

1 A bill to be entitled
 2 An act relating to sexual battery; amending s. 39.806,
 3 F.S.; providing grounds for terminating parental rights
 4 based on sexual battery; creating s. 794.057, F.S.;
 5 authorizing restitution to the victim of sexual battery to
 6 pay for the expenses of the child; providing an effective
 7 date.

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

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 11 Section 1. Paragraph (j) is added to subsection (1) of
 12 section 39.806, Florida Statutes, to read:

13 39.806 Grounds for termination of parental rights.--

14 (1) Grounds for the termination of parental rights may be
 15 established under any of the following circumstances:

16 (j) When the parent has pled guilty or nolo contendere to,
 17 or is convicted of, a sexual battery as defined in s. 794.011 or
 18 of an act committed outside this state which would be a sexual
 19 battery if committed in this state, which results in the victim
 20 giving birth to a child.

21 Section 2. Section 794.057, Florida Statutes, is created
 22 to read:

23 794.057 Restitution for sexual battery.--If a child is
 24 conceived as the result of a sexual battery, the court may order
 25 the defendant to pay restitution to the victim pursuant to s.
 26 775.089 for the monetary expenses related to the support of the
 27 child. If restitution is ordered:

28 (1) The court shall give consideration to the child

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29 support guideline schedules provided in s. 61.30 when
30 determining the amount of restitution.

31 (2) Payments shall be remitted to the clerk of the court
32 where the conviction was entered and paid by the clerk of the
33 court to the State Disbursement Unit for child support payments
34 established under s. 409.2559. The State Disbursement Unit shall
35 distribute the payment in the same manner as a child support
36 payment and without regard to the termination of the obligor's
37 parental rights.

38 (3) The amount may not be reduced due to the offender's
39 inability to pay.

40 Section 3. This act shall take effect July 1, 2008.