

By Senator Ring

32-00403-09

2009388__

1 A bill to be entitled
2 An act relating to statutes of limitation for murder
3 and manslaughter; providing a short title; amending s.
4 95.11, F.S.; eliminating the statute of limitations in
5 tort for murder and manslaughter; providing for the
6 applicability of the amendatory provision allowing an
7 unlimited limitations period for murder and
8 manslaughter claims; amending s. 775.15, F.S.;
9 clarifying that prosecutions of specified murder and
10 manslaughter offenses may be commenced at any time;
11 providing for the applicability of revisions to the
12 limitations period for specified murder and
13 manslaughter offenses; providing an effective date.

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

16
17 Section 1. This act may be cited as the "Jeffrey Klee
18 Memorial Act."

19 Section 2. Paragraphs (a) and (o) of subsection (3),
20 paragraph (d) of subsection (4), and subsection (7) of section
21 95.11, Florida Statutes, are amended, and subsection (9) is
22 added to that section, to read:

23 95.11 Limitations other than for the recovery of real
24 property.—Actions other than for recovery of real property shall
25 be commenced as follows:

26 (3) WITHIN FOUR YEARS.—

27 (a) An action founded on negligence, except as provided in
28 subsection (9).

29 (o) An action for assault, battery, false arrest, malicious

32-00403-09

2009388__

30 prosecution, malicious interference, false imprisonment, or any
31 other intentional tort, except as provided in subsections (4),
32 (5), ~~and~~ (7), and (9).

33 (4) WITHIN TWO YEARS.—

34 (d) Except as provided in subsection (9), an action for
35 wrongful death.

36 (7) FOR INTENTIONAL TORTS BASED ON ABUSE.—Except as
37 provided in subsection (9), an action founded on alleged abuse,
38 as defined in s. 39.01, s. 415.102, or s. 984.03, or incest, as
39 defined in s. 826.04, may be commenced at any time within 7
40 years after the age of majority, or within 4 years after the
41 injured person leaves the dependency of the abuser, or within 4
42 years from the time of discovery by the injured party of both
43 the injury and the causal relationship between the injury and
44 the abuse, whichever occurs later.

45 (9) MURDER AND MANSLAUGHTER.—An action for murder or
46 manslaughter may be commenced at any time.

47 Section 3. The amendment to section 95.11, Florida
48 Statutes, by this act applies to any claim that is not otherwise
49 time barred on the effective date of this act.

50 Section 4. Subsection (1) of section 775.15, Florida
51 Statutes, is amended to read:

52 775.15 Time limitations; general time limitations;
53 exceptions.—

54 (1) A prosecution for a capital felony, a life felony, or a
55 felony that resulted in a death, including, but not limited to,
56 any violation of s. 782.04 or s. 782.07, may be commenced at any
57 time. If the death penalty is held to be unconstitutional by the
58 Florida Supreme Court or the United States Supreme Court, all

32-00403-09

2009388__

59 crimes designated as capital felonies shall be considered life
60 felonies for the purposes of this section, and prosecution for
61 such crimes may be commenced at any time.

62 Section 5. The amendment to section 775.15, Florida
63 Statutes, made by this act applies to any offense listed therein
64 regardless of when the offense was committed if prosecution for
65 that offense is not otherwise barred on the effective date of
66 this act.

67 Section 6. This act shall take effect upon becoming a law.