

By Senator Campbell

32-523-06

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 time period for commencing a
5 civil action based upon an act that constitutes
6 sexual battery upon a minor to be tolled under
7 certain circumstances; amending s. 775.15,
8 F.S.; providing that the time period for
9 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 on an act upon a victim younger than 18 years
25 of age which constitutes what is described as sexual battery
26 in s. 794.011 shall be tolled until the victim becomes 18
27 years of age or during any period of time in which it is
28 determined by a medical practitioner licensed under chapter
29 458 or chapter 459, or a mental health professional otherwise
30 licensed in this state for the treatment of mental, emotional,
31 or 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. Subsection (13) of section 775.15, Florida
9 Statutes, is amended to read:

10 775.15 Time limitations; general time limitations;
11 exceptions.--

12 (13)(a) If the victim of a violation of s. 794.011,
13 former s. 794.05, Florida Statutes 1995, s. 800.04, or s.
14 826.04 is under the age of 18, the applicable period of
15 limitation, if any, does not begin to run until the victim has
16 reached the age of 18 or the violation is reported to a law
17 enforcement agency or other governmental agency, whichever
18 occurs earlier. Such law enforcement agency or other
19 governmental agency shall promptly report such allegation to
20 the state attorney for the judicial circuit in which the
21 alleged violation occurred. Except as otherwise expressly
22 provided in this subsection, if the offense is a first or
23 second degree felony violation of s. 794.011, and the offense
24 is reported within 72 hours after its commission, the
25 prosecution for such offense may be commenced at any time.
26 This paragraph applies to any such offense except an offense
27 the prosecution of which would have been barred by subsection
28 (2) on or before December 31, 1984.

29 (b) If the offense is a first degree felony violation
30 of s. 794.011 and the victim was under 18 years of age at the
31 time the offense was committed, a prosecution of the offense

1 may be commenced at any time. This paragraph applies to any
2 such offense except an offense the prosecution of which would
3 have been barred by subsection (2) on or before October 1,
4 2003.

5 (c) If the offense is a violation of s. 794.011 and
6 the victim was younger than 18 years of age at the time the
7 offense was committed, the period of limitation does not run
8 during the time the victim is younger than the age of 18 or
9 during any period of time in which it is determined by a
10 medical practitioner licensed under chapter 458 or chapter
11 459, or a mental health professional otherwise licensed in
12 this state for the treatment of mental, emotional, or
13 behavioral disorders, that:

14 1. It is medically inadvisable or the victim is unable
15 to disclose information concerning the alleged incident
16 outside a clinical setting;

17 2. It is medically inadvisable for the victim to
18 confront the alleged perpetrator; or

19 3. It is medically inadvisable for the victim to
20 publicly disclose the alleged incident.

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22 This paragraph applies to any such offense except an offense
23 the prosecution of which would have been barred on or before
24 July 1, 2006.

25 Section 3. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Provides for tolling the time for commencing a civil action based upon an act of sexual battery upon a minor, or prosecuting the offense of sexual battery upon a minor, until the victim becomes 18 years of age or during any period in which it is medically inadvisable for the victim to disclose information concerning the incident, confront the perpetrator, or publicly disclose the incident. (See bill for details.)