat. (1970). Again, the focus was not on where the crime itself occurred, but on some other factor: where the defendant later exercised control over stolen property.

Perhaps most relevant here, Florida law has long recognized a special venue rule—dating to 1980—for a defendant "charged with committing a fraudulent practice in a manner in which it may reasonably be assumed that a solicitation or false or misleading representation could or would be disseminated across jurisdictional lines,

or a theft involving the use of the mail, telephone, newspaper, radio, television, or other means of communication." § 910.15, Fla. Stat. (1980). In that instance, the defendant could be tried "in the county in which the dissemination originated, in which the dissemination was made, or in which the last act necessary to consummate the offense occurred." *Id.* Hubbard stands accused of making a false statement on a voter-registration application. R. 9. It could "reasonably be assumed" that though his "false or misleading representation" originated in Broward County, his misrepresentation would be "disseminat[ed]" in Leon County when the Broward Supervisor of Elections transmitted the application to the Secretary of State in Leon County. § 910.15, Fla. Stat. (1980). Venue in Hubbard's case thus may well have been proper in the Second Judicial Circuit.

In light of this background law, it is unremarkable that the Statewide Prosecutor's authority would hinge on considerations other than where the elements of the crime happened, including on whether, as Article IV, Section 4(b)'s text suggests, the crime formed part of a broader, multi-circuit transaction.

Finally, case law bolsters the State's reading. In *Snyder v. State*, 715 So. 2d 367 (Fla. 5th DCA 1998), the defendant, acting alone, had

committed four separate thefts, "[o]nly one of" which "involved more than one judicial circuit." *Id.* at 368, 369 n.2. The multi-circuit theft "was commenced in one judicial circuit and completed in another," whereas no portion of the other three thefts happened in another circuit. *Id.* at 368. The district court thus had to decide whether the four offenses were "part of a related transaction," such that even the single-circuit thefts could be charged by the Statewide Prosecutor and consolidated into a single count for purposes of aggregating the value of the stolen property. *See id.* at 369.

To resolve the case, the district court interpreted the term "related transaction." *Id.* ("The outcome of this case depends upon the definition of 'a related transaction.'"). The defendant urged a narrow definition of the term, requiring that the conduct occur "in an episodic sense"—for instance, "where one course of conduct is a predicate for the next." *Id.* Though apparently accepting that such an occurrence would qualify for prosecution by the Statewide Prosecutor, the Fifth District rejected that narrow construction. *Id.* at 369–70. It was enough, in that court's judgment, that the various acts were part of the "same scheme" to "defraud [the] victims." *Id.* at 370. And because "Snyder conducted [each theft] pursuant to one scheme," each

occurred in more than one judicial circuit as part of a related transaction. *Id.*

Several other district court decisions track this approach. *See Thomas v. State*, 125 So. 3d 874, 875 (Fla. 4th DCA 2013) ("predicate acts had physically taken place in" a single county yet "were sufficiently alleged to be part of a related transaction")[4]; *State v. Tacher*, 84 So. 3d 1131, 1134 (Fla. 3d DCA 2012) (local crime was "but one cog in the overall scheme"); *King*, 790 So. 2d at 479 (local burglaries "fed and made possible" another enterprise); *see also Scott v. State*, 102 So. 3d 676, 677–78 (Fla. 5th DCA 2012) (Lawson, J.) ("[O]ur court [has] adopted a broad view of the OSP's prosecutorial authority, holding that the OSP could prosecute purely local crimes so long as those crimes are related to criminal activity in two or more judicial circuits.").

Nor do the cases Hubbard and his *amici* cite foreclose the State's reading of the "related transaction" test. Init. Br. 30–31 (citing

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[4] *Thomas* also involved a conspiracy, but the Fourth District appeared to find that the "related transaction" basis was an independently sufficient ground for the prosecution. *See* 125 So. 3d at 875.

Carbajal v. State, 75 So. 3d 258 (Fla. 2011), and *Winter v. State*, 781 So. 2d 1111 (Fla. 1st DCA 2001)). Those cases do not hold, as an interpretive matter, that the State must prove that the crime itself happened in two separate places. Those cases came out the way they did because there the State alleged no related transaction at all; the crimes were local offenses unconnected to any broader series of events. *See Carbajal*, 75 So. 3d at 262; *Winter*, 781 So. 2d at 1115. That is worlds apart from here.

In short, a crime occurs in two or more judicial circuits so long as it occurred as part of a multi-circuit, related transaction, even if the elements of the crime were completed in a single circuit.

B. The entirety of a "related transaction" need not be criminal in nature.

Hubbard also makes a second mistake of law. Init. Br. 33–34. A related transaction need not comprise exclusively criminal activity, let alone be a conspiracy. "Related" means "connected" or "associated," *Related*, AMERICAN HERITAGE DICTIONARY 1043 (2d college ed. 1982), and "transaction" means "an act, process, or instance of transacting" or "a communicative action or activity involving two parties or things that reciprocally affect or influence each other."

Transaction, WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY 1252 (1990). Hubbard does not dispute that his act of convincing state officials in Broward and Leon Counties to place him on the voter rolls was part of a related transaction. *See* Init. Br. 33–34. He instead protests that to have a related transaction here, "the Secretary of State would have to be a co-conspirator." Init. Br. 33; *see also* APA Br. 11–13.

