

1 A bill to be entitled

2 An act relating to forensic examination evidence;
3 amending s. 794.052, F.S.; requiring that forensic
4 examination evidence collected be submitted to the
5 Department of Law Enforcement within a specified
6 timeframe for entry into the statewide DNA database;
7 requiring the department to return such evidence to
8 the local or investigating law enforcement agency for
9 permanent retention; creating s. 938.086, F.S.;
10 providing a surcharge upon persons convicted of
11 certain sexual offenses; specifying that the proceeds
12 of the surcharge be used to process forensic medical
13 evidence submitted in investigations of alleged sexual
14 assaults; creating s. 943.326, F.S.; requiring law
15 enforcement agencies to adopt standards concerning
16 forensic evidence collected in investigations of
17 alleged sexual assaults; creating the Forensic Medical
18 Evidence Kit Task Force; requiring the task force to
19 develop a plan to create a system that provides
20 comprehensive forensic medical evidence kit tracking
21 and inventory management; prohibiting a victim's
22 personal identifying information from being included
23 in the system; specifying elements that must be
24 included in the plan; requiring the task force to
25 develop a plan to safeguard information; requiring the
26 task force to make specified recommendations;

27 requiring a report; providing for expiration of the
 28 task force; providing an effective date.

29

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

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32 Section 1. Section 794.052, Florida Statutes, is amended
 33 to read:

34 794.052 Sexual battery; notification of victim's rights
 35 and services.—

36 (1) A law enforcement officer who investigates an alleged
 37 sexual battery shall:

38 (a) Assist the victim in obtaining medical treatment, if
 39 medical treatment is necessary as a result of the alleged
 40 incident, a forensic examination, and advocacy and crisis-
 41 intervention services from a certified rape crisis center and
 42 provide or arrange for transportation to the appropriate
 43 facility.

44 (b) Advise the victim that he or she may contact a
 45 certified rape crisis center from which the victim may receive
 46 services.

47 (c) Before ~~Prior to~~ submitting a final report, permit the
 48 victim to review the final report and provide a statement as to
 49 the accuracy of the final report.

50 (2) The law enforcement officer shall give the victim
 51 immediate notice of the legal rights and remedies available to a
 52 victim on a standard form developed and distributed by the

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53 Florida Council Against Sexual Violence in conjunction with the
54 Department of Law Enforcement. The notice must include the
55 resource listing, including telephone number, for the area
56 certified rape crisis center as designated by the Florida
57 Council Against Sexual Violence.

58 (3) Forensic examination evidence collected under
59 subsection (1) shall:

60 (a) Be submitted to the Department of Law Enforcement for
61 entry into the statewide DNA database pursuant to s. 943.325
62 within 30 days after the evidence is collected.

63 (b) Be returned by the Department of Law Enforcement to
64 the local or investigating law enforcement agency for permanent
65 retention.

66 Section 2. Section 938.086, Florida Statutes, is created
67 to read:

68 938.086 Additional court cost for processing of forensic
69 medical evidence in alleged sexual assault cases.—In addition to
70 any sanction imposed when a person pleads guilty or nolo
71 contendere to, or is found guilty of, regardless of
72 adjudication, a violation of s. 393.135(2); s. 394.4593(2); s.
73 787.01; s. 787.02; s. 787.025(2)(c); s. 787.06(3)(b), (d), (f),
74 or (g); s. 794.011, excluding s. 794.011(10); s. 794.05; s.
75 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s.
76 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s.
77 847.0145; s. 916.1075(2); s. 985.701(1); or any similar offense
78 committed in this state which has been redesignated from a

79 former statute number to one of those listed in this section,
 80 the court shall impose a surcharge of \$1,000. Payment of the
 81 surcharge shall be a condition of probation, community control,
 82 or any other court-ordered supervision. The surcharge shall be
 83 deposited into the Operating Trust Fund of the Department of Law
 84 Enforcement to be used by the statewide criminal analysis
 85 laboratory system or a local law enforcement agency to process
 86 forensic medical evidence submitted in investigations of alleged
 87 sexual assaults.

88 Section 3. Section 943.326, Florida Statutes, is created
 89 to read:

90 943.326 DNA evidence collected in sexual assault
 91 investigations.—By January 1, 2017, each law enforcement agency
 92 in the state shall adopt a policy concerning the handling and
 93 submission for processing of forensic medical evidence collected
 94 in connection with an alleged sexual assault. Such a policy must
 95 include a requirement that the agency make every effort to
 96 ensure that such evidence be processed and the results be
 97 provided to the agency no later than 12 months after the date of
 98 the alleged sexual assault.

99 Section 4. Forensic Medical Evidence Kit Task Force.—The
 100 Forensic Medical Evidence Kit Task Force is created within the
 101 department and shall:

102 (1) Develop a plan to establish a system that tracks and
 103 manages forensic medical evidence kits, from the time they are
 104 collected until they are disposed of, to further enhance

105 accountability, transparency, and information sharing among all
106 stakeholders in the processing of such kits. Such a system may
107 not include victims' personal identifying information. At a
108 minimum, the plan must provide for:

109 (a) The development and implementation of a statewide,
110 integrated information management system to track the location,
111 lab submission status, testing, completion, and storage of
112 forensic medical evidence kits.

113 (b) The recording of logistical information regarding the
114 collection of forensic medical evidence kits at health care
115 facilities in a manner that ensures that kits that have been
116 reported to a law enforcement agency are differentiated from
117 those that have not been reported.

118 (c) Creation and maintenance of a log that identifies the
119 dates and times that forensic medical evidence kits are
120 submitted to the crime laboratory for analysis.

121 (d) Notification by a health care facility to a law
122 enforcement agency that a forensic medical evidence kit is ready
123 to be picked up from the facility.

124 (e) Electronic interface with current laboratory
125 information management systems in which processing results of
126 forensic medical evidence kits are recorded.

127 (f) Generation of statewide and jurisdiction-specific
128 reports on any existing backlog of forensic medical evidence
129 kits, the number of new kits collected and submitted for
130 testing, and the amount of time required for processing all

131 kits.

132 (g) Secure electronic access by the victim to information
133 on the current status of the forensic medical evidence kit
134 collected from him or her, including an option by which the
135 victim may elect to receive automatic updates if it is
136 determined by the law enforcement agency that the disclosure
137 will not impede or compromise an ongoing investigation.

138 (2) Develop a plan to safeguard the confidentiality of
139 information in the statewide forensic medical evidence kit
140 tracking system and to place limits on the disclosure of such
141 information.

142 (3) Recommend sources of public and private funding to
143 implement the system.

144 (4) Recommend changes to law or policy needed to support
145 implementation of the system.

146 (5) The task force shall report the plans required to be
147 developed under this section and its recommendations to the
148 Governor, the President of the Senate, and the Speaker of the
149 House of Representatives no later than June 30, 2017.

150 (6) This section expires June 30, 2017.

151 Section 5. This act shall take effect July 1, 2016.