

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.

9  
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 a claim under

26 | this paragraph occurred because of a delay in the testing of, or  
27 | a delay in the DNA profile matching from, a sexual assault  
28 | forensic examination kit or biological material collected as  
29 | evidence related to a sexual offense, a person who is eligible  
30 | for compensation under subsection (1) may receive a waiver of  
31 | any claim filing 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 a claim under  
45 | this paragraph occurred because of a delay in the testing of, or  
46 | a delay in the DNA profile matching from, a sexual assault  
47 | forensic examination kit or biological material collected as  
48 | evidence related to a sexual offense, a person who is eligible  
49 | for compensation under subsection (1) may receive a waiver of  
50 | any claim filing 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 a claim occurred because  
73 of delay in the testing of, or a delay in the DNA profile  
74 matching from, a sexual assault forensic examination kit or  
75 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 claim filing deadline.  
 78 For good cause based on any other reason, the department may  
 79 extend the time period allowed for filing a claim under  
 80 paragraph (b) for an additional period not to exceed 1 year or  
 81 under paragraph (c) for an additional period not to exceed 2  
 82 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 a claim occurred because  
 97 of delay in the testing of, or a delay in the DNA profile  
 98 matching from, a sexual assault forensic examination kit or  
 99 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 claim filing deadline.

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