But neither Article IV, Section 4(b) nor Section 16.56 contains any requirement that the "related transaction" be fully criminal. The same is true for the Legislature's original implementing statute. Like today's version, the 1985 statute specified that the Statewide Prosecutor had jurisdiction in either of two circumstances: if the offense "is connected with an organized *criminal* conspiracy affecting two or more judicial circuits" or if the offense "occurred[] in two or more judicial circuits as part of a related transaction." Ch. 85-179, § 1, Laws of Fla.; § 16.56(1)(a), Fla. Stat. (1985) (emphasis added). Tellingly, the Legislature made the word "criminal" modify the required "conspiracy" under the "effects" prong, yet did not impose the same "criminal" limitation on the "related transaction" prong. Because "the expression of one thing implies the exclusion of another," the related

transaction need not comprise exclusively criminal activity. *Bush v. Holmes*, 919 So. 2d 392, 407 (Fla. 2006) (describing the *expressio unius* canon).

To illegally vote, Hubbard relied on the unwitting compliance of the Broward Supervisor of Elections and the Secretary of State in Leon County. Just as if Hubbard had driven to Leon County to convince state officials to place him on the voter rolls, he engaged in a related transaction that "implicate[d] more than one judicial circuit." *Zanger v. State*, 548 So. 2d 746, 748 (Fla. 4th DCA 1989).

Contrary to Hubbard's *amici*'s suggestion, it is unsurprising that the Florida Constitution and Section 16.56 empower the Statewide Prosecutor to act in this way. *See* Fmr. Members Br. 10–15; APA Br. 7–9. As former members of the Commission on the Statewide Prosecution Function correctly observe, the Office of Statewide Prosecution is a "statewide organization with coordinated investigation and prosecutorial capacity." Fmr. Members Br. 11–12. That capacity—including experience coordinating with statewide government agencies and law enforcement—is helpful in investigating crime that touches multiple regions of the state, regardless of how many criminal actors are involved.

And while an animating purpose of the Office of Statewide Prosecution was no doubt to "combat organized crime," *id.* at 11 (emphasis removed), the text of the Florida Constitution and Section 16.56 does not *limit* the Statewide Prosecutor to prosecuting organized crime. "[P]urpose, while undoubtedly relevant to legal interpretation, cannot trump the clear requirements of the applicable text." *Krol v. FCA US, LLC*, 310 So. 3d 1270, 1274 (Fla. 2021). For example, a spree of home burglaries spanning two counties, committed by a single defendant, is not "organized crime." Yet the Statewide Prosecutor would have authority to charge those crimes: the burglaries "occurred[] in two or more judicial circuits as part of a related transaction," the overall effort to commit the string of burglaries. Art. IV, § 4(b), Fla. Const.; § 16.56(1)(a), Fla. Stat. (2021); *see King*, 790 So. 2d at 479. The Court should decline to adopt Hubbard and *amici*'s purposivist approach.[5]

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[5] Nowhere is that purposivism on starker display than in the dissenting opinion below. *See Hubbard*, 392 So. 3d at 1073–76 (May, J., dissenting). The dissent's principal submission—without ever analyzing the text—was that the "history, purpose, and intent of both the constitutional and statutory authority for the [Statewide Prosecutor]" weighed against the State. *Id.* at 1074–75. Having decided that the Office of Statewide Prosecution was "create[ed] . . . to

II. Alternatively, the Statewide Prosecutor can prosecute these charges under the "effects" basis for jurisdiction.

The Statewide Prosecutor is also properly pursuing this case under his authority from the 2023 amended statute to prosecute election offenses affecting multiple circuits. *See* Ch. 2023-2, Laws of Fla. Voter fraud strikes at the heart of our democracy and has pernicious effects that reverberate across the whole state. It undermines public confidence in the integrity of statewide elections, risking the perception that lawful votes carry less than their full weight and calling into question the rightful winner of an election. And it alters vote tallies and may decide close elections determining how Florida is governed. But even if the effects of Hubbard's crimes did not reach the whole state, his illegal registration and voting affected the Second and Seventeenth Circuits because they triggered governmental processes in both circuits.

Hubbard responds that (A) Chapter 2023-2 is inapplicable to his case; (B) his crimes did not affect more than one circuit; and (C)

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address the threat that organized criminal activity poses," *id.* at 1075, the dissent simply assumed that Hubbard's crimes were a "single-circuit offense," *id.*—even though this case undoubtedly involves a related transaction that occurred in more than one part of the state. The dissent never offered a textual defense of that conclusion.

the State failed to preserve its "effects" argument. Those arguments find no purchase.

A. Chapter 2023-2's expansion of the Statewide Prosecutor's "effects" jurisdiction applies to this pending case.

To head off the State's arguments about the multi-circuit effects basis approved in Chapter 2023-2, Hubbard argues that the 2023 amendment does not apply to his case at all. Init. Br. 14–20. On this threshold point, he asserts that applying Chapter 2023-2 here would be a "retroactive application" forbidden by Section 775.022(3), Florida Statutes. *Id.* at 15–19. That argument fails because Chapter 2023-2's assignment of jurisdiction to the Statewide Prosecutor is procedural and applies prospectively to this ongoing prosecution. Chapter 2023-2 is also remedial legislation, which this Court has always said presumptively applies to pending cases.

1. Chapter 2023-2 is procedural and applies here prospectively.

Under Chapter 2023-2, Laws of Florida, and amended Section 16.56, Florida Statutes, the Statewide Prosecutor may prosecute election crimes when those crimes "affected[] two or more judicial circuits," not merely when they "occurred[] in two or more judicial circuits as part of a related transaction." § 16.56(1)(c), Fla. Stat.; Ch.

2023-2, §§ 1–2, Laws of Fla. (effective Feb. 15, 2023); *see* Art. IV, § 4(b), Fla. Const. Before the amendment, the Statewide Prosecutor had to allege a criminal conspiracy to prosecute crimes under its "effects" authority. But Chapter 2023-2 eliminated the conspiracy requirement as to voter-registration and voting-related crimes. *See* Ch. 2023-2, § 1, Laws of Fla.; § 16.56(1)(c), Fla. Stat. (2023). That change is procedural and applies here prospectively, not retroactively.

