

1 A bill to be entitled
 2 An act relating to retention of sexual offense
 3 evidence; amending s. 943.326, F.S.; establishing a
 4 minimum timeframe for the retention of sexual offense
 5 evidence collected from nonreporting victims;
 6 providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

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

13 943.326 DNA evidence collected in sexual offense
 14 investigations.—

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

19 (a) Receipt of the evidence by a law enforcement agency if
 20 a report of the sexual offense is made to the law enforcement
 21 agency; or

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

- 24 1. The alleged victim;
 25 2. The alleged victim's parent, guardian, or legal

26 | representative, if the alleged victim is a minor; or

27 | 3. The alleged victim's personal representative, if the
28 | alleged victim is deceased.

29 | (3) A collected sexual offense evidence kit must be
30 | retained in a secure, environmentally safe manner until the
31 | prosecuting agency has approved its destruction. A sexual
32 | offense evidence kit, or other DNA evidence if a kit is not
33 | collected, collected from a person who does not report to law
34 | enforcement during the forensic physical examination and who
35 | does not make a request in compliance with paragraph (1) (b) must
36 | be retained for a minimum of 8 years from the collection date.
37 | Such collected sexual offense evidence involving sexual offenses
38 | that were not reported to law enforcement must be stored
39 | anonymously, in a manner that it will not be submitted for
40 | testing unless a request is made pursuant to paragraph (1) (b),
41 | and with a documented chain of custody, by the medical facility
42 | that collected the kit, a certified rape crisis center with
43 | appropriate storage capabilities, or a law enforcement agency.

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