

Bill No. SB 2500

Amendment No. 2

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on Criminal Justice recommended the following  
 12 amendment:

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 14 **Senate Amendment (with title amendment)**

15 On page 2, lines 14-29, delete those lines

16  
 17 and insert:

18 Section 2. Section 960.07, Florida Statutes, is  
 19 amended to read:

20 960.07 Filing of claims for compensation.--

21 (1) A claim for compensation may be filed by a person  
 22 eligible for compensation as provided in s. 960.065 or, if  
 23 such person is a minor, by his or her parent or guardian or,  
 24 if the person entitled to make a claim is mentally  
 25 incompetent, by the person's guardian or such other individual  
 26 authorized to administer his or her estate.

27 (2) Except as provided in subsection (3), a claim must  
 28 be filed not later than 1 year after:

29 (a) The occurrence of the crime upon which the claim  
 30 is based.

31 (b) The death of the victim or intervenor.

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1           (c) The death of the victim or intervenor is  
2 determined to be the result of a crime, and the crime occurred  
3 after June 30, 1994.

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5 However, for good cause the department may extend the time for  
6 filing for a period not exceeding 2 years after such  
7 occurrence.

8           (3) Notwithstanding the provisions of subsection (2)  
9 and regardless of when the crime occurred, if the victim or  
10 intervenor was under the age of 18 at the time the crime upon  
11 which the claim is based occurred, a claim may be filed in  
12 accordance with this subsection.

13           (a) The victim's or intervenor's parent or guardian  
14 may file a claim on behalf of the victim or intervenor while  
15 the victim or intervenor is less than 18 years of age; or

16           (b) When a victim or intervenor who was under the age  
17 of 18 at the time the crime occurred reaches the age of 18,  
18 the victim or intervenor has 1 year within which to file a  
19 claim.

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21 For good cause, the department may extend the time period  
22 allowed for filing a claim under paragraph (b) for an  
23 additional period not to exceed 1 year.

24           (4) The provisions of subsection (2) notwithstanding,  
25 and regardless of when the crime occurred, a victim of a  
26 sexually violent offense as defined in section 394.912, F.S.,  
27 may file a claim for compensation for counseling or other  
28 mental health services within one year of the filing of a  
29 petition under section 394.914, F.S., to involuntarily civilly  
30 commit the individual who perpetrated the sexually violent  
31 offense.

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1           ~~(5)~~~~(4)~~ Claims may be filed in the Tallahassee office  
 2 of the department in person or by mail. Any employee of the  
 3 department receiving a claim for compensation shall,  
 4 immediately upon receipt of such claim, mail the claim to the  
 5 department at its office in Tallahassee. In no event and  
 6 under no circumstances shall the rights of a claimant under  
 7 this chapter be prejudiced or lost by the failure or delay of  
 8 the employees of the department in mailing claims to the  
 9 department in Tallahassee.

10           ~~(6)~~~~(5)~~ Upon filing of a claim pursuant to this  
 11 chapter, in which there is an identified offender, the  
 12 department shall promptly notify the state attorney of the  
 13 circuit wherein the crime is alleged to have occurred. If  
 14 within 10 days after such notification such state attorney  
 15 advises the department that a criminal prosecution or  
 16 delinquency petition is pending upon the same alleged crime  
 17 and requests that action by the department be deferred, the  
 18 department shall defer all proceedings under this chapter  
 19 until such time as a trial verdict or delinquency adjudication  
 20 has been rendered, and shall so notify such state attorney and  
 21 claimant. When a trial verdict or delinquency adjudication has  
 22 been rendered, such state attorney shall promptly notify the  
 23 department. Nothing in this subsection shall limit the  
 24 authority of the department to grant emergency awards pursuant  
 25 to s. 960.12.

26           ~~(7)~~~~(6)~~ The state attorney's office shall aid claimants  
 27 in the filing and processing of claims, as may be required.  
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30 ===== T I T L E    A M E N D M E N T =====

31 And the title is amended as follows:

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On page 1, lines 7-12, delete those lines  
and insert:  
s. 960.07, F.S.; expanding the time within  
which a victim of an offense committed by a  
sexually violent predator may apply for  
compensation from the Crimes Compensation Trust  
Fund;