Though Chapter 2023-2 does not specify whether it applies to pending cases, the Fourth District properly relied on it here. Procedural amendments "may . . . be applied in suits arising before their enactment without raising concerns about retroactivity" when they are jurisdictional or when their application is prospective. *Landgraf v. USI Film Prods.*, 511 U.S. 244, 273–75 (1994); *Love v. State*, 286 So. 3d 177, 181, 187–88 (Fla. 2019). "[I]n the specific context of 'criminal law and procedure,'" "substantive law is that which declares what acts are crimes and prescribes the punishment therefor, while procedural law is that which provides or regulates the steps by which one who violates a criminal statute is punished." *Love*, 286 So. 3d at 185 (quoting *State v. Garcia*, 229 So. 2d 236, 238 (Fla. 1969)).

Under that standard, Chapter 2023-2 is procedural. It neither "declare[s] what acts are crimes" nor "prescribe[s] the punishment." *Love*, 286 So. 3d at 185. Instead, the law concerns the scope of the Statewide Prosecutor's jurisdiction to prosecute crimes. The law governs *how* the State prosecutes crime by internally allocating responsibility among its prosecuting agencies. *Hubbard*, 392 So. 3d at 1072 ("[T]he amendments do not impact elements of the offense or the punishment if convicted, but only which arm of the state conducts the prosecution."). It sets alternative conditions that must be met for the Statewide Prosecutor to prosecute crimes involving voter registration and voting. § 16.56(1)(c), Fla. Stat. And it specifies what allegations the charging documents must include. *Id.* (requiring that "[i]nformations or indictments charging such offenses shall contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes are alleged to have been affected").[6]

[6] On remand, the State will undertake the ministerial act of amending the information to allege which counties were affected by Hubbard's crimes, though Hubbard already has actual notice of that fact.

These first principles aside, courts have "regularly applied intervening statutes conferring or ousting jurisdiction, whether or not jurisdiction lay when the underlying conduct occurred or when the suit was filed." *Langraf*, 511 U.S. at 274. And they have done so "[e]ven absent specific legislative authorization." *Id.* at 273. The rationale is that new laws altering jurisdictional rules "take[] away no substantive right"; they merely "speak to the power of the court"—or, here, of a particular state entity—"rather than to the rights or obligations of the parties." *Id.* (quoting *Republic Nat. Bank of Miami v. United States*, 506 U.S. 80, 100 (1992) (Thomas, J., concurring)).

Examples of this approach abound. In *Andrus v. Charlestone Stone Products Co.*, the plaintiff sued in federal district court to challenge an administrative action of the federal Bureau of Land Management. 436 U.S. 604, 606–08 (1978). The complaint did not allege an amount in controversy of $10,000, as was then required by federal law. *Id.* at 607 n.6. Ordinarily, that would have ended the suit. Three years later, however, Congress amended the general federal-question statute to eliminate the amount-in-controversy requirement. *Id.* "Hence," the Court reasoned, "the fact that in 1973 respondent in its complaint did not allege $10,000 in controversy is now of no

moment." *Id.*; *see also United States v. Alabama*, 362 U.S. 602, 602–04 (1960) (per curiam) (holding that the plaintiff could proceed with a lawsuit against the State of Alabama because, even though that suit was not authorized at its inception, a new statute, enacted "[s]hortly before the case was heard" in the Supreme Court, authorized the suit).

Florida courts have reached the same result, including where, as here, the jurisdiction of an executive agency was at stake. *See Jennings v. Fla. Elections Comm'n*, 932 So. 2d 609, 612–14 (Fla. 2d DCA 2006). In *Jennings*, the Florida Elections Commission received a sworn citizen complaint and filed administrative charges alleging campaign finance violations. *Id.* at 610. When the case commenced, the Commission's jurisdictional statute was silent as to whether a respondent could be charged with violations that had not been raised in the citizen complaint. *See id.* at 611. But after an initial hearing by an administrative law judge, and before the Commission issued its ultimate findings in the case, the Legislature amended that statute to "expressly restrict the Commission's ability to investigate only those alleged violations contained within a sworn complaint." *Id.* The

issue on appeal was whether that new constraint on the Commission's authority applied to the pending case.

The Second District held that it did. *Id.* at 613–14. Relying on the Supreme Court precedents described above, the district court explained that the question "must be resolved by using the general principle that 'when a law conferring jurisdiction is repealed without any reservation as to pending cases, all cases fall with the law.'" *Id.* at 613 (quoting *Bruner v. United States*, 343 U.S. 112, 116–17 (1952)). "[J]urisdictional changes made by a legislative body have been applied to pending cases." *Id.*

Were the roles reversed and Chapter 2023-2 had *divested* the Office of Statewide Prosecution of the power to prosecute Hubbard, he would undoubtedly argue that the amended law applied to him. He would be right. The outcome is not different simply because Chapter 2023-2 had the effect of *granting* the Statewide Prosecutor greater authority.

Hubbard's rebuttals are unpersuasive. It is no answer that Chapter 2023-2's enactment came after the information was filed. Init. Br. 14. When a prosecutor obtains the power to prosecute a defendant during the pendency of the prosecution, that prosecutor has

the authority to ratify the charging document and continue prosecuting the matter. It is similarly irrelevant that Chapter 2023-2 was enacted after the trial court dismissed the charges. Init. Br. 14–15. Appeal is part of any criminal prosecution. *Cf. Falcon v. State*, 162 So. 3d 954, 960 (Fla. 2015) (noting that a criminal conviction becomes "final" only once "an appellate court mandate has . . . issued"). Because the State's appeal was ongoing, the prosecution was likewise ongoing. Chapter 2023-2 thus applies prospectively here.

