

1                                   A bill to be entitled  
 2           An act relating to crime victim compensation claims;  
 3           amending s. 960.07, F.S.; providing for waiver of  
 4           deadlines for filing victim compensation claims if the  
 5           delay occurred because of a delay in the testing of or  
 6           DNA profile matching from material collected as  
 7           evidence related to a sexual offense; providing an  
 8           effective date.

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

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 12           Section 1. Subsections (2), (3), and (4) of section  
 13 960.07, Florida Statutes, are amended to read:

14           960.07 Filing of claims for compensation.—

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

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

19           a. The occurrence of the crime upon which the claim is  
 20 based.

21           b. The death of the victim or intervenor.

22           c. The death of the victim or intervenor is determined to  
 23 be the result of a crime, and the crime occurred after June 30,  
 24 1994.

25           2. Upon a showing that a delay in filing the application

26 | occurred because of a delay in the testing of, or a delay in the  
27 | DNA profile matching from, a sexual assault forensic examination  
28 | kit or biological material collected as evidence related to a  
29 | sexual offense, a person who is eligible for compensation under  
30 | subsection (1) may receive a waiver of any application filing  
31 | deadline.

32 | 3. ~~2.~~ For good cause based on reason other than a delay  
33 | described in subparagraph 2., the department may extend the time  
34 | for filing a claim under subparagraph 1. for a period not  
35 | exceeding 2 years after such occurrence.

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

39 | a. The occurrence of the crime upon which the claim is  
40 | based;

41 | b. The death of the victim or intervenor; or

42 | c. The death of the victim or intervenor is determined to  
43 | be the result of the crime.

44 | 2. Upon a showing that a delay in filing the application  
45 | occurred because of a delay in the testing of, or a delay in the  
46 | DNA profile matching from, a sexual assault forensic examination  
47 | kit or biological material collected as evidence related to a  
48 | sexual offense, a person who is eligible for compensation under  
49 | subsection (1) may receive a waiver of any application filing  
50 | deadline.

51           3. 2. For good cause based on a reason other than a delay  
 52 described in subparagraph 2., the department may extend the time  
 53 for filing a claim under subparagraph 1. for a period not to  
 54 exceed 5 years after such occurrence.

55           (3) ~~Notwithstanding~~ The provisions of subsection (2)  
 56 notwithstanding, if the victim or intervenor was under the age  
 57 of 18 at the time the crime upon which the claim is based  
 58 occurred, a claim may be filed in accordance with this  
 59 subsection.

60           (a) The victim's or intervenor's parent or guardian may  
 61 file a claim on behalf of the victim or intervenor while the  
 62 victim or intervenor is less than 18 years of age;

63           (b) For a claim arising from a crime that occurred before  
 64 October 1, 2019, when a victim or intervenor who was under the  
 65 age of 18 at the time the crime occurred reaches the age of 18,  
 66 the victim or intervenor has 1 year to file a claim; or

67           (c) For a claim arising from a crime occurring on or after  
 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 3 years to file a claim.

71  
 72 Upon a showing that a delay in filing the application occurred  
 73 because of delay in the testing of, or a delay in the DNA  
 74 profile matching from, a sexual assault forensic examination kit  
 75 or biological material collected as evidence related to a sexual

76 offense, a person who is eligible for compensation under this  
77 subsection may receive a waiver of any application filing  
78 deadline. For good cause based on any other reason, the  
79 department may extend the time period allowed for filing a claim  
80 under paragraph (b) for an additional period not to exceed 1  
81 year or under paragraph (c) for an additional period not to  
82 exceed 2 years.

83 (4) The provisions of subsection (2) notwithstanding, a  
84 victim of a sexually violent offense as defined in s. 394.912,  
85 may file a claim for compensation for counseling or other mental  
86 health services within:

87 (a) One year after the filing of a petition under s.  
88 394.914, to involuntarily civilly commit the individual who  
89 perpetrated the sexually violent offense, if the claim arises  
90 from a crime committed before October 1, 2019; or

91 (b) Three years after the filing of a petition under s.  
92 394.914, to involuntarily civilly commit the individual who  
93 perpetrated the sexually violent offense, if the claim arises  
94 from a crime committed on or after October 1, 2019.

95  
96 Upon a showing that a delay in filing the application occurred  
97 because of delay in the testing of, or a delay in the DNA  
98 profile matching from, a sexual assault forensic examination kit  
99 or biological material collected as evidence related to a sexual  
100 offense, a person who is eligible for compensation under this

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101 | subsection may receive a waiver of any application filing  
102 | deadline.

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