

By Senator Jones

13-00512-08

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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 to  
22           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 support  
29           guideline schedules provided in s. 61.30 when determining the

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30 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.