

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 Fiscal Policy

BILL: CS/SB 1072

INTRODUCER: Fiscal Policy Committee and Senator McClain

SUBJECT: Expedited DNA Testing Grant Program

DATE: April 18, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2. <u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3. <u>Cellon</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1072 creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to law enforcement agencies for the processing of DNA samples at private laboratories.

A private laboratory is defined as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards or any laboratory deemed appropriate by the department (the FDLE).

The bill requires FDLE to annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by specified private laboratories when:

- The technology or technique needed to properly test the evidence or DNA sample is not readily available at a local or state laboratory; or
- When expedited testing of the DNA sample is in the agency's judgment, justice is best served by expedited processing and testing.

An agency receiving grant funds must submit a report to the executive director of FDLE no later than one year after receiving grant funding, including specified information.

The FDLE must adopt rules to implement and administer the grant program.

Grant awards to support the program are subject to appropriation. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

FBI's Combined DNA Index System (CODIS)

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.¹

Historically, the most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats (STRs).² In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).³ CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.⁴

When a suspect's identity is unknown, a participating crime laboratory may upload a forensic profile into CODIS to compare against additional DNA profiles uploaded by other federal, state, or local participating laboratories. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.⁵

ISO/IEC 17025:2017

The International Organization for Standardization (ISO) is a worldwide federation consisting of technical committees that work with governmental and nongovernmental organizations to prepare standards related to technology and manufacturing.⁶ ISO and the International Electrotechnical Commission (IEC) develop joint ISO/IEC documents to provide uniform

¹ FindLaw, [How DNA Evidence Works](#) (last visited April 2, 2025).

² Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), available at <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited March 28, 2025).

³ *Id.*

⁴ FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited April 2, 2025).

⁵ *Id.*

⁶ International Standard, [ISO/IEC 17025:2017 - General Requirements for the Competence of Testing and Calibration Laboratories](#) (last visited March 28 2025).

guidelines in each subject for which a technical committee has been established, including technical committees that establish international standards for DNA laboratories.⁷

ISO/IEC standards for DNA laboratories outline requirements related to:

- Personnel;
- Facilities and environmental conditions;
- Equipment;
- Selection, verification, and validation of methods;
- Ensuring the validity of results; and
- Reporting results.⁸

Federal Bureau of Investigation Quality Assurance Standards

The FBI provides quality assurance requirements that laboratories performing forensic DNA testing or utilizing the CODIS must follow.⁹ These standards ensure the quality and integrity of the data generated by the laboratory and apply to:

- Forensic DNA testing laboratories using Rapid DNA instruments/Systems on casework reference samples.
- Vendor laboratories that perform forensic DNA testing in accordance with specified standards.¹⁰

The FBI standards also require laboratories to establish, follow, and maintain quality assurance systems that include elements related to:

- Goals and objectives;
- Organization and management;
- Personnel;
- Training;
- Facilities and evidence control;
- Validation;
- Analytical procedures;
- Equipment;
- Reports;
- Review;
- Proficiency testing;
- Corrective action;
- Audits;
- Professional development; and
- Outsourcing ownership.¹¹

Additionally, each laboratory must:

⁷ *Id.*

⁸ *Id.*

⁹ FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#) (last visited April 2, 2025).

¹⁰ *Id.* Additionally, FBI standards do not preclude the participation of a laboratory, by itself or in collaboration with others, in research and development on procedures that have not been validated.

¹¹ *Id.*

- Have and develop a policy regarding document retention that specifically addresses proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring;
- Annually review each quality assurance system related to DNA; and
- Annually review case files that are a representative sample of cases worked.¹²

III. Effect of Proposed Changes:

The bill creates the Expedited DNA Testing Grant Program within the FDLE to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. The FDLE must annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by private laboratories. The bill defines a “private lab” as any DNA laboratory accredited pursuant to ISO/IEC 17025:2017 of the International Organization for Standardization and FBI Quality Assurance Standards or any laboratory deemed appropriate by the department (the FDLE).

Under the bill, grants may be used by a law enforcement agency when:

- The technology or technique needed to properly test the DNA sample is not readily available at a local or state laboratory; and
- In the law enforcement agency's judgment, expedited testing of the DNA sample is in the best interest of advancing an investigation.

The bill requires each grant recipient to provide a report to the executive director of FDLE no later than one year after receiving grant funding that details the:

- Amount of annual funding received from the grant;
- Number of cases tested by the private laboratory;
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of equipment used by the private laboratory for such testing;
- The results of the DNA testing; and
- Average amount of time it took to make each such identification.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or state-shared revenues as specified by Article VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

¹² *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill may have an indeterminate positive impact on the private sector to the extent that the bill authorizes recipients of grant funds to pay for expenses related to using certain DNA testing, which may require outsourcing to a private entity. Any such impact is subject to legislative appropriation.

C. Government Sector Impact:

Grant awards to support the program are subject to appropriation; the bill does not appropriate funds for the grant program. FDLE is unable to predict workload and the personnel required to implement and manage the grant program.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Requirements for the outsourcing of DNA samples are contained in Standard 17 of the FBI Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories. For law enforcement agencies seeking to outsource offender and/or casework samples, the technical specifications of the outsourcing agreement must have the prior approval of the technical leader of the NDIS participating laboratory that will be entering that DNA data into CODIS. At a minimum, the outsourced laboratory must follow the FBI's Quality Assurance Standards and be accredited.¹⁴

¹³ Florida Department of Law Enforcement, *2025 Bill Analysis SB 1072 Expedited DNA Testing Grant Program*.

¹⁴ Frequently Asked Questions on CODIS and NDIS, the Federal Bureau of Investigation; available at <https://www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet#CODIS>; (last visited March 28, 2025).

Standard 17 of the Quality Assurance Standards also requires the completion of an on-site visit of the vendor laboratory prior to the beginning of the outsourced analyses and a technical review of the outsourced DNA records by the NDIS participating laboratory. Please refer to the FBI's Quality Assurance Standards for Forensic DNA Testing and DNA Databasing Laboratories for additional information concerning the use of contract employees to perform the technical review of DNA records.¹⁵

VIII. Statutes Affected:

This bill creates section 943.328 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.)

CS by Fiscal Policy on April 17, 2025:

The committee substitute:

- Amends the definition of “private lab” to include any laboratory deemed appropriate by the department.

- B. **Amendments:**

None.

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

¹⁵ *Id.*