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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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The Committee on Criminal Justice (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

943.326 DNA evidence collected in sexual offense forensic physical examinations and investigations.—

(1) A sexual offense evidence kit, or other DNA evidence if



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11 a kit is not collected, must be submitted to a member of the
12 statewide criminal analysis laboratory system under s. 943.32
13 for forensic testing within 30 days after:

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

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

19 1. The alleged victim;

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

22 3. The alleged victim's personal representative, if the
23 alleged victim is deceased.

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

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



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40 sexual offense evidence kit retained pursuant to this
41 subparagraph must be stored anonymously, in a secure,
42 environmentally safe manner, and with a documented chain of
43 custody.

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

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

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete everything before the enacting clause
55 and insert:

56 A bill to be entitled
57 An act relating to retention of sexual offense
58 evidence; amending s. 943.326, F.S.; establishing a
59 minimum timeframe for the retention of specified
60 sexual offense evidence; requiring specified protocols
61 for the storing of specified sexual offense evidence;
62 providing an effective date.