



320858

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2016	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 943.326, Florida Statutes, is created to  
read:

943.326 DNA evidence collected in sexual offense  
investigations.—

(1) A sexual offense evidence kit, or other DNA evidence if  
a kit is not collected, must be submitted to a member of the



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11 statewide criminal analysis laboratory system under s. 943.32  
12 for forensic testing within 30 days after:

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

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

18 1. The alleged victim;

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

21 3. The alleged victim's personal representative, if the  
22 alleged victim is deceased.

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

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

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

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

36 (4) By January 1, 2017, the department and each laboratory  
37 within the statewide criminal analysis laboratory system, in  
38 coordination with the Florida Council Against Sexual Violence,  
39 shall adopt and disseminate guidelines and procedures for the



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40 collection, submission, and testing of DNA evidence that is  
41 obtained in connection with an alleged sexual offense. The  
42 timely submission and testing of sexual offense evidence kits is  
43 a core public safety issue. Testing of sexual offense evidence  
44 kits must be completed no later than 120 days after submission  
45 to a member of the statewide criminal analysis laboratory  
46 system.

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

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

66 (5) This section does not create a cause of action or  
67 create any rights for an individual to challenge the admission  
68 of evidence or create a cause of action for damages or any other



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69 relief for a violation of this section.

70 Section 2. This act shall take effect July 1, 2016.

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72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete everything before the enacting clause  
75 and insert:

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