

**IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY.**

**AMENDED
ADMINISTRATIVE ORDER 4.004/04-1**

IN RE:

**REQUIRED DNA TESTING FOR
OFFENDERS CONVICTED OF
CERTAIN FELONIES**

WHEREAS, the Florida Department of Law enforcement, ("FDLE"), maintains a DNA (deoxyribonucleic acid) Database to allow for comparison of DNA profiles from criminal cases;

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

ORDERED that

1. The Courts of the Sixteenth Circuit shall include in the judgment of conviction for a qualifying offense, or if already convicted, in a subsequent order, the requirement that the person provide biological specimens to the Florida Department of Law Enforcement, ("FDLE"), as more particularly set out below.

2. (a) Section 943.325, Fla.Stat., and this order are applicable to any person (adult or juvenile) who is convicted or was previously convicted in this state for any offense or attempted offense enumerated in paragraph 3, and any person who is transferred to this state under Article VII of the Interstate Compact on Juveniles, part V of chapter 985, who has committed or attempted to commit an offense similarly defined by the transferring state, if such person is

(1). Still incarcerated or in the custody of the Department of Juvenile Justice, or

(2) No longer incarcerated, or has never been incarcerated, yet is within the confines of the legal state boundaries and is on probation, community control, parole, control release, or any other type of court-ordered supervision.

3. The completed act or attempt to commit any of the next specified qualifying offenses shall result in the requirement that approved biological specimens be obtained from the person and submitted to the FDLE designated testing facility as more particularly set out in paragraph 4:

- (a)
 - (1) Any forcible felony as described in § 776.08;
 - (2) Chapter 794 (sexual battery);
 - (4) Section 782.07 (manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child);
 - (5) Section 784.045 (aggravated battery);
 - (6) Chapter 787 (kidnapping; false imprisonment; luring or enticing a child; custody offenses);
 - (7) Any felony violation of chapter 790 (weapons and firearms) involving the use or possession of a firearm;
 - (8) Chapter 800 (lewdness; indecent exposure);
 - (9) Section 810.02 (burglary);
 - (10) Section 812.13 (robbery);
 - (11) Section 812.131 (robbery by sudden snatching);
 - (12) Section 812.133 (carjacking);
 - (13) Section 812.135 (home-invasion robbery);
 - (14) Aggravated abuse of an elderly or disabled adult as described in § 825.102(2); or
 - (15) Aggravated child abuse as described in § 827.03(2).

(b) Effective July 1, 2005 and contingent upon a specific appropriation, any felony offense.

4. Approved biological specimens are to be submitted at the cost of convicted person to the FDLE designated testing facility according to the procedure set out in Fla.Admin.Code R. 11D-6.

5. For purposes of § 923.325 and this order,

(a) An approved biological specimen is

(1) A blood sample that shall consist of two specimens of whole blood, each at least 7 cc in volume, or

(2) Epithelial cells collected from the cheek in the oral cavity utilizing an FDLE-approved swab collection kit.

(b) "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.

(c) The appropriate agency to cause the specimens to be drawn or collected is

(1) The Department of Corrections for a person sentenced to serve a term of incarceration. The specimens should be obtained and transmitted as soon as the receipt of a person by a custodial facility.

(2) The Sheriff of officer in charge of the county correctional facility for a convicted person that is placed on probation, community control, or any other form of supervised relief, or that is committed to a county correctional facility. The specimens should be obtained as soon as practical after the judgment of conviction or, if already convicted, the post-conviction collection order is entered.

6. In the event a trial judge inadvertently fails to order the collections of specimens in any qualifying case, this Administrative Order shall be deemed incorporated into the judgment or order. The responsibility for causing the specimens to be timely collected and transmitted shall remain with the designated agency, the Department of Corrections or the Sheriff.

7. This order shall be effective immediately and shall remain in effect until amended, superseded, rescinded.

DONE AND ORDERED in chambers at Key West, Monroe County, Florida this 8 day of July 2004.

Richard G. Payne, Chief Judge