

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 678

INTRODUCER: Senator Bradley

SUBJECT: Forensic Genetic Genealogy Grants

DATE: January 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Pre-meeting
2.			ACJ	
3.			FP	

I. Summary:

SB 678 creates the Forensic Genetic Genealogy Grant Program within the Florida Department of Law Enforcement (FDLE). The purpose of the program is to award grants to law enforcement agencies or medical examiner’s offices to support local law enforcement agencies in the processing of DNA samples.

The FDLE will annually award to law enforcement agencies or medical examiner’s offices funds specially appropriated for the grant program to cover expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations or identifying unidentified human remains.

The term “forensic genetic genealogy methods” as defined in the bill means any technology used in a forensic laboratory capable of producing a forensic genealogy profile with a minimum of 100,000 markers and compatible with multiple genealogical databases which are available to law enforcement for the uses specified for the grant funds.

Grants may be used to:

- Carry out DNA analyses of samples collected under applicable legal authority using forensic genetic genealogy methods for solving violent crimes.
- Carry out DNA analyses of unidentified human remains.

Grant recipients must provide a report to the FDLE executive director no later than one year after receiving the funding. The report must include:

- The amount of annual funding received;
- The number of cases tested using forensic genetic genealogical DNA analysis;
- The type of forensic genetic genealogical DNA testing used, including the name of the laboratory to which such testing is outsourced, if any, and the type of equipment used for the testing;

- The result of the testing, such as victim identification, perpetrator identification, or no identification; and
- The average amount of time it took to make each such identification or to determine no identification could be made.

The bill becomes effective July 1, 2024.

The FDLE does not anticipate a significant fiscal impact from this bill unless county forensic laboratories seek assistance with any additional requests for services. See Section V. Fiscal Impact Statement.

II. Present Situation:

Current Florida Law

Section 119.071(2)(r)2., F.S., makes investigative genetic genealogy information and materials held by an agency before, on, or after July 1, 2023, confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.¹ The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.²

As defined in s. 119.071(2)(r), F.S., “investigative genetic genealogy information and materials” means the information, records, and genetic profiles created or collected by or on behalf of a law enforcement agency conducting investigative genetic genealogy research.³ It includes any names and personal identifying information or identifiers of individuals determined through the use of genealogy databases, traditional genealogical methods, or other investigative means.⁴ The term does not include the name or personal identifying information of the donor of a biological sample attributable to a perpetrator; or a person identified through investigative genetic genealogy who is a witness to or has personal knowledge related to the crime under investigation.⁵

“Investigative genetic genealogy” means the application of genetic genealogy and law enforcement investigative techniques to develop investigative leads in unsolved violent crimes and provide investigative leads as to the identity of unidentified human remains and living unidentified missing persons.⁶

The term “genetic genealogy” means the use of DNA testing in combination with traditional genealogical methods to infer relationships between persons and determine ancestry.⁷

¹ Chapter 2023-235, L.O.F.

² FLA. CONST. art. I, s. 24(c).

³ Section 119.071(2)(r)1.d., F.S.

⁴ *Id.*

⁵ Section 119.071(2)(r)1.d. (I) and (II), F.S.

⁶ Section 119.071(2)(r)1.c., F.S.

⁷ Section 119.071(2)(r)1.b., F.S.

“Traditional genealogical methods” means the use of genealogical databases and historical records to trace the family lineage of a person.⁸ “DNA record” means all information associated with the collection and analysis of a person's DNA sample, including the distinguishing characteristics collectively referred to as a DNA profile, and includes a single nucleotide polymorphism and a whole genome sequencing DNA profile.⁹

A law enforcement agency may disclose investigative genetic genealogy information and materials in furtherance of its official duties and responsibilities or to another governmental agency in the furtherance of its official duties and responsibilities.¹⁰