Hubbard next misses the mark in relying on Section 775.022. Init. Br. 15–18. That statute specifies that "the reenactment or amendment of a criminal statute operates prospectively and does not affect or abate," among other things, "[t]he prior operation of the statute or a prosecution or enforcement thereunder." § 775.022(3)(a), Fla. Stat. Again, however, Hubbard's case *does* involve a prospective application of Chapter 2023-2.[7] The State has never argued to the contrary. Though Hubbard says that the State "attempted to fashion

[7] For that reason, the Court need not decide whether, as Hubbard alleges, Init. Br. 15–18, Chapter 2023-2 is a "criminal statute" that might otherwise be governed by Section 775.022(3)'s requirement of prospective application.

a retroactivity argument" below for applying Chapter 2023-2, Init. Br. 18, he misapprehends the State's position throughout this litigation. In the Fourth District, as here, the State explained that Chapter 2023-2 is a procedural law. That characterization is relevant, the State argued, because *Love* holds that a statute's status as either substantive or procedural will inform whether its application to a particular proceeding is retroactive or prospective. *See* 286 So. 3d at 187–88. Citing *Love* in its district court briefing, the State urged the court to find that Chapter 2023-2's application was "prospective." Reply Br., No. 4D22-3429, at *1, 9 (Jan. 19, 2024); St.'s Reply in Support of Mot. to Relinquish Jurisdiction, No. 4D22-3429, at *2 (June 5, 2023); *see also* Init. Br., No. 4D22-3429, at *11, 14 (June 30, 2023) (explaining that Chapter 2023-2 applies to this "pending case" because it "answers an ongoing question of jurisdiction").

Because Chapter 2023-2 merely regulates the procedural steps in a criminal prosecution—namely, which "arm of the state conducts the prosecution," *Hubbard*, 392 So. 3d at 1072—it applies prospectively to this ongoing prosecution in the same manner as the

jurisdictional amendments that the United States Supreme Court has regularly applied for the first time on appeal.[8]

2. Chapter 2023-2 is remedial legislation.

Corroborating all this is this Court's longstanding approach to the applicability of remedial legislation. "[W]henever possible," remedial legislation "should be applied to pending cases in order to fully effectuate the legislation's intended purpose." *Arrow Air, Inc. v. Walsh*, 645 So. 2d 422, 424 (Fla. 1994); *see also Vill. of El Portal v. City of Miami Shores*, 362 So. 2d 275, 278 (Fla. 1978) ("Remedial or procedural statutes do not fall within the constitutional prohibition against retroactive legislation and they may be held immediately applicable to pending cases."). Remedial legislation is that which has a "salutary and protective purpose." *City of Orlando v. Desjardins*, 493 So. 2d 1027, 1029 (Fla. 1986). Put another way, a remedial law

[8] The Fourth District's use of the term "retroactive" in describing Chapter 2023-2's application to Hubbard's case, *Hubbard*, 392 So. 3d at 1072, was a labeling error. The district court otherwise tracked the analysis propounded by the State below and in this Court, which better supports the conclusion that Chapter 2023-2's application here is prospective to an ongoing prosecution.

"affects only the remedies available in a cause of action which already exists." *Vill. of El Portal*, 362 So. 2d at 278.

Chapter 2023-2 is precisely that sort of law. It was enacted soon after several circuit courts dismissed voter-fraud prosecutions brought by the Statewide Prosecutor on the (mistaken) ground that Section 16.56 did not already authorize the prosecutions.[9] It expands the Office of Statewide Prosecution's purview so that the office can charge election-related crimes affecting multiple judicial circuits without the requirement of a criminal conspiracy. *See* Ch. 2023-2, § 1, Laws of Fla.; § 16.56(1)(c), Fla. Stat. (2023). That legislation reflects the Legislature's concern that voter fraud would go unpunished in Florida; the point was to ensure that the State's election-integrity safeguards would be enforced even if doing so might be politically unpopular with some local constituencies. By entrusting those prosecutions to a statewide officer, rather than simply the circuit's State

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[9] *See* Patrick Berry & Gabriella Sanchez, *Florida Changes Law to Boost Unjust 'Voter Fraud' Prosecutions*, BRENNAN CTR. FOR JUSTICE (Feb. 23, 2023), https://www.brennancenter.org/our-work/analysis-opinion/florida-changes-law-boost-unjust-voter-fraud-prosecutions (acknowledging that Chapter 2023-2 was enacted "[t]o salvage the prosecutions" that had been dismissed to that point).

Attorney, Chapter 2023-2 guaranteed that there would not be pockets in the State where voter fraud could flourish.

It is true that remedial legislation will not apply to pending cases if the legislation "creat[es] a new cause of action." *Arrow Air*, 645 So. 2d at 424. A new cause of action, after all, generates a "substantive new right[]" or imposes a "new legal burden[]," and statutes having that effect ordinarily do not apply to pending cases. *Id.* But that is not the case here. The State of Florida has long possessed a cause of action (criminal prosecution) against those who commit voter fraud. Chapter 2023-2 alters "only which arm of the state conducts the prosecution." *Hubbard*, 392 So. 3d at 1072.

B. Hubbard's voter fraud affected multiple judicial circuits.

Under Chapter 2023-2, Hubbard's election crimes "affected[] two or more judicial circuits." § 16.56(1)(c), Fla. Stat. (2023). An offense affects more than one judicial circuit when it has "an actual impact in other judicial circuits." *Winter*, 781 So. 2d at 1116; *see also Affect*, BLACK'S LAW DICTIONARY (12th ed. 2024) (meaning, "[m]ost generally, to produce an effect on; to influence in some way"). Hubbard's crimes fit that bill. Those crimes either (1) affected the whole state

(all 20 judicial circuits) because of the widespread, corrosive effects of voter fraud on a democracy or (2) at the very least affected the Second and Seventeenth Judicial Circuits by affecting government processes in those two places.

