

By Senator Ring

32-02749-08

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1 A bill to be entitled

2 An act relating to the offense of sexual battery on a  
3 minor; amending s. 95.11, F.S.; providing for the time  
4 period for commencing a civil action based upon an act  
5 that constitutes sexual battery upon a minor to be tolled  
6 under certain circumstances; amending s. 775.15, F.S.;  
7 providing that the time period for commencing a  
8 prosecution for sexual battery upon a minor does not run  
9 during the time it is medically inadvisable for the victim  
10 to disclose information or confront the alleged  
11 perpetrator; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Present subsection (8) of section 95.11, Florida  
16 Statutes, is redesignated as subsection (9), and a new subsection  
17 (8) is added to that section, to read:

18 95.11 Limitations other than for the recovery of real  
19 property.--Actions other than for recovery of real property shall  
20 be commenced as follows:

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

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30 that:

31 (a) It is medically inadvisable for the victim to disclose,  
32 or the victim is unable to disclose, information concerning the  
33 incident from which the action arises outside a clinical setting;

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

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

38 Section 2. Subsection (13) of section 775.15, Florida  
39 Statutes, is amended to read:

40 775.15 Time limitations; general time limitations;  
41 exceptions.--

42 (13) (a) If the victim of a violation of s. 794.011, former  
43 s. 794.05, Florida Statutes 1995, s. 800.04, or s. 826.04 is  
44 under the age of 18, the applicable period of limitation, if any,  
45 does not begin to run until the victim has reached the age of 18  
46 or the violation is reported to a law enforcement agency or other  
47 governmental agency, whichever occurs earlier. Such law  
48 enforcement agency or other governmental agency shall promptly  
49 report such allegation to the state attorney for the judicial  
50 circuit in which the alleged violation occurred. If the offense  
51 is a first or second degree felony violation of s. 794.011, and  
52 the offense is reported within 72 hours after its commission, the  
53 prosecution for such offense may be commenced at any time. This  
54 paragraph applies to any such offense except an offense the  
55 prosecution of which would have been barred by subsection (2) on  
56 or before December 31, 1984.

57 (b) If the offense is a first degree felony violation of s.  
58 794.011 and the victim was under 18 years of age at the time the

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59 offense was committed, a prosecution of the offense may be  
60 commenced at any time. This paragraph applies to any such offense  
61 except an offense the prosecution of which would have been barred  
62 by subsection (2) on or before October 1, 2003.

63 (c) If the offense is a violation of s. 794.011 and the  
64 victim was younger than 18 years of age at the time the offense  
65 was committed, the period of limitation does not run during the  
66 time the victim is younger than 18 years of age or during any  
67 period of time in which it is determined by a medical  
68 practitioner licensed under chapter 458 or chapter 459, or a  
69 mental health professional otherwise licensed in this state for  
70 the treatment of mental, emotional, or behavioral disorders,  
71 that:

72 1. It is medically inadvisable for the victim to disclose,  
73 or the victim is unable to disclose, information concerning the  
74 alleged incident outside a clinical setting;

75 2. It is medically inadvisable for the victim to confront  
76 the alleged perpetrator; or

77 3. It is medically inadvisable for the victim to publicly  
78 disclose the alleged incident.

79  
80 This paragraph applies to any such offense except an offense the  
81 prosecution of which would have been barred on or before July 1,  
82 2008.

83 Section 3. This act shall take effect July 1, 2008.