

By Senator Sobel

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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 s. 943.3261, F.S.;
18 creating the Forensic Medical Evidence Kit Task Force;
19 requiring the task force to develop a plan to create a
20 system that provides comprehensive forensic medical
21 evidence kit tracking and inventory management;
22 prohibiting a victim's personal identifying
23 information from being included in the system;
24 specifying elements that must be included in the plan;
25 requiring the task force to develop a plan to
26 safeguard information; requiring the task force to
27 make specified recommendations; providing an effective
28 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 to

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33 read:

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

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62 within 30 days after the evidence is collected.

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

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

90 943.326 DNA evidence collected in sexual assault

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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. Section 943.3261, Florida Statutes, is created
100 to read:

101 943.3261 Forensic Medical Evidence Kit Task Force.—The
102 Forensic Medical Evidence Kit Task Force is created within the
103 department and shall:

104 (1) Develop a plan to establish a system that tracks and
105 manages forensic medical evidence kits, from the time they are
106 collected until they are disposed of, to further enhance
107 accountability, transparency, and information sharing among all
108 stakeholders in the processing of such kits. Such a system may
109 not include victims' personal identifying information. At a
110 minimum, the plan must provide for:

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

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

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

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

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

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

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

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

144 (3) Recommend sources of public and private funding to
145 implement the system.

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

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