1. Voter fraud undermines confidence in elections and determines statewide governance, affecting the entire state.

In two ways, voter fraud affects the whole state.

First, voter fraud undermines the public's confidence in the integrity of state elections. *See Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647, 672 (2021) ("Fraud can . . . undermine public confidence in the fairness of elections and the perceived legitimacy of the announced outcome."); *Hubbard*, 392 So. 3d at 1073 ("[V]oter fraud impacts the public's confidence in elections throughout the state."). The State "indisputably has a compelling interest in preserving the integrity of its election process." *Eu v. S.F. Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989); *see Sadowski v. Shevin*, 345 So. 2d 330, 332 (Fla. 1977). Indeed, "[c]onfidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy." *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam). Left unchecked, voter fraud corrupts healthy democracies because "[v]oters

who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised." *Id.* (citing *Reynolds v. Sims,* 377 U.S. 533, 555 (1964)). Voter fraud thus "drives honest citizens out of the democratic process" while "breed[ing] distrust of our government." *Id.*

Second, when, as here, voter fraud occurs in a statewide election, it can "affect the outcome of a close election." *Brnovich*, 594 U.S. at 672. At a minimum it alters the vote tallies for contests that will determine statewide and federal offices and the membership of statewide and federal legislative bodies or other matters of statewide import. *See* Art. VI, § 5(a), Fla. Const.; §§ 100.031, 100.041(1), Fla. Stat. When illegal votes are cast for the Florida House of Representatives, for example, it affects the entire state because the House is responsible for dictating the laws and policy of the state. The same is true for illegal votes for or against a ballot measure to amend the Florida Constitution, *see* Art. XI, §§ 1–3, Fla. Const., as a change to the State's governing charter affects all Floridians. *See State ex rel. Westhues v. Sullivan*, 224 S.W. 327, 331–32 (Mo. 1920) (holding that the state attorney general, not the "local prosecuting officer," had authority to sue "to stop the voters of the state, through a referendum, from voting for or against [a] particular legislative act," despite

"localize[d]" means of doing so, because "the state's interest in [such a] proceeding is one of broad expanse, and covering a matter having a state situs rather than a county situs"). And, in general elections like the one in 2020, voting determines who becomes President of the United States. "Naturally," the Fourth District concluded, "the result of those elections impacts voters throughout the state." *Hubbard*, 392 So. 3d at 1073.

That commonsense understanding finds support in *Schrader v. Florida Keys Aqueduct Authority*, 840 So. 2d 1050 (Fla. 2003). There, this Court concluded that a statute giving local governments "authority to enact stricter regulations" for wastewater treatment in a limited geographic area of critical state concern had an "actual impact" statewide because its purpose was to protect other "industries of statewide importance such as tourism and seafood." *Id.* at 1056–57. The Court explained that even matters that "facially appear[]" to affect a limited geographic area can "materially affect[]" the whole state. *Id.* at 1055–56. The Court thus concluded that the law was a general law (one affecting the whole state) rather than a special law (one affecting particular persons or things) for purposes of Article III, Section 10's limitations on the passage of special laws. *Id.* at 1056–57.

If authority to enact stricter wastewater treatment regulations constitutes an issue of "statewide importance and impact," *id.* at 1056, surely laws policing fraud in the franchise do too.[10]

2. Hubbard's crimes triggered government processes and caused government action in at least two circuits.

Even if voter fraud does not necessarily affect the whole state, Hubbard's crimes affected at least two circuits because he triggered state election-administration processes in both the Second and Seventeenth Judicial Circuits.

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[10] Hubbard advances a slippery-slope argument, claiming that, if voter fraud affects the whole state, then "many" other crimes, like "homeowner's insurance fraud," must as well. Init. Br. 25; *see also* R. 85–86 (trial court concluding similarly: "Most would agree with the idea that any crime committed against any citizen in Florida affects all Floridians."). But there is a clear line—and the Court can reasonably draw it—between the speculative, de minimis effects of potentially higher "insurance rates" stemming from any one such crime and the concrete, well-studied effects of voter fraud on the confidence of the electorate. Hubbard also invokes the First District's non-precedential opinion in *Winter*, Init. Br. 32, where the court held that a defendant's act of defrauding a Florida State Employees' Health Insurance Trust Fund did not affect multiple circuits even though employees from all over the state had contributed to the fund. *Winter*, 781 So. 2d at 1115–17. Those facts are distinct from the facts here, and the result in *Winter* is dubious in any event.

Count I alleged that Hubbard "did willfully affirm falsely to an oath or affirmation in connection with or arising out of voting or elections." R. 9. The document containing that false affirmation was a Florida voter-registration application that Hubbard signed and submitted to the local Supervisor of Elections in the Seventeenth Judicial Circuit. R. 13–14, 68. By submitting that fraudulent form, Hubbard caused the Supervisor to forward the application from Broward to Leon County, which in turn caused the Secretary of State to verify Hubbard's information. *See* R. 68; §§ 97.053(2), (6); 97.021(8), Fla. Stat. (describing the statutory scheme governing voter registration). Those are effects in more than one circuit.

