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CS/HB 1577

2023 Legislature

1
 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:

11
 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

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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.

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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

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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.