

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 847</a>	<b>COMPANION BILL:</b> <a href="#">CS/SB 1072</a> (McClain)
<b>TITLE:</b> Expedited DNA Testing Grant Program	<b>LINKED BILLS:</b> None
<b>SPONSOR(S):</b> Johnson	<b>RELATED BILLS:</b> None
<b>FINAL HOUSE FLOOR ACTION:</b> 114 Y's 0 N's	<b>GOVERNOR'S ACTION:</b> Approved

### SUMMARY

#### Effect of the Bill:

The bill creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to law enforcement agencies for the processing of evidentiary items for DNA testing. The bill requires FDLE to annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by specified private laboratories when:

- The technology or technique needed to properly test a DNA sample is not readily available at a local or state laboratory; or
- Expedited testing of the DNA sample is in the best interest of an investigation.

Under the bill, an agency receiving grant funds must submit a specified report to the executive director of FDLE no later than one year after receiving funding.

#### Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on local governments by making local law enforcement agencies eligible to receive funds to cover the cost of specified DNA testing. By doing so, the bill may have an indeterminate positive impact on private laboratories that perform DNA testing eligible for such grant funds. However, because the bill does not appropriate funds for the grant program, the impact of the bill on such entities and the impact to state government is indeterminate.

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### ANALYSIS

#### EFFECT OF THE BILL:

The bill creates the Expedited DNA Testing Grant Program within the Florida Department of Law Enforcement (FDLE) to award [grants](#) to law enforcement agencies for the processing of evidentiary items for [DNA](#) testing. FDLE must annually award any funds specifically appropriated for the grant program to law enforcement agencies to cover testing of DNA samples by private laboratories. The bill defines a "private laboratory" as any DNA laboratory accredited for a minimum of five years in accordance with [ISO/IEC 17025:2017](#) and applicable [Federal Bureau of Investigation Quality Assurance Standards](#). (Section [1](#))

Under the bill, grants may be used by a law enforcement agency when:

- The technology or technique needed to properly test the DNA sample is not readily available at a local or state laboratory.
- In the law enforcement agency's judgment, expedited testing of the DNA sample is in the best interest of advancing an investigation. (Section [1](#))

The bill requires each grant recipient to provide a report to the executive director of FDLE no later than one year after receiving grant funding that details the:

- Amount of annual funding received from the grant.
- Number of cases tested by the private laboratory.
- Type of DNA testing used, including the name of the private laboratory to which such testing was outsourced and the type of primary equipment used by the private laboratory for such testing.

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- Lab report with the results of the DNA testing.
- Average amount of time it took to complete the DNA testing. (Section [1](#))

The bill was approved by the Governor on June 13, 2025, ch. 2025-141, L.O.F., and will become effective on July 1, 2025. (Section [2](#))

## **RULEMAKING:**

The bill provides rulemaking authority to FDLE to implement, administer, and establish the process for the allocation of grant funds.

***Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.***

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have an indeterminate positive impact on state revenues as FDLE and other statewide law enforcement agencies may receive grant funds. The bill may have an indeterminate impact on state expenditures to the extent the bill authorizes FDLE to distribute funds specifically appropriated for the grant program. Any such impact is subject to legislative appropriation.

According to FDLE, the department currently utilizes contracts with private laboratories for specialized testing when it is deemed the most suitable option for a particular case, and the cost of specialized testing is covered by funds appropriated to the statewide laboratory system.<sup>1</sup>

### **LOCAL GOVERNMENT:**

The bill may have an indeterminate positive impact on local government revenues to the extent that some local law enforcement agencies may receive future grant funding to cover the costs associated with specified DNA testing. Any such impact is subject to legislative appropriation.

### **PRIVATE SECTOR:**

The bill may have an indeterminate positive impact on the private sector to the extent that the bill authorizes recipients of grant funds to cover expenses related to using certain DNA testing, which may require outsourcing to a private entity. Any such impact is subject to legislative appropriation.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **[FBI's Combined DNA Index System \(CODIS\)](#)**

Deoxyribonucleic acid (DNA) is hereditary material existing in the cells of all living organisms. A DNA profile may be created by testing the DNA in a person's cells. Similar to fingerprints, a person's DNA profile is a unique identifier, except for identical twins, who have the exact same DNA profile. DNA evidence may be collected from any biological material, such as hair, teeth, bones, skin cells, blood, semen, saliva, urine, feces, and other bodily substances.<sup>2</sup>

<sup>1</sup> Florida Department of Law Enforcement, Agency Analysis of 2025 House Bill 847, p. 5 (Mar. 10, 2025).

<sup>2</sup> FindLaw, [How DNA Evidence Works](#) (last visited Apr. 8, 2025).