Likewise with the voting crime. That offense triggered the State's election-results reporting and certification processes, which require state action in the Second Judicial Circuit. Count II of the Information alleged Hubbard "did willfully vote in an election knowing that he is not a qualified elector." R. 9. And Hubbard stipulated that he voted in the 2020 general election in the Seventeenth Judicial Circuit. R. 69. That triggered state election-administration processes elsewhere in the State. *Id.* "After the polls close on the day of the election, the Supervisor on behalf of the county canvassing board shall

transmit the summary election results to the Division [of Elections]." Fla. Admin. Code R. 1S-2.053(3)(b). That reporting requirement is a prerequisite to the work of the Elections Canvassing Commission, which must "meet at 8 a.m. on the 9th day after a primary election and at 8 a.m. on the 14th day after a general election to certify the returns of the election for each federal, state, and multicounty office." § 102.111(2), Fla. Stat. Both the Department of State's Division of Elections and the Elections Canvassing Commission are located in the Second Judicial Circuit.[11] Hubbard thus affected the Second Judicial Circuit by voting in the Seventeenth Judicial Circuit because he caused his vote to be reported to and certified by state actors in the Second Judicial Circuit.

None of Hubbard's responses alter the equation. He disputes the premise that "any governmental action was undertaken in Leon County" because "[t]here is nothing in the stipulated facts" mentioning the Secretary of State's duty to act on his voter-registration application in Leon County. Init. Br. 23. But while the parties did not stipulate that the Secretary of State verified Hubbard's registration

[11] R. 69; 46 Fla. Admin. Reg. 220, 1S (Nov. 10, 2020).

information in the Second Judicial Circuit, that fact was inferable as a matter of law. Indeed, Florida election law requires the Secretary, whose office sits in Leon County, to verify the information on all voter-registration applications. *See* §§ 97.053(2), (6); 97.021(8), Fla. Stat. That fact need not have been established with evidence.

Nor is Hubbard correct that "effects" jurisdiction turns on an offender's "knowledge that the application would be sent to the Department of State in Leon County for verification." Init. Br. 23–24. Mens rea requirements apply to statutes governing a person's criminal or tort liability. In those settings, the law ordinarily requires that an offender be culpable, which typically turns on guilty knowledge or intent. As the Fourth District aptly noted, however, Section 16.56 does not relate to an offender's culpability for the underlying offense; it instead dictates which "arm of the state conducts the prosecution." *Hubbard*, 392 So. 3d at 1072; *see also id.* ("[T]he amendments do not impact elements of the offense or the punishment if convicted[.]"). Mens rea is entirely irrelevant for that purpose. That is corroborated by the text of Article IV, Section 4(b) and Section 16.56(1)(c), which incorporates no knowledge requirement: It requires only that the

defendant have committed an offense that "affected[] two or more judicial circuits."[12]

For that reason as well, the Statewide Prosecutor may prosecute these offenses.

C. The effects argument is properly presented.

Last, Hubbard contends that the State failed to preserve its effects argument "because it did not present this argument to the trial court or secure a ruling on it." Init. Br. 13. But when the parties were litigating the motion to dismiss in the trial court, there was nothing to preserve: The Legislature had not yet amended Section 16.56. Chapter 2023-2 was signed by the Governor only after the State's appeal to the Fourth District was underway.

Upon that bill becoming law, the State sought to present the matter to the courts immediately. As Hubbard acknowledges, Init.

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[12] Relatedly, the circuit court refused to credit these effects seemingly because, it thought, the Statewide Prosecutor must prove a criminal defendant "intended" to affect multiple circuits and it did not do so here. R. 85–87. Again, the text of Section 16.56 imposes no such requirement. All Section 16.56 requires for the Statewide Prosecutor to have authority is that an enumerated offense "affected[] two or more judicial circuits." § 16.56(1)(c), Fla. Stat. (2023). And Hubbard's crimes did so here.

Br. 14, it promptly asked the Fourth District to relinquish jurisdiction to the circuit court so that it could secure a ruling on the applicability of the new law to this pending case. The district court declined that request, signaling that it was content to consider the question for the first time on appeal. That determination fell squarely within the court's discretion.

Tradition favors the Fourth District's approach. Appellate courts, including the Supreme Court, have regularly considered the applicability of new jurisdiction-granting statutes for the first time on appeal. *See, e.g.*, *Andrus*, 436 U.S. at 606–08; *Alabama*, 362 U.S. at 604. This practice reflects that, by definition, no argument based on a new statute can be preserved before the statute's enactment, and also that, because a dismissal for lack of jurisdiction is without prejudice, the case will inevitably re-arise when the party benefitting from the jurisdictional change refiles the action under the current law after the appeal. In *Andrus*, for example, declining to consider the effect of the new jurisdictional statute on appeal would have had no practical effect on the outcome of the proceedings; even if the plaintiff lost its appeal, it could simply have refiled the complaint under the

intervening statute, which did not require an amount in controversy exceeding $10,000. *See* 436 U.S. at 607 n.6.

The upshot is that Hubbard must deal with Chapter 2023-2 on the merits, now or later. Thus, even if he could succeed in showing that the issue was not preserved, resolving the merits in this appeal promotes judicial economy. The Court should hold that amended Section 16.56(1)(c) authorizes this prosecution.

CONCLUSION

The Court should approve the Fourth District's decision.

August 22, 2025

Respectfully submitted,

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STATUTORY APPENDIX

Art. IV, § 4(b), Fla. Const.

> The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the judicial nominating commission for the supreme court, or as otherwise provided by general law.

§ 16.56, Fla. Stat. (1985)

16.56. Office of Statewide Prosecution—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery; of crimes involving narcotic or other dangerous drugs; of any violation of the provisions of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act; of any violation of the provisions of the Florida Anti-Fencing Act; of any violation of the provisions of the Florida Antitrust Act of 1980, as amended; or of any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits.

(b) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crime.

