

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 or lewd or  
7           lascivious battery is identified, after the  
8           expiration of such applicable time period, by  
9           analysis of DNA collected during the  
10          investigation of a crime or otherwise made  
11          available to a law enforcement agency;  
12          providing an effective date.

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

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

18           775.15 Time limitations.--

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

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

28           (b) Any offense based upon misconduct in office by a  
29 public officer or employee at any time when the defendant is  
30 in public office or employment, within 2 years from the time  
31 he or she leaves public office or employment, or during any

1 time permitted by any other part of this section, whichever  
2 time is greater.

3 (c) Any offense of sexual battery under chapter 794 or  
4 lewd or lascivious battery under s. 800.04 or s. 825.1025 for  
5 which the identity of the alleged perpetrator is determined  
6 after the expiration of such applicable time period and the  
7 perpetrator's identity is confirmed through DNA  
8 (deoxyribonucleic acid) analysis from a specimen or specimens  
9 collected during the investigation of a crime or otherwise  
10 made available to a law enforcement agency, when such  
11 information was not known to or in the possession of the  
12 agency for comparison prior to the expiration of the  
13 applicable time period. Such information may be used as  
14 evidence in a criminal proceeding or for the purpose of  
15 identification.

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