A law enforcement agency must disclose investigative genetic genealogy information and materials pursuant to a court order for furtherance of a criminal prosecution. If a court orders the disclosure of such information and materials, the recipient of the information and materials must maintain the confidential and exempt status of the information and materials and may only publicly disclose the information and materials as necessary for purposes of a criminal prosecution as determined by the court.¹¹

Catching the Golden State Killer Using Consumer DNA Testing Database

A Florida-based genealogy website called GEDmatch that allows users to voluntarily share their genetic profiles for free provided information that led investigators to the “Golden State Killer” who had eluded law enforcement since 1976.¹² The website revealed a distant relative and that information helped lead authorities to the man suspected of conducting a reign of terror up and down California, including 12 homicides, 45 rapes, and more than 100 residential burglaries between 1976 and 1986.¹³ The man subsequently pleaded guilty to 13 counts of first-degree murder and special circumstances (including murder committed during burglaries and rapes), as well as 13 counts of kidnapping.¹⁴

The Florida Department of Law Enforcement Forensic/Investigative Genetic Genealogy Program

The FDLE Genetic Genealogy team provides investigative leads to investigators based on DNA matches to relatives found in public genealogy databases.¹⁵ The team includes experts in genetic genealogy, analytical research, forensics, and investigations who work with local law

⁸ Section 119.071(2)(r)1.e., F.S.

⁹ Section 119.071(2)(r)1.a., F.S.

¹⁰ Section 119.071(2)(r)3.a., F.S.

¹¹ Section 119.071(2)(r)3.b., F.S.

¹² Los Angeles Times, *The untold story of how the Golden State Killer was found: A covert operation and private DNA*, Paige St. John, December 8, 2020, available at <https://www.latimes.com/california/story/2020-12-08/man-in-the-window>, (last visited January 9, 2024).

¹³ *Id.*

¹⁴ CNN News, “*Hearing details ghastly crimes of Golden State Killer as he pleads guilty to killings*,” Elliott C. McLaughlin, Stella Chan, June 29, 2020, available at <https://www.cnn.com/2020/06/29/us/golden-state-killer-plea-expected/index.html#:~:text=DeAngelo%20pleaded%20guilty%20to%2013,as%2013%20counts%20of%20kidnapping>, (last visited January 9, 2024).

¹⁵ Florida Department of Law Enforcement, News, *FDLE Genetic Genealogy Investigations program solves cold cases in first year*, available at <https://www.fdle.state.fl.us/News/2019/October/FDLE-Genetic-Genealogy-Investigations-program-solve>, (last visited January 9, 2024).

enforcement agencies.¹⁶ In its first year, the program helped identify four suspects, solving cases that were more than a decade old.¹⁷

III. Effect of Proposed Changes:

The bill creates the Forensic Genetic Genealogy Grant Program within the FDLE. The purpose of the program is to award grants to law enforcement agencies or medical examiner's offices to support local law enforcement agencies in the processing of DNA samples.

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The bill becomes effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁶ *Id.*

¹⁷ *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE does not anticipate a significant fiscal impact from this bill since cases within the FDLE jurisdiction are currently subjected to DNA analysis to determine which samples are good sources of DNA for forensic investigative genetic genealogy (FIGG) testing. This “preliminary” testing means that the bill should not result in an increase in laboratory requests for services. The FDLE suggests that county labs may experience increased requests for services as a result of the bill. If the county labs cannot meet additional demands, the FDLE may experience higher volumes of examination requests.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The use of the term “forensic genetic genealogy methods” and the definition of the term in the bill do not match the terms and definitions appearing in existing law, s. 119.071(2)(r), F.S.¹⁹ This incongruence may result in unnecessary confusion within the scientific and investigative communities.

¹⁸ Florida Department of Law Enforcement, *2024 FDLE Legislative Bill Analysis*, December 5, 2023. (on file with the Senate Criminal Justice Committee).

¹⁹ See Section II, Present Situation, Current Law.

VIII. Statutes Affected:

This bill creates section 943.327 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
