

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Plakon offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) of section 943.326, Florida
8 Statutes, is amended, and subsection (1) of that section is
9 republished, to read:

10 943.326 DNA evidence collected in sexual offense forensic
11 physical examinations and investigations.-

12 (1) A sexual offense evidence kit, or other DNA evidence if
13 a kit is not collected, must be submitted to a member of the
14 statewide criminal analysis laboratory system under s. 943.32
15 for forensic testing within 30 days after:

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16 (a) Receipt of the evidence by a law enforcement agency if
17 a report of the sexual offense is made to the law enforcement
18 agency; or

19 (b) A request to have the evidence tested is made to the
20 medical provider or the law enforcement agency by:

21 1. The alleged victim;

22 2. The alleged victim's parent, guardian, or legal
23 representative, if the alleged victim is a minor; or

24 3. The alleged victim's personal representative, if the
25 alleged victim is deceased.

26 (3) (a) Except as provided in paragraph (b) a collected
27 sexual offense evidence kit, or other DNA evidence if a kit is
28 not collected, collected from an alleged victim who reports a
29 sexual offense to a law enforcement agency or who makes a
30 request, or on whose behalf a request is made, for testing in
31 compliance with paragraph (1)(b), must be retained in a secure,
32 environmentally safe manner until the prosecuting agency has
33 approved its destruction.

34 (b)1. A sexual offense evidence kit collected from a
35 person who does not report a sexual offense to a law enforcement
36 agency during the forensic physical examination and who does not
37 make a request, or have a request made on his or her behalf, in
38 compliance with paragraph (1)(b) must be retained for a minimum
39 of 8 years from the collection date by the medical facility that
40 collected the kit, a certified rape crisis center with

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41 appropriate storage capabilities, or a law enforcement agency. A
42 sexual offense evidence kit retained pursuant to this
43 subparagraph must be stored anonymously, in a secure,
44 environmentally safe manner, and with a documented chain of
45 custody.

46 2. If, at any time following the initial retention of a
47 sexual offense evidence kit pursuant to subparagraph (b)1., an
48 alleged victim makes a report to a law enforcement agency or
49 makes a request, or has a request made on his or her behalf, for
50 testing in compliance with paragraph (1) (b), the kit must be
51 retained as described in paragraph (3) (a).

52 Section 2. This act shall take effect July 1, 2024.

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55 **T I T L E A M E N D M E N T**

56 Remove everything before the enacting clause and insert:
57 An act relating to retention of sexual offense evidence;
58 amending s. 943.326, F.S.; establishing a minimum timeframe for
59 the retention of specified sexual offense evidence; requiring
60 specified protocols for the storing of specified sexual offense
61 evidence; providing an effective date.