

By Senator Silver

38-90-01

1 A bill to be entitled
2 An act relating to DNA testing; creating s.
3 943.3255, F.S.; requiring felony arrestees to
4 provide blood samples for DNA testing;
5 providing duties of law enforcement agencies
6 and the Department of Law Enforcement;
7 providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 943.3255, Florida Statutes, is
12 created to read:
13 943.3255 Blood specimen testing for DNA analysis.--
14 (1) Any person who has been arrested for an offense
15 that is a felony under the laws of this state must provide to
16 the arresting law enforcement agency, or to another law
17 enforcement agency designated by the arresting agency, two
18 specimens of blood for transmittal to a testing facility
19 designated by the Florida Department of Law Enforcement.
20 (2) The withdrawal of blood for purposes of this
21 section shall be performed in a medically approved manner and
22 only under the supervision of a physician, registered nurse,
23 licensed practical nurse, or duly licensed medical personnel.
24 (3) If any blood specimens submitted to the Department
25 of Law Enforcement under this section are found to be
26 unacceptable for analysis and use or cannot be used by the
27 department in the manner required by this section, the
28 Department of Law Enforcement may require that another set of
29 blood specimens be taken.
30 (4) The Department of Law Enforcement shall provide
31 the specimen vials, mailing tubes, labels, and instructions

1 for the collection of blood specimens. The specimens shall
2 thereafter be forwarded to the designated testing facility for
3 analysis to determine genetic markers and characteristics for
4 the purpose of individual identification of the person
5 submitting the sample.

6 (5) The analysis, when completed, shall be entered
7 into the automated database maintained by the Department of
8 Law Enforcement for such purpose, and shall not be included in
9 the state central criminal justice information repository.

10 (6) If the person providing the sample is convicted of
11 the offense for which he or she was arrested or of another
12 felony arising from the same criminal episode, the results of
13 the DNA analysis shall be maintained in the automated database
14 maintained by the Department of Law Enforcement.

15 (7) The Department of Law Enforcement and the
16 statewide criminal laboratory analysis system shall establish,
17 implement, and maintain a statewide automated personal
18 identification system capable of, but not limited to,
19 classifying, matching, and storing analyses of DNA
20 (deoxyribonucleic acid) and other biological molecules.

21 (8) The Department of Law Enforcement shall:

22 (a) Receive, process, and store blood samples and the
23 data derived therefrom furnished pursuant to subsection (1).

24 (b) Collect, process, maintain, and disseminate
25 information and records pursuant to this section.

26 (c) Strive to maintain or disseminate only accurate
27 and complete records.

28 (d) Adopt rules prescribing the proper procedure for
29 state and local law enforcement and correctional agencies to
30 collect and submit blood samples pursuant to this section.

1 (9) The failure of any agency or the department to
2 strictly comply with this section or to abide by a protocol
3 shall not constitute a ground for challenging the validity of
4 the collection or use of the sample as provided in this
5 section or for exclusion of evidence based upon, or derived
6 from, any specimen so taken.

7 Section 2. This act shall take effect October 1, 2001.

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10 SENATE SUMMARY

11 Requires each person arrested for felonies to provide
12 blood samples for DNA testing under auspices of the
13 Florida Department of Law Enforcement for inclusion in
14 the department's automated database.