(c) Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

(2) The Attorney General shall appoint a statewide prosecutor from not less than three persons nominated by the judicial nominating commission for the Supreme Court. The statewide prosecutor shall be in charge of the Office of Statewide Prosecution for a term of 4 years to run concurrently with the term of the appointing official. The statewide prosecutor shall be an elector of the state,

shall have been a member of The Florida Bar for the preceding 5 years, and shall devote full time to his duties and not engage in the private practice of law. The Attorney General may remove the statewide prosecutor prior to the end of his term. A vacancy in the position of statewide prosecutor shall be filled within 60 days. During the period of any vacancy, the Attorney General shall exercise all the powers and perform all the duties of the statewide prosecutor. A person appointed statewide prosecutor is prohibited from running for or accepting appointment to any state office for a period of 2 years following vacation of office. The statewide prosecutor shall on March 1 of each year report in writing to the Governor and the Attorney General on the activities of the office for the preceding year and on the goals and objectives for the next year.

(3) The statewide prosecutor may conduct hearings at any place in the state; summon and examine witnesses; require the production of physical evidence; sign informations, indictments, and other official documents; confer immunity; move the court to reduce the sentence of a person convicted of drug trafficking who provides substantial assistance; attend to and serve as the legal adviser to the statewide grand jury; and exercise such other powers as by law are granted to state attorneys. The statewide prosecutor may designate one or more assistants to exercise any such powers.

(4) It is the intent of the Legislature that in carrying out the duties of this office, the statewide prosecutor shall, whenever feasible, use sworn investigators employed by the Department of Law Enforcement, and may request the assistance, where appropriate, or sworn investigators employed by other law enforcement agencies.

§ 16.56, Fla. Stat. (2021)

16.56. Office of Statewide Prosecution

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, home-invasion robbery, and patient brokering;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(8)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the Florida Anti-Fencing Act;

5. Any violation of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person;

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135 or any

violation of chapter 827 where the crime is facilitated by or connected to the use of the Internet or any device capable of electronic data storage or transmission;

8. Any violation of chapter 815;

9. Any violation of chapter 825;

10. Any criminal violation of part I of chapter 499;

11. Any violation of the Florida Motor Fuel Tax Relief Act of 2004;

12. Any criminal violation of s. 409.920 or s. 409.9201;

13. Any crime involving voter registration, voting, or candidate or issue petition activities;

14. Any criminal violation of the Florida Money Laundering Act;

15. Any criminal violation of the Florida Securities and Investor Protection Act;

16. Any violation of chapter 787, as well as any and all offenses related to a violation of chapter 787; or

17. Any criminal violation of chapter 24, part II of chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. Informations or indictments charging such offenses shall contain general allegations stating the judicial

circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes affecting such circuits or counties are alleged to have been connected with an organized criminal conspiracy.

(b) Investigate and prosecute any crime enumerated in paragraph (a) facilitated by or connected to the use of the Internet. Any such crime is a crime occurring in every judicial circuit within the state.

(c) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(d) Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

(2) The Attorney General shall appoint a statewide prosecutor from not less than three persons nominated by the judicial nominating commission for the Supreme Court. The statewide prosecutor shall be in charge of the Office of Statewide Prosecution for a term of 4 years to run concurrently with the term of the appointing official. The statewide prosecutor shall be an elector of the state, shall have been a member of The Florida Bar for the preceding 5 years, and shall devote full time to the duties of statewide prosecutor and not engage in the private practice of law. The Attorney General may remove the statewide prosecutor prior to the end of his or her term. A vacancy in the position of statewide prosecutor shall be filled within 60 days. During the period of any vacancy, the Attorney General shall exercise all the powers and perform all the duties of the statewide prosecutor. A person appointed statewide prosecutor is prohibited from running for or accepting appointment to any state office for a period of 2 years following vacation of office. The statewide prosecutor shall on March 1 of each year report in writing to the Governor and the Attorney General on the activities of the office for the preceding year and on the goals and objectives for the next year.

(3) The statewide prosecutor may conduct hearings at any place in the state; summon and examine witnesses; require the production of physical evidence; sign informations, indictments, and other official documents; confer immunity; move the court to reduce the sentence of a person convicted of drug trafficking who provides substantial assistance; attend to and serve as the legal adviser to the statewide grand jury; and exercise such other powers as by law are granted to state attorneys. The statewide prosecutor may designate one or more assistants to exercise any such powers.

(4) It is the intent of the Legislature that in carrying out the duties of this office, the statewide prosecutor shall, whenever feasible, use sworn investigators employed by the Department of Law Enforcement, and may request the assistance, where appropriate, of sworn investigators employed by other law enforcement agencies.

§ 16.56, Fla. Stat. (2023)

16.56. Office of Statewide Prosecution

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2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(8)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the Florida Anti-Fencing Act;

5. Any violation of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person;

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135 or any

violation of chapter 827 where the crime is facilitated by or connected to the use of the Internet or any device capable of electronic data storage or transmission;

8. Any violation of chapter 815;

9. Any violation of chapter 825;

10. Any criminal violation of part I of chapter 499;

11. Any violation of the Florida Motor Fuel Tax Relief Act of 2004;

12. Any criminal violation of s. 409.920 or s. 409.9201;

13. Any criminal violation of the Florida Money Laundering Act;

14. Any criminal violation of the Florida Securities and Investor Protection Act;

15. Any violation of chapter 787, as well as any and all offenses related to a violation of chapter 787; or

16. Any criminal violation of chapter 24, part II of chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. Informations or indictments charging such offenses shall contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes

affecting such circuits or counties are alleged to have been connected with an organized criminal conspiracy.

(b) Investigate and prosecute any crime enumerated in paragraphs (a) and (c) facilitated by or connected to the use of the Internet. Any such crime is a crime occurring in every judicial circuit within the state.

(c) Investigate and prosecute any crime involving:

1. Voting in an election in which a candidate for a federal or state office is on the ballot;
2. Voting in an election in which a referendum, an initiative, or an issue is on the ballot;

3. The petition activities of a candidate for a federal or state office;

4. The petition activities for a referendum, an initiative, or an issue; or

5. Voter registration;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting, or has affected, two or more judicial circuits. Informations or indictments charging such offenses must contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes are alleged to have affected.

