

**OFFICE OF THE CHIEF JUDGE  
THIRD JUDICIAL CIRCUIT  
STATE OF FLORIDA**

**ADMINISTRATIVE ORDER 2001-017**

IN RE: BLOOD OR OTHER BIOLOGICAL SPECIMEN  
COLLECTION FOR DNA ANALYSIS

---

**ADMINISTRATIVE ORDER**

WHEREAS, Subsection 943.325(3), Florida Statutes (2001) provides that, “the Chief Judge of each circuit shall, in conjunction with the sheriff or other entity that maintains the county jail, assure implementation of a method to promptly collect required blood specimens or other approved biological specimens and forward the specimens to the Department of Law Enforcement,” and

WHEREAS, Subsection 943.325(1)(a)(1) and (2), Florida Statutes (2001) provides that, “any person who is convicted or was previously convicted in this state for any offense or attempted offense defined in chapter 794, chapter 800, Section 782.04, Section 784.045, Section 810.02, Section 812.133, or Section 812.135 and who is either still incarcerated or no longer incarcerated yet is within the confines of the legal state boundaries and is on probation, community control, parole, conditional release, control release, or any other court-ordered supervision, shall be required to submit two specimens of blood, or other biological specimens approved by the Department of Law Enforcement, to the Department of Law Enforcement designated testing facility as directed by the department,” and

WHEREAS, Subsections 943.325(10)(a) and 948.03(11), Florida Statutes (2001) provides for the convicted person to reimburse the appropriate agency for the costs of collecting and transmitting the blood specimens or other approved biological specimens to the Florida Department of Law Enforcement, and

WHEREAS, Subsection 948.03(5)(a)(8), Florida Statutes (2001) required certain probationers and community controllees to submit two specimens of blood or other approved biological specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank.

It is, THEREFORE,

ORDERED that:

1. OFFENDERS PLACED ON PROBATION OR COMMUNITY CONTROL:
  - A. Within seven days of sentencing, all persons convicted of any offense or attempted offense specified in Subsection 943.325(1)(a)(1) and (2) shall be required to submit two specimens of blood or other approved biological specimens to the appropriate jail medical provider who in turn shall forward the samples to the Department of Law Enforcement. At the time of sentencing, the sentencing court shall direct the collection of the specimens through the judgment and sentence forms.
  - B. The local jails shall have the discretion in establishing hours in which the blood or other approved biological specimens may be collected and notify the Department of Corrections/Department of Juvenile Justice of such hours. In accordance with Subsection 943.325(2), Florida Statutes (2001), the local jails shall have the discretion in establishing the procedures in which the blood or other approved biological specimens are collected.
  - C. The Department of Corrections/Department of Juvenile Justice shall have the discretion of developing procedures to inform defendants of the required blood draws or collection of other approved biological specimens, as well as the monitoring of whether or not the defendant complies. The Department of Corrections/Department of Juvenile Justice shall prepare a violation of probation affidavit against defendants who fail to appear at the jail to comply with this order within the seven (7) day period.

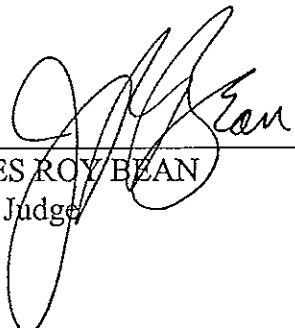
- D. Unless the convicted person has been declared indigent by the court, the payment for the collecting and transmitting the blood or other approved biological specimens to the Florida Department of Law Enforcement shall be borne by the defendants, in accordance with Subsections 943.325(10)(a) and (11), Florida Statutes (2001).
- E. As provided in Subsection 943.325(11), Florida Statutes (2001), if the Department of Law Enforcement determines that a convicted person who is required to submit blood or other approved biological specimens has not provided the specimens, the department, a state attorney, or any law enforcement agency may apply to the circuit court for an order that authorizes the taking of the convicted person into custody for the purpose of securing the required specimens. A copy of the motion shall be provided to the counsel of record.

## II OFFENDERS SENTENCED TO COUNTY JAIL

- A. While in such custody, all persons convicted of any offense or attempted offense specified in Subsections 943.325(1)(a)(1) and (2), Florida Statutes (2001), shall be required to submit two specimens of blood or other approved biological specimens to the jail medical provider who in turn shall forward the samples to the Department of Law Enforcement. At the time of sentencing, the sentencing court shall direct the collection of the specimens through the judgment and sentence forms.
- B. In accordance with Subsection 943.325(2), Florida Statutes (2001), the local jails shall have the discretion in establishing the procedures in which the blood or other approved biological specimens are collected.

- C. Unless the convicted person has been declared indigent by the court, payment for drawing and transmitting the blood or other approved biological specimens to the Florida Department of Law Enforcement may be borne by the defendants, in accordance with Subsections 943.325(10)(a), Florida Statutes (2001).
- D. As provided in Subsection 943.325(11), Florida Statutes (2001), if the Department of Law Enforcement determines that a convicted person who is required to submit blood or other approved biological specimens has not provided the specimens, the department, a state attorney, or any law enforcement agency may apply to the circuit court for an order that authorizes the taking of the convicted person into custody for the purpose of securing the required specimens.

DONE AND ORDERED this 20<sup>th</sup> day of September, 2001, in Chambers at Live Oak, Suwannee County, Florida.

  
\_\_\_\_\_  
JAMES ROY BEAN  
Chief Judge

Original: Clerks of Court

Copies to: All Judges, Third Judicial Circuit  
All Sheriffs, Third Judicial Circuit  
All Probation & Parole Offices, Dept. of Corrections, Third Judicial Circuit  
Court Administrator

Copies mailed 9-21-01  
by Barb Lussier.