CS/HB 607

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 specified
5	sexual offense evidence; requiring specified protocols
6	for the storing of specified sexual offense evidence;
7	providing an effective date.
8	
9	Be It Enacted by the Legislature of the State of Florida:
10	
11	Section 1. Subsection (3) of section 943.326, Florida
12	Statutes, is amended, and subsection (1) of that section is
13	republished, to read:
14	943.326 DNA evidence collected in sexual offense forensic
15	physical examinations and investigations
16	(1) A sexual offense evidence kit, or other DNA evidence if
17	a kit is not collected, must be submitted to a member of the
18	statewide criminal analysis laboratory system under s. 943.32
19	for forensic testing within 30 days after:
20	(a) Receipt of the evidence by a law enforcement agency if
21	a report of the sexual offense is made to the law enforcement
22	agency; or
23	(b) A request to have the evidence tested is made to the
24	medical provider or the law enforcement agency by:
25	1. The alleged victim;
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26	2. The alleged victim's parent, guardian, or legal			
27	representative, if the alleged victim is a minor; or			
28	3. The alleged victim's personal representative, if the			
29	alleged victim is deceased.			
30	(3) <u>(a) Except as provided in paragraph (b)</u> a collected			
31	sexual offense evidence kit, or other DNA evidence if a kit is			
32	not collected, collected from an alleged victim who reports a			
33	sexual offense to a law enforcement agency or who makes a			
34	request, or on whose behalf a request is made, for testing in			
35	compliance with paragraph (1)(b), must be retained in a secure,			
36	environmentally safe manner until the prosecuting agency has			
37	approved its destruction.			
38	(b)1. A sexual offense evidence kit collected from a			
39	person who does not report a sexual offense to a law enforcement			
40	agency during the forensic physical examination and who does not			
41	make a request, or have a request made on his or her behalf, in			
42	compliance with paragraph (1)(b) must be retained for a minimum			
43	of 8 years from the collection date by the medical facility that			
44	collected the kit, a certified rape crisis center with			
45	appropriate storage capabilities, or a law enforcement agency. A			
46	sexual offense evidence kit retained pursuant to this			
47	subparagraph must be stored anonymously, in a secure,			
48	environmentally safe manner, and with a documented chain of			
49	custody.			
50	2. If, at any time following the initial retention of a			
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51	sexual offense evidence kit pursuant to subparagraph (b)1., an
52	alleged victim makes a report to a law enforcement agency or
53	makes a request, or has a request made on his or her behalf, for
54	testing in compliance with paragraph (1)(b), the kit must be
55	retained as described in paragraph (3)(a).
56	Section 2. This act shall take effect July 1, 2024.

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