

ADMINISTRATIVE ORDER NO.:
99-22

IN RE: CRIMINAL - REQUIRED DNA TESTING FOR NON-SEXUAL OFFENDERS

WHEREAS, the Florida Department of Law Enforcement (FDLE) DNA (deoxyribonucleic acid) Database was established by statute in 1989 to compile, classify, match and store an identification system, allowing for a comparison of DNA profiles from unsolved cases in Florida;

WHEREAS, Florida is at the forefront in this new DNA technology use for forensic purposes; in fact, three of the four interstate matches ("hits") have come from Florida;

WHEREAS, the FBI is presently activating a National DNA Index System (NDIS/CODIS), whereby Florida is one of ten pilot states, and most likely will be the first state to transmit its DNA data to the FBI;

WHEREAS, persons sent to a Florida Department of Corrections facility will have their blood specimens collected at such facility and persons serving sentences at a county jail or who are placed on probation will have their blood specimens collected at the county level, which will require inter-agency cooperation between the county correctional facilities, probation and parole offices and the Eighteenth Circuit Court to ensure that collection is accomplished;

WHEREAS, the success and effectiveness of the DNA database is contingent upon compliance with Florida Statute Section 943.325 (governing certain convictions), Section 948.03(5) (governing certain probationers and community controlees) and Section 947.1405 (governing certain inmates under a control release program), which all require blood samples to be obtained and forwarded to the FDLE in certain criminal cases; therefore; in order to maximize its crime-solving potential, it is absolutely imperative that blood samples be collected in all of the criminal cases designated by the legislature;

NOW THEREFORE, by the authority vested in me as Chief Judge and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. That, pursuant to Florida Statute Section 943.325, any person (adult or juvenile) who is convicted or has previously been convicted and is still incarcerated in Florida for any offense defined in Section 782.04 (Murder), Sections 784.045, 812.133 (Carjacking) or Section 812.135 (Home-invasion) and who are within the confines of the legal state boundaries, shall be required to submit two specimens of their blood, each specimen being seven (7) cc's in volume, to a Department of Law Enforcement designated testing facility as directed by the department within forty-five (45) days of the sentence with payment made in accordance with Florida Statute Section 943.325(10)(a).

- a. That, for purposes of Florida Statute Section 943.325, "conviction" includes a finding of guilty, or entry of a plea of nolo contendere or guilty, regardless of adjudication or, in the case of a juvenile, the finding of delinquency. See Florida Statute Section 943.325(10)(d).
 - b. That, for purposes of Florida Statute Section 943.325, the appropriate agency responsible to cause the specimens to be timely drawn is the Department of Corrections whenever the convicted person is committed to the legal and physical custody of the department in accordance with Florida Statute Section 943.325(10)(b).
2. That the Eighteenth Circuit Court shall enter judgments and orders in such designated cases, expressly and specifically ordering blood specimens to be taken of such persons described in paragraph 1 above to ensure compliance with the law and to contribute to establishing an effective statewide and nationwide DNA database; that where the judgment sentences the convicted person with time served, the Court shall order the person to submit the blood specimens as a condition of such sentence; that where the judgment places the person on probation, community control, or any other court ordered supervision, the Court must order the person to submit the blood specimens as a condition of the probation; and that, in accordance with Florida Statute Section 943.325(10)(a), the Eighteenth Circuit Court must also order blood specimens to be drawn from any person convicted of any of the listed offenses in Florida Statute Section 943.325(1)(a) (listed here, in paragraph one (1) above) who has violated a condition of probation, community control or any other court ordered supervision.
3. That, in the event a trial judge inadvertently fails to order the blood samples in any of these cases, this Administrative Order supersedes such judgment, order or sentence entered by the trial judge and the responsibility for causing the specimens to be timely drawn and collected in accordance with the Florida Statutes shall remain with appropriate agency designated in paragraph 1(b) above.
4. That this Order shall be in effect immediately and remain in effect until further Order of the Court, and all terms and conditions set forth in this Administrative Order shall apply unless otherwise ordered by the Court.

DONE AND ORDERED this 9th day of JULY, 1999.

J. PRESTON SILVERNAIL
J. PRESTON SILVERNAIL
CHIEF JUDGE

Distribution:
All Circuit and County Court Judges (Brevard County)

Court Administration (Brevard and Seminole County)
Clerk of Court (Brevard and Seminole County)
State Attorney (Brevard and Seminole County)
Public Defender (Brevard and Seminole County)
Sheriff (Brevard and Seminole County)
Bar Association (Brevard and Seminole County)
Law Library (Brevard and Seminole County)
Florida Department of Corrections, Marlene Jefferson 312 West 1st St. Suite
605 Sanford, FL 32771
Florida Department of Law Enforcement, Harry Hopkins 500 West Robinson St.
Orlando, FL 32801