

By Senator Silver

38-336-01

1 A bill to be entitled
2 An act relating to public records; exempting
3 from public records disclosure the results of
4 DNA testing and analysis of blood samples
5 provided by persons arrested for felonies;
6 prescribing entities to whom results may be
7 disclosed; providing for destruction of such
8 records in specified circumstances; providing
9 for future legislative review and repeal;
10 providing a finding of public necessity;
11 providing an effective date.

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

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15 Section 1. The results of a DNA analysis performed
16 pursuant to section 943.3255, Florida Statutes, and the
17 comparison of analytic results may be released only to law
18 enforcement agencies, to criminal justice agencies as defined
19 in section 943.045, Florida Statutes, and to the attorney of
20 the person tested. Otherwise, such information is confidential
21 and exempt from the provisions of section 119.07(1), Florida
22 Statutes, and section 24(a), Article I of the State
23 Constitution. If the person tested is not convicted of the
24 offense for which he or she was arrested or of another felony
25 arising from the same criminal episode, all results of the DNA
26 analysis shall be destroyed. This section is subject to the
27 Open Government Sunset Review Act of 1995 in accordance with
28 section 119.15, Florida Statutes, and shall stand repealed on
29 October 2, 2006, unless reviewed and saved from repeal through
30 reenactment by the Legislature.

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1 Section 2. The Legislature finds that exempting from
2 the public records law the results of a DNA analysis and any
3 comparison of the analytic results is a public necessity in
4 that the harm of releasing such information outweighs any
5 public benefit derived from releasing such information.
6 Uncontrolled dissemination of the results could result in
7 unscientific or unscrupulous "matches" which could be used to
8 challenge or confuse investigative or judicial findings, thus
9 hindering the effective and efficient administration of the
10 Department of Law Enforcement in completing criminal
11 investigations. Further, destruction of such records in cases
12 in which there is no felony conviction protects the privacy of
13 persons not so convicted. In addition, removal of the
14 protection afforded this information could jeopardize the
15 department's access to the national DNA analysis database,
16 thus hindering the effective and efficient administration of
17 future investigations.

18 Section 3. This act shall take effect October 1, 2001.

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SENATE SUMMARY

Exempts the results of DNA tests and test analyses from blood samples provided by persons arrested for felonies from public records disclosure. Requires the destruction of test results when a person tested is not convicted of the felony for which he or she was arrested or of another felony arising from the same criminal episode.