(d) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(e) Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

(2) The Attorney General shall appoint a statewide prosecutor from not less than three persons nominated by the judicial nominating commission for the Supreme Court. The statewide prosecutor shall be in charge of the Office of Statewide Prosecution for a term of 4 years to run concurrently with the term of the appointing official. The statewide prosecutor shall be an elector of the state, shall have been a member of The Florida Bar for the preceding 5 years, and shall devote full time to the duties of statewide prosecutor and not engage in the private practice of law. The Attorney General may remove the statewide prosecutor prior to the end of his or her term. A vacancy in the position of statewide prosecutor shall be filled within 60 days. During the period of any vacancy, the Attorney General shall exercise all the powers and perform all the duties of the statewide prosecutor. A person appointed statewide prosecutor is prohibited from running for or accepting appointment to any state office for a period of 2 years following vacation of office. The statewide prosecutor shall on March 1 of each year report in writing to the Governor and the Attorney General on the activities of the office for the preceding year and on the goals and objectives for the next year.

(3) The statewide prosecutor may conduct hearings at any place in the state; summon and examine witnesses; require the production of physical evidence; sign informations, indictments, and other official documents; confer immunity; move the court to reduce the sentence of a person convicted of drug trafficking who provides substantial assistance; attend to and serve as the legal adviser to the statewide grand jury; and exercise such other powers as by law are granted to state attorneys. The statewide prosecutor may designate one or more assistants to exercise any such powers.

(4) It is the intent of the Legislature that in carrying out the duties of this office, the statewide prosecutor shall, whenever feasible, use sworn investigators employed by the Department of Law

Enforcement, and may request the assistance, where appropriate, of sworn investigators employed by other law enforcement agencies.

CHAPTER 2023-2

Senate Bill No. 4-B

An act relating to the statewide prosecutor; amending s. 16.56, F.S.; specifying that certain crimes facilitated by or connected to the use of the Internet occur in every judicial circuit within the state; authorizing the Office of Statewide Prosecution to investigate and prosecute crimes involving voting in an election for a federal or state office, voting in an election on a referendum, an initiative, or an issue, the petition activities for a federal or state office, the petition activities for a referendum, an initiative, or an issue, or voter registration; providing applicability; requiring certain informations or indictments to contain specified general allegations; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (1) of section 16.56, Florida Statutes, is amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate "budget entity" as that term is defined in chapter 216. The office may:

(a) Investigate and prosecute the offenses of:

1. Bribery, burglary, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, robbery, carjacking, home-invasion robbery, and patient brokering;

2. Any crime involving narcotic or other dangerous drugs;

3. Any violation of the Florida RICO (Racketeer Influenced and Corrupt Organization) Act, including any offense listed in the definition of racketeering activity in s. 895.02(8)(a), providing such listed offense is investigated in connection with a violation of s. 895.03 and is charged in a separate count of an information or indictment containing a count charging a violation of s. 895.03, the prosecution of which listed offense may continue independently if the prosecution of the violation of s. 895.03 is terminated for any reason;

4. Any violation of the Florida Anti-Fencing Act;

5. Any violation of the Florida Antitrust Act of 1980, as amended;

6. Any crime involving, or resulting in, fraud or deceit upon any person;

7. Any violation of s. 847.0135, relating to computer pornography and child exploitation prevention, or any offense related to a violation of s. 847.0135 or any violation of chapter 827 where the crime is facilitated by or connected to the use of the Internet or any device capable of electronic data storage or transmission;

8. Any violation of chapter 815;

9. Any violation of chapter 825;

10. Any criminal violation of part I of chapter 499;

11. Any violation of the Florida Motor Fuel Tax Relief Act of 2004;

12. Any criminal violation of s. 409.920 or s. 409.9201;

13. ~~Any crime involving voter registration, voting, or candidate or issue petition activities;~~

~~14.~~ Any criminal violation of the Florida Money Laundering Act;

14.~~15.~~ Any criminal violation of the Florida Securities and Investor Protection Act;

15.~~16.~~ Any violation of chapter 787, as well as any and all offenses related to a violation of chapter 787; or

16.~~17.~~ Any criminal violation of chapter 24, part II of chapter 285, chapter 546, chapter 550, chapter 551, or chapter 849;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is connected with an organized criminal conspiracy affecting two or more judicial circuits. Informations or indictments charging such offenses shall contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties in which crimes affecting such circuits or counties are alleged to have been connected with an organized criminal conspiracy.

(b) Investigate and prosecute any crime enumerated in paragraphs (a) and (c) ~~paragraph (a)~~ facilitated by or connected to the use of the Internet. Any such crime is a crime occurring in every judicial circuit within the state.

(c) Investigate and prosecute any crime involving:

1. Voting in an election in which a candidate for a federal or state office is on the ballot;

2. Voting in an election in which a referendum, an initiative, or an issue is on the ballot;

3. The petition activities of a candidate for a federal or state office;

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(d) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crimes.

(e)~~(d)~~ Request and receive from any department, division, board, bureau, commission, or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor February 15, 2023.

Filed in Office Secretary of State February 15, 2023.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished via the e-Filing Portal to the following on this 22nd day of August 2025:

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/s/ Jeffrey Paul DeSousa
Acting Solicitor General

CERTIFICATE OF COMPLIANCE

I certify that this brief was prepared in 14-point Bookman font, in compliance with Florida Rule of Appellate Procedure 9.210(a)(2) and contains 10,504 words.

/s/ Jeffrey Paul DeSousa
Acting Solicitor General