

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1140

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Ingoglia

SUBJECT: Rapid DNA Grant Program

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u>Cellon</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1140 creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to county jails or sheriffs' offices to procure Rapid DNA machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires the FDLE to annually award funds specifically appropriated for the grant program to county jails and sheriffs' offices. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The total amount of grants awarded may not exceed funding appropriated for the grant program.

The cost associated with procuring the technology varies. The cost for future years is subject to appropriation. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

The FDLE is the administrator of Florida's statewide DNA database.¹ The database is an automated personal identification system capable, in part, of classifying, matching, and storing analyses of DNA and other biological molecules and related data.² All accredited local government crime laboratories within the state have access through CODIS to the statewide DNA database in accordance with the rules and agreements established by FDLE.³

“CODIS” means the Federal Bureau of Investigation’s (FBI) Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local forensic DNA laboratories.⁴ CODIS blends forensic science and computer technology into a tool that enables federal, state, and local forensic laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes to each other and to known offenders.⁵

Rapid DNA is the fully automated (hands free) process of generating a DNA profile from a person’s cheek swab in less than two hours.⁶ States with laws that allow DNA analysis upon arrest will be able to submit a qualifying arrestee DNA profile to the CODIS database from the booking station at a county jail.⁷ Florida law requires all persons arrested for a felony or attempted felony in this state to submit a DNA sample at the time they are booked into a jail.⁸

The qualifying arrestee DNA profile will be immediately enrolled and searched in CODIS against DNA profiles from unsolved crimes of special concern.⁹ The “Wants and Warrants” system will immediately send a message involving any exact DNA matches to the booking and investigating agencies.¹⁰ The Rapid DNA system has the ability to provide information on any “hits” on the arrestee’s DNA sample, likely while the arrestee is still in the booking station.¹¹

The FDLE and the Leon County Sheriff’s Office implemented the country’s first fully automated Rapid DNA collection process in 2020.¹² Florida is one of five states selected by the FBI to participate in the Rapid DNA project and the only one to use a fully automated process.¹³ The

¹ Section 943.325(4), F.S.

² *Id.*

³ *Id.*

⁴ Section 943.325(2)(b), F.S.

⁵ FBI Law Enforcement Resources, Biometrics and Fingerprints, Combined DNA Index System (CODIS), available at <https://le.fbi.gov/science-and-lab-resources/biometrics-and-fingerprints/codis>, (last visited March 21, 2023).

⁶ FBI’s Vision of Rapid DNA, September 20, 2017, available at <http://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna-analysis>, (last visited March 21, 2023).

⁷ *Id.*

⁸ Section 943.325(7)(b), F.S.

⁹ Unsolved crimes of special concern are crimes involving a significant public safety threat and are determined by state-wide policies. *Id.*

¹⁰ *Id.*

¹¹ FDLE News, FDLE, LCSO unveil nation’s first automated rapid DNA collection, February 26, 2020, available at <https://www.fdle.state.fl.us/News/2020/February/FDLE,-LCSO-unveils-nation%E2%80%99s-first-automated-rapid>, (last visited March 21, 2023).

¹² *Id.*

¹³ Forensic, Nation’s First Automated Rapid DNA Collection, March 18, 2023, available at <https://www.forensicmag.com/561947-Nation-s-First-Automated-Rapid-DNA-Collection/>, (last visited March 21, 2023).

FDLE's technology was approved by the FBI in March 2020.¹⁴ The FBI will use data from the pilots to establish national standards for Rapid DNA.¹⁵

III. Effect of Proposed Changes:

The bill creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within FDLE to award grants to county jails or sheriffs' offices to cover expenses, including the procurement of Rapid DNA testing machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires FDLE to annually award funds received from appropriations specific to the grant program to county jails and sheriffs' offices. The total amount of grants awarded may not exceed funding appropriated for the grant program. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁴ *Id.*

¹⁵ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Sheriffs Association, the cost of the new technology varies by vendor as well as the number of samples an agency collects. In short, the cost of a Rapid DNA machine can range from \$150,000 to \$250,000 and the cost per sample can range from approximately \$140 per sample to \$250 per sample. There are also additional one-time expenses such as installation, IT integration, training, and shipping, and the on-going expense of a service contract. These vary considerably depending on the vendor.

While there may be some opportunities available for federal grant money for the Rapid DNA roll-out, the opportunities tend to vary each year, and so are unpredictable.¹⁶ FDLE's ability to award grants using state funds in future years is subject to appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.324 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Criminal and Civil Justice on April 12, 2023:

- Deletes the appropriation in Section 2 of the bill designated for the Florida Department of Law Enforcement for implementing the Rapid DNA Grant Program under s. 943.324, F.S.
- Provides that the Florida Department of Law Enforcement will annually award county jails or sheriffs' offices funds specifically appropriated for the Rapid DNA Grant Program to cover expenses related to purchasing DNA testing machines and supplies.

¹⁶ E-mail from the Florida Sheriffs Association, received March 22, 2023, on file with the Senate Criminal Justice Committee.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
