

IN THE SUPREME COURT
OF FLORIDA

047
FILED
SID J. WHITE
JUN 7 1991
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

IN RE: AMENDMENTS TO FLORIDA RULES
OF CRIMINAL PROCEDURE --
RULES 3.140 AND 3.986
(Forms)

CASE NO. 76,676

RESPONSE

The Florida Department of Law Enforcement, an agency of the State of Florida, by and through the undersigned counsel, responds to the Notice inviting comments, suggestions, and briefs, in the above-styled case, as follows:

1. With respect to Fla. R. Crim. P. 3.986, the Committee Note for the 1990 Amendment states that "the Supreme Court has delegated to the Chief Justice the authority to amend the forms set forth below to conform them to previously adopted statutory revisions or to facilitate computerized record management. Any such amendments shall be adopted by administrative order."

2. The Florida Department of Law Enforcement is charged by law with the responsibility for implementing the provisions of Section 943.325, Florida Statutes, which in its present form requires DNA testing and analysis to be performed on blood samples taken from all persons convicted of violations of Chapter 794 and 800, Florida Statutes.

3. By Administrative Rule, adopted to implement Section 943.325, Florida Statutes, the Department has directed that "the person responsible for collection of the blood samples shall determine that the offender is subject to Section 943.325, F.S. Depending upon the county in which conviction occurs and the sentence given upon conviction, the primary responsibility for compliance with section 943.325, F.S., shall rest with the Sheriff, the officer in charge of the county correctional facility, or the Department of Corrections." Rule 11D-6.03, Florida Administrative Code.

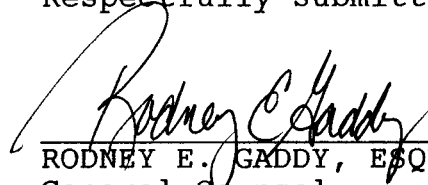
4. To facilitate the collection of the required blood samples, by aiding the responsible officials in the task of identifying convicted offenders subject to the referenced law, the Department asks that the Judgment and Sentencing Form approved by Fla. R. Crim. P. 3.986 be amended by adding the following provision, or one substantially similar, beneath the "Special Provisions" section of the form:

DNA blood specimen It is further ordered that two blood specimens shall be taken from the defendant pursuant to F.S. 943.325 for addition to the FDLE DNA data base.

5. The Department believes that such an amendment to the Judgment and Sentencing Form would assure uniform compliance with

Section 943.325, Florida Statutes, by responsible officials,
while placing only a minimal burden on the court system.

Respectfully submitted,



RODNEY E. GADDY, ESQUIRE
General Counsel
Florida Department of Law
Enforcement
Post Office Box 1489
Tallahassee, Florida 32302
(904) 488-8323
Bar Number 314943