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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
1/23/2008	.	
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	.	

1 The Committee on Children, Families, and Elder Affairs (Baker)
 2 recommended the following **substitute for amendment (438796)**:

3
 4 **Senate Amendment (with title amendment)**

5 Delete line(s) 21 through 40

6 and insert:

7 Section 2. Subsection (2) of section 39.806, Florida
 8 Statutes, is amended to read:

9 39.806 Grounds for termination of parental rights.--

10 (2) Reasonable efforts to preserve and reunify families
 11 are not required if a court of competent jurisdiction has
 12 determined that any of the events described in paragraphs
 13 (1) (e) ~~-(i)~~ (j) have occurred.

14 Section 3. Paragraph (e) of subsection (6) of section
 15 39.811, Florida Statutes, is amended to read:

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16 39.811 Powers of disposition; order of disposition.--

17 (6) The parental rights of one parent may be severed
18 without severing the parental rights of the other parent only
19 under the following circumstances:

20 (e) If the parent whose rights are being terminated meets
21 any of the criteria specified in s. 39.806(1)(d) and (f) ~~-(i)-(j)~~.

22 Section 4. Subsection (3) of section 775.089, Florida
23 Statutes, is amended to read:

24 775.089 Restitution.--

25 (3)(a) The court may require that the defendant make
26 restitution under this section within a specified period or in
27 specified installments.

28 (b) The end of such period or the last such installment
29 shall not be later than:

30 1. The end of the period of probation if probation is
31 ordered;

32 2. Five years after the end of the term of imprisonment
33 imposed if the court does not order probation; or

34 3. Five years after the date of sentencing in any other
35 case.

36 (c) Notwithstanding this subsection, a court that has
37 ordered restitution for a misdemeanor offense shall retain
38 jurisdiction for the purpose of enforcing the restitution order
39 for any period, not to exceed 5 years, that is pronounced by the
40 court at the time restitution is ordered.

41 (d) Notwithstanding this subsection, a court that has
42 ordered restitution for the offense of sexual battery pursuant



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43 to s. 794.057 shall retain jurisdiction for the purpose of
44 enforcing the restitution order.

45 ~~(d)~~(e) If not otherwise provided by the court under this
46 subsection, restitution must be made immediately.

47
48 If the restitution ordered by the court is not made within the
49 time period specified, the court may continue the restitution
50 order through the duration of the civil judgment provision set
51 forth in subsection (5) and as provided in s. 55.10.

52 Section 5. Section 794.057, Florida Statutes, is created
53 to read:

54 794.057 Restitution for sexual battery.—If a child is born
55 as the result of a sexual battery, the court may order the
56 defendant to pay restitution to the victim, pursuant to s.
57 775.089, for the monetary expenses related to the support of the
58 child, in addition to the monetary expenses for any other damage
59 or loss, unless the parental rights of the victim have been
60 terminated pursuant to ch. 39. If restitution is ordered:

61 (1) The court shall give consideration to the child support
62 guideline schedules provided in s. 61.30 when determining the
63 amount of restitution.

64 (2) The amount may not be reduced due to the offender's
65 inability to pay.

66 Section 6. This act shall take effect July 1, 2008.

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70 ===== T I T L E A M E N D M E N T =====

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71 | And the title is amended as follows:

72 | On line 4 before "creating"

73 | insert:

74 | ; providing circumstances when efforts to reunify are not
75 | required; amending section 39.811; providing for severance of
76 | rights of one parent; amending s. 775.089; authorizing court to
77 | retain jurisdiction;

78 |

79 | ...