

1 A bill to be entitled
2 An act relating to limitation of actions;
3 amending s. 775.15, F.S.; providing that
4 certain time limitations for prosecuting a
5 crime do not apply if the alleged perpetrator
6 of an offense of sexual battery is identified,
7 after the expiration of such applicable time
8 period, by analysis of DNA collected during the
9 investigation of a crime or otherwise made
10 available to a law enforcement agency;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (3) of section 775.15, Florida
16 Statutes, is amended to read:

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17 775.15 Time limitations.--

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18 (3) If the period prescribed in subsection (2) has
19 expired, a prosecution may nevertheless be commenced for:

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20 (a) Any offense, a material element of which is either
21 fraud or a breach of fiduciary obligation, within 1 year after
22 discovery of the offense by an aggrieved party or by a person
23 who has a legal duty to represent an aggrieved party and who
24 is himself or herself not a party to the offense, but in no
25 case shall this provision extend the period of limitation
26 otherwise applicable by more than 3 years.

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27 (b) Any offense based upon misconduct in office by a
28 public officer or employee at any time when the defendant is
29 in public office or employment, within 2 years from the time
30 he or she leaves public office or employment, or during any
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1 time permitted by any other part of this section, whichever
2 time is greater.

3 (c) Any offense of sexual battery under s. 794.011 for
4 which the identity of the alleged perpetrator is determined
5 after the expiration of such applicable time period and the
6 perpetrator's identity is confirmed through DNA
7 (deoxyribonucleic acid) analysis from a specimen or specimens
8 collected during the investigation of a crime or otherwise
9 made available to a law enforcement agency, when such
10 information was not known to or in the possession of the
11 agency for comparison prior to the expiration of the
12 applicable time period. Such information may be used as
13 evidence in a criminal proceeding or for the purpose of
14 identification.

15 Section 2. This act shall take effect July 1, 2002.

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