

1                                   A bill to be entitled  
2           An act relating to DNA testing; amending s.  
3           943.325, F.S.; requiring certain persons  
4           convicted of burglary to submit blood specimens  
5           for DNA analysis; requiring persons on  
6           probation, community control, or other  
7           supervision for any offense who are required to  
8           provide blood samples to provide them even  
9           without a court order requiring it; providing  
10          for enforcement; reenacting s. 810.02, F.S.,  
11          relating to burglary; providing an effective  
12          date.

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

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16           Section 1. Subsection (1) and paragraph (a) of  
17          subsection (10) of section 943.325, Florida Statutes, are  
18          amended and paragraph (f) is added to subsection (10) of that  
19          section, to read:

20           943.325 Blood specimen testing for DNA analysis.--

21           (1)(a) Any person who is convicted, or ~~who~~ was  
22          previously convicted ~~and is still incarcerated~~, in this state  
23          for any offense or attempted offense defined in chapter 794,  
24          chapter 800, s. 782.04, s. 784.045, s. 810.02, s. 812.133, or  
25          s. 812.135, and who is either:

26           1. Still incarcerated, or

27           2. No longer incarcerated but is within the confines  
28          of the legal state boundaries and is on probation, community  
29          control, parole, conditional release, control release, or any  
30          other court-ordered supervision,

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1 shall be required to submit two specimens of blood to a  
2 Department of Law Enforcement designated testing facility as  
3 directed by the department.

4 (b) For the purpose of this section, the term "any  
5 person" shall include both juveniles and adults committed to  
6 or under the supervision of the Department of Corrections or  
7 the Department of Juvenile Justice or committed to a county  
8 jail.

9 (10)(a) The court shall include in the judgment of  
10 conviction for an offense specified in this section, or a  
11 finding that a person described in subsection (1) violated a  
12 condition of probation, community control, or any other  
13 court-ordered supervision, an order stating that blood  
14 specimens are required to be drawn by the appropriate agency  
15 in a manner consistent with this section and, unless the  
16 convicted person lacks the ability to pay, the person shall  
17 reimburse the appropriate agency for the cost of drawing and  
18 transmitting the blood specimens to the Florida Department of  
19 Law Enforcement. The reimbursement payment may be deducted  
20 from any existing balance in the inmate's ~~inmates's~~ bank  
21 account. If the account balance is insufficient to cover the  
22 cost of drawing and transmitting the blood specimens to the  
23 Florida Department of Law Enforcement, 50 percent of each  
24 deposit to the account must be withheld until the total amount  
25 owed has been paid. If the judgment places the convicted  
26 person on probation, community control, or any other  
27 court-ordered supervision, the court shall order the convicted  
28 person to submit to the drawing of the blood specimens as a  
29 condition of the probation, community control, or other  
30 court-ordered supervision. For the purposes of a person who  
31 is on probation, community control, or any other court-ordered

1 supervision, the collection requirement must be based upon a  
2 court order, or as otherwise provided by the person in the  
3 absence of a court order. If the judgment sentences the  
4 convicted person to time served, the court shall order the  
5 convicted person to submit to the drawing of the blood  
6 specimens as a condition of such sentence.

7 (f) If a judgment fails to order the convicted person  
8 to submit to the drawing of the blood specimens as mandated by  
9 this section, the state attorney may seek an amended order  
10 from the sentencing court mandating the submission of blood  
11 specimens in compliance with this section. As an alternative,  
12 the department, a state attorney, the Department of  
13 Corrections, or any law enforcement agency may seek a court  
14 order to secure the blood specimens as authorized in  
15 subsection (11).

16 Section 2. Section 810.02, Florida Statutes, is  
17 reenacted to read:

18 810.02 Burglary.--

19 (1) "Burglary" means entering or remaining in a  
20 dwelling, a structure, or a conveyance with the intent to  
21 commit an offense therein, unless the premises are at the time  
22 open to the public or the defendant is licensed or invited to  
23 enter or remain.

24 (2) Burglary is a felony of the first degree,  
25 punishable by imprisonment for a term of years not exceeding  
26 life imprisonment or as provided in s. 775.082, s. 775.083, or  
27 s. 775.084, if, in the course of committing the offense, the  
28 offender:

29 (a) Makes an assault or battery upon any person; or  
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1 (b) Is or becomes armed within the dwelling,  
2 structure, or conveyance, with explosives or a dangerous  
3 weapon; or

4 (c) Enters an occupied or unoccupied dwelling or  
5 structure, and:

6 1. Uses a motor vehicle as an instrumentality, other  
7 than merely as a getaway vehicle, to assist in committing the  
8 offense, and thereby damages the dwelling or structure; or

9 2. Causes damage to the dwelling or structure, or to  
10 property within the dwelling or structure in excess of \$1,000.

11 (3) Burglary is a felony of the second degree,  
12 punishable as provided in s. 775.082, s. 775.083, or s.  
13 775.084, if, in the course of committing the offense, the  
14 offender does not make an assault or battery and is not and  
15 does not become armed with a dangerous weapon or explosive,  
16 and the offender enters or remains in a:

17 (a) Dwelling, and there is another person in the  
18 dwelling at the time the offender enters or remains;

19 (b) Dwelling, and there is not another person in the  
20 dwelling at the time the offender enters or remains;

21 (c) Structure, and there is another person in the  
22 structure at the time the offender enters or remains; or

23 (d) Conveyance, and there is another person in the  
24 conveyance at the time the offender enters or remains.

25 (4) Burglary is a felony of the third degree,  
26 punishable as provided in s. 775.082, s. 775.083, or s.  
27 775.084, if, in the course of committing the offense, the  
28 offender does not make an assault or battery and is not and  
29 does not become armed with a dangerous weapon or explosive,  
30 and the offender enters or remains in a:

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(a) Structure, and there is not another person in the structure at the time the offender enters or remains; or

(b) Conveyance, and there is not another person in the conveyance at the time the offender enters or remains.

Section 3. This act shall take effect July 1, 2000.