

HB 521 – Time Limitations for Prosecution of Certain Sexual Offenses (Identical SB 424)

This bill amends s. 775.15(14)(a), F.S., adding the following (new language in bold): “A prosecution for a first or second degree felony violation of s. 794.011, F.S. if the victim is 16 years of age or older at the time of the offense and the offense is reported to a law enforcement agency **or a medical professional licensed under chapter 458, chapter 464, chapter 466, chapter 490, or chapter 491** within **21 days** after commission of the offense, may be commenced at any time.” This expands the professions for where the offense can be reported, and also increases the time for reporting an offense from 72 hours to 21 days. Currently, paragraph (b) states that a prosecution must be commenced within 8 years after the paragraph (a) violation is committed if the offense is not reported within 72 hours, but the increase in the time available for reporting to 21 days would likely result in more of these offenses shifting to paragraph (a), where they could be prosecuted at any time. This bill also adds paragraph (c) to this list: “A prosecution for a first or second degree felony violation of s. 794.011, F.S. if the victim is 18 years of age or older at the time of the offense, must be commenced within 15 years after the violation is committed. This paragraph applies to an offense that is committed on or after July 1, 2023.” Finally, the bill adds that “the amendments to s. 775.15(14)(a), Florida Statutes, by this act apply to any such offense except an offense the prosecution of which would have been barred by s. 775.15(2), Florida Statutes, on or before July 1, 2023.” Therefore, the updates to the language would allow for prior offenses that fit the new criteria to have prosecution commenced at any time.

Unfortunately, it is not possible to separate which offenses overlap with which time limitations, since a portion of the offenses involve victims that are 12 years old or older, but the majority of these offenses do involve victims that are 18 years or older. Per DOC, in FY 18-19, there were 84 new commitments under first and second degree felonies potentially impacted by this language, and in FY 19-20, there were 62 new commitments. In FY 20-21, there were 52 new commitments, while in FY 21-22, there were 89 new commitments. For the 287 new commitments across all four fiscal years, there were a total of 8 that had sentencing dates that exceeded the 8 year limit described in s. 775.15(14)(b), F.S., though it is likely that these fall under one of the other time limit exceptions, such as s. 775.15(14)(a), F.S., where a prosecution can be commenced at any time. Given the available data, it is not known how many additional offenders would be included with this new language.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House