Historically, the most common form of DNA analysis used to match samples and test for identification in forensic laboratories analyzes only certain parts of DNA, known as short tandem repeats (STRs).<sup>3</sup> In the early 1990s, the Federal Bureau of Investigation (FBI) chose 13 STRs as the basis for a DNA identification profile, and the 13 STRs became known as the Combined DNA Index System (CODIS).<sup>4</sup> CODIS is now the general term used to describe the FBI's program of support for local, state, and national criminal justice DNA databases, as well as the software used to run these databases.<sup>5</sup>

When a suspect's identity is unknown, a participating crime laboratory may upload a forensic profile into CODIS to compare against additional DNA profiles uploaded by other federal, state, or local participating laboratories. If a match is identified, the laboratories involved exchange information to verify the match and establish coordination between the two agencies. This match can provide probable cause for law enforcement to obtain a warrant to collect a biological reference sample from an offender. A laboratory can then perform DNA analysis on the known biological sample and present the analysis as evidence in court.<sup>6</sup>

### **ISO/IEC 17025:2017**

The International Organization for Standardization (ISO) is a worldwide federation consisting of technical committees that work with governmental and nongovernmental organizations to prepare standards related to technology and manufacturing.<sup>7</sup> ISO and the International Electrotechnical Commission (IEC) develop joint ISO/IEC documents to provide uniform guidelines in each subject for which a technical committee has been established, including technical committees that establish international standards for DNA laboratories.<sup>8</sup>

ISO/IEC standards for DNA laboratories outline requirements related to:

- Personnel;
- Facilities and environmental conditions;
- Equipment;
- Selection, verification, and validation of methods;
- Ensuring the validity of results; and
- Reporting results.<sup>9</sup>

### **Federal Bureau of Investigation Quality Assurance Standards**

The FBI provides quality assurance requirements that laboratories performing forensic DNA testing or utilizing the Combined DNA Index System (CODIS) must follow.<sup>10</sup> These standards ensure the quality and integrity of the data generated by the laboratory and apply to:

- Forensic DNA testing laboratories using Rapid DNA instruments/Systems on casework reference samples.
- Vendor laboratories that perform forensic DNA testing in accordance with specified standards.<sup>11</sup>

The FBI standards also require laboratories to establish, follow, and maintain quality assurance systems that include elements related to:

- Goals and objectives;
- Organization and management;
- Personnel;
- Training;

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<sup>3</sup> Kelly Lowenberg, *Applying the Fourth Amendment when DNA Collected for One Purpose is Tested for Another*, 79 U. Cin. L. Rev. 1289, 1293 (2011), <https://law.stanford.edu/wp-content/uploads/2011/11/APPLYING-THE-FOURTH-AMENDMENT-WHEN-DNA-COLLECTED-FOR-ONE-PURPOSE.pdf> (last visited Apr. 8, 2025).

<sup>4</sup> *Id.*

<sup>5</sup> FBI, [Frequently Asked Questions on CODIS and NDIS](#) (last visited Apr. 8, 2025).

<sup>6</sup> *Id.*

<sup>7</sup> International Standard, [ISO/IEC 17025:2017 - General Requirements for the Competence of Testing and Calibration Laboratories](#) (last visited Apr. 8, 2025).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> FBI, [Quality Assurance Standards for Forensic DNA Testing Laboratories](#) (last visited Apr. 8, 2025).

<sup>11</sup> *Id.* Additionally, FBI standards do not preclude the participation of a laboratory, by itself or in collaboration with others, in research and development on procedures that have not been validated.

- Facilities and evidence control;
- Validation;
- Analytical procedures;
- Equipment;
- Reports;
- Review;
- Proficiency testing;
- Corrective action;
- Audits;
- Professional development; and
- Outsourcing ownership.<sup>12</sup>

Additionally, each laboratory must:

- Have and develop a policy regarding document retention that specifically addresses proficiency tests, corrective action, audits, training records, continuing education, case files, and court testimony monitoring;
- Annually review each quality assurance system related to DNA; and
- Annually review case files that are a representative sample of cases worked.<sup>13</sup>

### **DNA Grant Programs**

The Legislature created DNA grant programs during the two prior regular sessions. In 2024, the “Forensic Investigative Genetic Genealogy Grant Program” appropriated a non-recurring sum of \$500,000 for the 2024-2025 fiscal year from the General Revenue Fund to FDLE to cover expenses related to using forensic investigative genetic genealogy methods to generate investigative leads for criminal investigations of violent crimes and unidentified human remains.<sup>14</sup> In 2023, the “Rapid DNA Grant Program” established within FDLE allowed the department to annually award grants, from funds specifically appropriated to the grant program, 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.](#)<sup>15</sup>

### **RECENT LEGISLATION:**

<b>YEAR</b>	<b>BILL #</b>	<b>HOUSE SPONSOR(S)</b>	<b>SENATE SPONSOR</b>	<b>OTHER INFORMATION</b>
2024	<a href="#">CS/SB 678</a>	Anderson	Bradley	Became law on July 1, 2024.
2023	<a href="#">CS/HB 1105</a>	Temple	Ingoglia	Became law on July 1, 2023.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Ch. 24-113, Laws of Fla.

<sup>15</sup> Ch. 23-234, Laws of Fla.