

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee
3 Representative Adkins offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 943.326, Florida Statutes, is created
8 to read:

9 943.326 DNA evidence collected in sexual offense
10 investigations.-

11 (1) A sexual offense evidence kit, or other DNA evidence
12 if a kit is not collected, must be submitted to a member of the
13 statewide criminal analysis laboratory system under s. 943.32
14 for forensic testing within 30 days after:

15 (a) Receipt of the evidence by a law enforcement agency if
16 a report of the sexual offense is made to the law enforcement
17 agency; or

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18 (b) A request to have the evidence tested is made to the
19 medical provider or the law enforcement agency by:

20 1. The alleged victim;

21 2. The alleged victim's parent, guardian, or legal
22 representative, if the alleged victim is a minor; or

23 3. The alleged victim's personal representative, if the
24 alleged victim is deceased.

25 (2) An alleged victim or, if applicable, the person
26 representing the alleged victim under subparagraph (1)(b)2. or
27 subparagraph (1)(b)3. must be informed of the purpose of
28 submitting evidence for testing and the right to request testing
29 under subsection (1) by:

30 (a) A medical provider conducting a forensic physical
31 examination for purposes of a sexual offense evidence kit; or

32 (b) A law enforcement agency that collects other DNA
33 evidence associated with the sexual offense if a kit is not
34 collected under paragraph (a).

35 (3) A collected sexual offense evidence kit must be
36 retained in a secure, environmentally safe manner until the
37 prosecuting agency has approved its destruction.

38 (4) By January 1, 2017, the department and each laboratory
39 within the statewide criminal analysis laboratory system, in
40 coordination with the Florida Council Against Sexual Violence,
41 shall adopt and disseminate guidelines and procedures for the
42 collection, submission, and testing of DNA evidence that is
43 obtained in connection with an alleged sexual offense. The

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44 timely submission and testing of sexual offense evidence kits is
45 a core public safety issue. Testing of sexual offense evidence
46 kits must be completed no later than 120 days after submission
47 to a member of the statewide criminal analysis laboratory
48 system.

49 (a) The guidelines and procedures must include the
50 requirements of this section, standards for how evidence is to
51 be packaged for submission, what evidence must be submitted to a
52 member of the statewide criminal analysis laboratory system, and
53 timeframes for when the evidence must be submitted, analyzed,
54 and compared to DNA databases.

55 (b) The testing requirements of this section are satisfied
56 when a member of the statewide criminal analysis laboratory
57 system tests the contents of the sexual offense evidence kit in
58 an attempt to identify the foreign DNA attributable to a
59 suspect. If a sexual offense evidence kit is not collected, the
60 laboratory may receive and examine other items directly related
61 to the crime scene, such as clothing or bedding or personal
62 items left behind by the suspect. If probative information is
63 obtained from the testing of the sexual offense evidence kit,
64 the examination of other evidence should be based on the
65 potential evidentiary value to the case and determined through
66 cooperation among the investigating agency, the laboratory, and
67 the prosecutor.

68 (5) This section does not create a cause of action or
69 create any rights for an individual to challenge the admission

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70 of evidence or create a cause of action for damages or any other
71 relief for a violation of this section.

72 Section 2. This act shall take effect July 1, 2016.
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75 **T I T L E A M E N D M E N T**

76 Remove everything before the enacting clause and insert:

77 A bill to be entitled

78 An act relating to evidence collected in sexual
79 offense investigations; creating s. 943.326, F.S.;
80 requiring that a sexual offense evidence kit or other
81 DNA evidence be submitted to a member of the statewide
82 criminal analysis laboratory system within a specified
83 timeframe after specified occurrences; requiring a
84 medical provider or law enforcement agency to inform
85 an alleged victim of a sexual offense of certain
86 information relating to sexual offense evidence kits;
87 requiring the retention of specified evidence;
88 requiring adoption and dissemination of guidelines and
89 procedures by certain entities by a specified date;
90 requiring the testing of sexual offense evidence kits
91 within a specified timeframe after submission to a
92 member of the statewide criminal analysis laboratory;
93 providing requirements for such guidelines and
94 procedures; providing construction; providing an
95 effective date.