

CHAPTER 2023-303

Committee Substitute for House Bill No. 1577

An act relating to crime victim compensation claims; amending s. 960.07, F.S.; providing for waiver of deadlines for filing victim compensation claims if the delay occurred because of a delay in the testing of or DNA profile matching from material collected as evidence related to a sexual offense; providing an effective date.

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

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

960.07 Filing of claims for compensation.—

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

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

- a. The occurrence of the crime upon which the claim is based.
- b. The death of the victim or intervenor.
- c. The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

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

~~3.2.~~ For good cause based on reason other than a delay described in subparagraph 2., the department may extend the time for filing a claim under subparagraph 1. for a period not exceeding 2 years after such occurrence.

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

- a. The occurrence of the crime upon which the claim is based;
- b. The death of the victim or intervenor; or
- c. The death of the victim or intervenor is determined to be the result of the crime.

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

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

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

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

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

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

Upon a showing that a delay in filing a claim occurred because of delay in the testing of, or a delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation under this subsection may receive a waiver of any claim filing deadline. For good cause based on any other reason, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year or under paragraph (c) for an additional period not to exceed 2 years.

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

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

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

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

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

Approved by the Governor June 27, 2023.

Filed in Office Secretary of State June 27, 2023.