

By Senator Wright

8-01231-23

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1                   A bill to be entitled  
2           An act relating to victim compensation claims;  
3           amending s. 960.07, F.S.; authorizing the Department  
4           of Legal Affairs to issue waivers of any claim filing  
5           deadlines for specified victim claims for compensation  
6           upon a showing that a delay in filing the application  
7           occurred because of a delay in the testing of, or  
8           delay in the DNA profile matching from, a sexual  
9           assault forensic examination kit or biological  
10          material collected as evidence related to a sexual  
11          offense; conforming provisions to changes made by the  
12          act; making technical changes; providing an effective  
13          date.

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

16  
17           Section 1. Subsections (2), (3), and (4) of section 960.07,  
18 Florida Statutes, are amended to read:

19           960.07 Filing of claims for compensation.—

20           (2) Except as provided in subsections (3) and (4), a claim  
21 must be filed in accordance with this subsection.

22           (a)1. A claim arising from a crime occurring before October  
23 1, 2019, must be filed within 1 year after:

24           a. The occurrence of the crime upon which the claim is  
25 based.

26           b. The death of the victim or intervenor.

27           c. The death of the victim or intervenor is determined to  
28 be the result of a crime, and the crime occurred after June 30,  
29 1994.

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30           2. Upon a showing that a delay in filing a claim occurred  
31 because of a delay in the testing of, or delay in the DNA  
32 profile matching from, a sexual assault forensic examination kit  
33 or biological material collected as evidence related to a sexual  
34 offense, a person who is eligible for compensation under  
35 subparagraph 1. may receive a waiver from the department of any  
36 claim filing deadline.

37           3. For good cause based on a reason other than a delay as  
38 described in subparagraph 2., the department may extend the time  
39 for filing a claim under subparagraph 1. for a period not  
40 exceeding 2 years after such occurrence.

41           (b)1. A claim arising from a crime occurring on or after  
42 October 1, 2019, must be filed within 3 years after the later  
43 of:

44           a. The occurrence of the crime upon which the claim is  
45 based;

46           b. The death of the victim or intervenor; or

47           c. The death of the victim or intervenor is determined to  
48 be the result of the crime.

49           2. Upon a showing that a delay in filing a claim occurred  
50 because of a delay in the testing of, or delay in the DNA  
51 profile matching from, a sexual assault forensic examination kit  
52 or biological material collected as evidence related to a sexual  
53 offense, a person who is eligible for compensation under  
54 subparagraph 1. may receive a waiver from the department of any  
55 claim filing deadline.

56           3. For good cause based on a reason other than a delay as  
57 described in subparagraph 2., the department may extend the time  
58 for filing a claim under subparagraph 1. for a period not to

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59 exceed 5 years after such occurrence.

60 (3) (a) Notwithstanding ~~the provisions of~~ subsection (2), if  
61 the victim or intervenor was under the age of 18 at the time the  
62 crime upon which the claim is based occurred, a claim may be  
63 filed in accordance with this subsection.

64 ~~1.(a)~~ The victim's or intervenor's parent or guardian may  
65 file a claim on behalf of the victim or intervenor while the  
66 victim or intervenor is less than 18 years of age;

67 ~~2.(b)~~ For a claim arising from a crime that occurred before  
68 October 1, 2019, when a victim or intervenor who was under the  
69 age of 18 at the time the crime occurred reaches the age of 18,  
70 the victim or intervenor has 1 year to file a claim; or

71 ~~3.(c)~~ For a claim arising from a crime occurring on or  
72 after October 1, 2019, when a victim or intervenor who was under  
73 the age of 18 at the time the crime occurred reaches the age of  
74 18, the victim or intervenor has 3 years to file a claim.

75 (b) Upon a showing that a delay in filing a claim occurred  
76 because of a delay in the testing of, or delay in the DNA  
77 profile matching from, a sexual assault forensic examination kit  
78 or biological material collected as evidence related to a sexual  
79 offense, a person who is eligible for compensation under  
80 paragraph (a) may receive a waiver from the department of any  
81 claim filing deadline.

82 (c) For good cause, based on a reason other than a delay as  
83 described in paragraph (b), the department may extend the time  
84 period allowed for filing a claim under subparagraph (a)2.

85 ~~paragraph (b)~~ for an additional period not to exceed 1 year or  
86 under subparagraph (a)3. ~~paragraph (c)~~ for an additional period  
87 not to exceed 2 years.

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88           (4) Notwithstanding ~~The provisions of~~ subsection (2)  
89 ~~notwithstanding~~, a victim of a sexually violent offense as  
90 defined in s. 394.912, may file a claim for compensation for  
91 counseling or other mental health services within:

92           (a) One year after the filing of a petition under s.  
93 394.914, to involuntarily civilly commit the individual who  
94 perpetrated the sexually violent offense, if the claim arises  
95 from a crime committed before October 1, 2019; or

96           (b) Three years after the filing of a petition under s.  
97 394.914, to involuntarily civilly commit the individual who  
98 perpetrated the sexually violent offense, if the claim arises  
99 from a crime committed on or after October 1, 2019.

100

101 Upon a showing that a delay in filing a claim occurred because  
102 of a delay in the testing of, or delay in the DNA profile  
103 matching from, a sexual assault forensic examination kit or  
104 biological material collected as evidence related to a sexual  
105 offense, a person who is eligible for compensation under this  
106 subsection may receive a waiver from the department of any claim  
107 filing deadline.

108

Section 2. This act shall take effect July 1, 2023.