

By Senator Cruz

18-00422-22

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1                   A bill to be entitled  
2       An act relating to sexual offense victim rights;  
3       amending s. 943.326, F.S.; requiring the Department of  
4       Law Enforcement to create statewide policies and  
5       procedures regarding contact with alleged victims, or  
6       their representatives, concerning sexual offense  
7       evidence kits; requiring the department to ensure that  
8       law enforcement agencies adopt the statewide policies  
9       and procedures; specifying requirements for the  
10      policies and procedures; requiring that each alleged  
11      victim of a sexual offense be notified of specified  
12      rights; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:  
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16       Section 1. Present subsection (5) of section 943.326,  
17       Florida Statutes, is redesignated as subsection (6), a new  
18       subsection (5) is added to that section, and paragraph (f) is  
19       added to subsection (4) of that section, to read:

20           943.326 DNA evidence collected in sexual offense  
21       investigations.—

22       (4) The department and each laboratory within the statewide  
23       criminal analysis laboratory system, in coordination with the  
24       Florida Council Against Sexual Violence, shall adopt and  
25       disseminate guidelines and procedures for the collection,  
26       submission, and testing of DNA evidence that is obtained in  
27       connection with an alleged sexual offense. The timely submission  
28       and testing of sexual offense evidence kits is a core public  
29       safety issue. Testing of sexual offense evidence kits must be

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30 completed no later than 120 days after submission to a member of  
31 the statewide criminal analysis laboratory system.

32 (f) The department shall create statewide policies and  
33 procedures regarding contact with an alleged victim or, if  
34 applicable, the person representing the alleged victim under  
35 subparagraph (1)(b)2. or subparagraph (1)(b)3. concerning sexual  
36 offense evidence kits and shall ensure that each law enforcement  
37 agency adopts such policies and procedures. The policies and  
38 procedures must be trauma-informed and survivor-focused and must  
39 require:

40 1. Each law enforcement agency to designate at least one  
41 person trained in trauma and victim response to receive all  
42 inquiries concerning sexual offense evidence kits and to serve  
43 as a liaison between the law enforcement agency and the alleged  
44 victim or the alleged victim's representative.

45 2. Alleged victims of a sexual offense be provided with the  
46 contact information for the designated liaison at the time that  
47 a sexual offense evidence kit is collected.

48 3. In advance of or at the beginning of a medical forensic  
49 examination or a law enforcement interview, that medical  
50 professionals, victim advocates, law enforcement officers, or  
51 prosecutors provide the alleged victim with a victim's rights  
52 information card or brochure as required under s. 960.001, which  
53 must also contain the rights granted under this section. This  
54 card or brochure must be available, at a minimum, in English,  
55 Spanish, and Creole.

56 (5) Each alleged victim of a sexual offense shall be  
57 notified of her or his right to:

58 (a) Consult with a sexual offense victim advocate who can

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59 provide confidentiality and privileged communications, and that  
60 waiving the right to a victim advocate in one instance does not  
61 negate this right. The medical facility, law enforcement  
62 officer, or prosecutor shall inform the alleged victim of this  
63 right in advance of or at the beginning of a medical forensic  
64 examination or law enforcement interview, and the examination or  
65 interview may not continue unless the alleged victim knowingly  
66 and voluntarily waives this right.

67 (b) Be informed, upon request, of the location, testing  
68 date, and testing results of a sexual offense evidence kit;  
69 whether a DNA profile was obtained from the sexual offense  
70 evidence kit; whether there are matches to DNA profiles in state  
71 or federal databases; and the estimated destruction date for the  
72 sexual offense evidence kit, all in a manner of communication  
73 designated by the alleged victim.

74 (c) Be informed when there is any change in the status of  
75 the alleged victim's case, including if the case has been closed  
76 or reopened.

77 (d) Receive written notification, upon request, from the  
78 appropriate official with custody of an alleged victim's sexual  
79 offense evidence kit not later than 60 days before the date of  
80 the intended destruction or disposal.

81 (e) Be granted further preservation of the sexual offense  
82 evidence kit or its probative contents.

83 (f) Designate a person of the alleged victim's choosing to  
84 act as a recipient of the information provided under this  
85 subsection.

86 (g) Be informed about how to file a report with law  
87 enforcement and have the sexual offense evidence kit tested in

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88 the future if the alleged victim chose not to file a report when  
89 the sexual offense evidence kit was first collected.

90 (h) Be informed about the right to apply for victim  
91 compensation.

92 Section 2. This act shall take effect July 1, 2022.