

FLORIDA CATHOLIC CONFERENCE

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D. MICHAEL MCCARRON, PH.D.
EXECUTIVE DIRECTOR

April 20, 2010



Honorable Jeff Atwater
Room 312, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: SB 870 (Aronberg) elimination of statutes of limitation for criminal and civil actions relating to sexual battery on a child under 16

Dear Mr. President:

As it appears likely this legislation will be on your floor in the near future, I want to be sure that you have heard from me personally about the concerns of the Florida Catholic Conference has with this legislation, as well our efforts to amend it.

Let me first say that, the sin and crime of sexual abuse is a grave one, made even worse when the abuser is a priest. People of faith and leaders of faith communities are rightly held to a higher standard. The Church has gone to great lengths in an effort to protect children from abuse and reach out to victims. The Florida Bishops require fingerprinting and background checks of every clergy member, employee, coach, cafeteria worker and all volunteers. In Church ministries, all adults must attend training that identifies actions of potential predators. For children in Catholic elementary and high schools, as well as those in religious education classes, the Church provides age appropriate safe environment training.

There are portions of the bills being presented to which we have no objection. We are not opposed to eliminating the time limits for prosecuting those individuals who have committed abuse. Our primary concern has to do with what we see as an unreasonable disadvantage created by requiring employers of private and religious organizations to defend against complaints occurring decades ago about which they may be totally unaware. Statutes of limitation exist to balance the rights of both parties in the lawsuit. When a suit is filed years after an event took place, it is more likely that witnesses may have died or moved away, or other relevant evidence may no longer exist. Even witnesses still alive may no longer accurately recall what truly happened.

The testimony in committees has related to individuals who committed these crimes and has not implicated institutions. With no success, we have reached out to sponsors in both chambers with amendments that would limit the scope of the legislation to actual perpetrators. We also unsuccessfully proposed other amendments that would provide exception for those institutions that have taken meaningful steps to protect children from abuse. Other attempts to extend the time limits by 10, 20 or more years have been discussed though not adopted. The open-ended nature of these proposals creates tremendous uncertainty for any organization's potential liability for alleged acts of negligence.

We fully support the added protection for children that will come from these bills. It is also our hope that an amendment will be adopted to reasonably limit what we believe is inequitable institutional liability for private employers.

Respectfully yours,

A handwritten signature in black ink that reads "D. Michael McCarron". The signature is written in a cursive, flowing style.

D. Michael McCarron
Executive Director

Cc: Senator Dave Aronberg
(Arch)Bishops of Florida

ARCHDIOCESE OF MIAMI • DIOCESE OF ST. AUGUSTINE • DIOCESE OF ST. PETERSBURG • DIOCESE OF ORLANDO
DIOCESE OF PENSACOLA-TALLAHASSEE • DIOCESE OF PALM BEACH • DIOCESE OF VENICE