

By the Committee on Criminal Justice; and Senator Campbell

307-2447-04

1 A bill to be entitled
2 An act relating to the offense of sexual
3 battery on a minor; amending s. 95.11, F.S.;
4 providing for the tolling of the time period
5 for commencing a civil action based upon an act
6 that constitutes sexual battery upon a minor
7 under certain circumstances; amending s.
8 775.15, F.S.; providing that the time period
9 for commencing a prosecution for sexual battery
10 upon a minor does not run during certain
11 specified time periods; providing an effective
12 date.

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

16 Section 1. Present subsection (8) of section 95.11,
17 Florida Statutes, is redesignated as subsection (9), and a new
18 subsection (8) is added to that section, to read:

19 95.11 Limitations other than for the recovery of real
20 property.--Actions other than for recovery of real property
21 shall be commenced as follows:

22 (8) FOR ACTIONS BASED UPON AN ACT THAT CONSTITUTES
23 SEXUAL BATTERY UPON A MINOR.--The time period for commencing
24 an action based upon an act upon a victim under the age of 18
25 which constitutes what is described as sexual battery in s.
26 794.011 shall be tolled until the victim becomes 18 years of
27 age or during any period of time in which it is determined by
28 a medical practitioner licensed under chapter 458 or chapter
29 459, or a mental health professional otherwise licensed in
30 this state for the treatment of mental, emotional, or
31 behavioral disorders, that:

1 (a) It is medically inadvisable or the victim is
2 unable to disclose information concerning the incident from
3 which the action arises outside a clinical setting;

4 (b) It is medically inadvisable for the victim to
5 confront the alleged perpetrator of the act; or

6 (c) It is medically inadvisable for the victim to
7 publicly disclose the incident from which the action arises.

8 Section 2. Paragraph (c) is added to subsection (7) of
9 section 775.15, Florida Statutes, to read:

10 775.15 Time limitations.--

11 (7)

12 (c) Notwithstanding the provisions of paragraph (1)(b)
13 and paragraphs (a) and (b) of this subsection, if the offense
14 is a violation of s. 794.011 and the victim was under 18 years
15 of age at the time the offense was committed, the period of
16 limitation does not run during the time the victim is under
17 the age of 18 or during any period of time in which it is
18 determined by a medical practitioner licensed under chapter
19 458 or chapter 459, or a mental health professional otherwise
20 licensed in this state for the treatment of mental, emotional,
21 or behavioral disorders, that:

22 1. It is medically inadvisable or the victim is unable
23 to disclose information concerning the alleged incident
24 outside a clinical setting;

25 2. It is medically inadvisable for the victim to
26 confront the alleged perpetrator; or

27 3. It is medically inadvisable for the victim to
28 publicly disclose the alleged incident.

29
30
31

1 This paragraph applies to any such offense except an offense
2 the prosecution of which would have been barred on or before
3 July 1, 2004.

4 Section 3. This act shall take effect July 1, 2004.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1814

- 9 - The CS amends the civil statutes of limitation (s. 95.11,
10 F.S.) and the criminal statutes of limitation (s. 775.15,
11 F.S.), rather than creating a new section of law.
12 - The CS requires it to be "medically inadvisable," in the
13 opinion of certain medical or mental health
14 practitioners, for the victim to proceed with either a
15 civil case or to participate in a criminal prosecution,
16 rather than it being "therapeutically determined," as the
17 original required.
18
19
20
21
22
23
24
25
26
27
28
29
30
31