

26 (a) Receipt of the evidence by a law enforcement agency if
27 a report of the sexual offense is made to the law enforcement
28 agency; or

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

31 1. The alleged victim;

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

34 3. The alleged victim's personal representative, if the
35 alleged victim is deceased.

36 (3) (a) Except as provided in paragraph (b) a collected
37 sexual offense evidence kit, or other DNA evidence if a kit is
38 not collected, collected from an alleged victim who reports a
39 sexual offense to a law enforcement agency or who makes a
40 request, or on whose behalf a request is made, for testing in
41 compliance with paragraph (1)(b), must be retained in a secure,
42 environmentally safe manner until the prosecuting agency has
43 approved its destruction.

44 (b)1. A sexual offense evidence kit collected from a
45 person who does not report a sexual offense to a law enforcement
46 agency during the forensic physical examination and who does not
47 make a request, or have a request made on his or her behalf, in
48 compliance with paragraph (1)(b) must be retained for a minimum
49 of 50 years after the collection date. Within 30 days of
50 collecting such a kit, the medical facility or certified rape

51 crisis center that collected the kit must transfer the kit to
52 the department, which must maintain the kit in compliance with
53 this subparagraph. A sexual offense evidence kit that is
54 transferred and retained pursuant to this subparagraph must be
55 stored anonymously, in a secure, environmentally safe manner,
56 and with a documented chain of custody.

57 2. If, at any time following the initial retention of a
58 sexual offense evidence kit pursuant to subparagraph (b)1., an
59 alleged victim makes a report to a law enforcement agency or
60 makes a request, or has a request made on his or her behalf, for
61 testing in compliance with paragraph (1) (b), the kit must be
62 retained as described in paragraph (3) (a) if the applicable time
63 limitation under s. 775.15 has not run and prosecution of a
64 criminal case may still be commenced. In circumstances in which
65 a criminal case may not be commenced because the applicable time
66 limitation under s. 775.15 has expired, the kit must be
67 maintained in a secure, environmentally safe manner until the
68 department has approved its destruction.

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