

By the Committee on Children, Families, and Elder Affairs; and
Senators Jones and Gaetz

586-03406A-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; amending s. 39.811, F.S.,
5 relating to the severance of the rights of one parent;
6 conforming a cross-reference; amending s. 775.089, F.S.;
7 requiring that the court retain jurisdiction for the
8 purpose of enforcing a restitution order; creating s.
9 794.057, F.S.; authorizing restitution to the victim of
10 sexual battery to pay for the expenses of the child;
11 providing an effective date.

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

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15 Section 1. Paragraph (j) is added to subsection (1) of
16 section 39.806, Florida Statutes, and subsection (2) of that
17 section is amended, to read:

18 39.806 Grounds for termination of parental rights.--

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

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

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

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31 Section 2. Paragraph (e) of subsection (6) of section
32 39.811, Florida Statutes, is amended to read:

33 39.811 Powers of disposition; order of disposition.--

34 (6) The parental rights of one parent may be severed
35 without severing the parental rights of the other parent only
36 under the following circumstances:

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

40 Section 3. Subsection (3) of section 775.089, Florida
41 Statutes, is amended to read:

42 775.089 Restitution.--

43 (3)(a) The court may require that the defendant make
44 restitution under this section within a specified period or in
45 specified installments.

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

48 1. The end of the period of probation if probation is
49 ordered;

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

52 3. Five years after the date of sentencing in any other
53 case.

54 (c) Notwithstanding this subsection, a court that has
55 ordered restitution for a misdemeanor offense shall retain
56 jurisdiction for the purpose of enforcing the restitution order
57 for any period, not to exceed 5 years, that is pronounced by the
58 court at the time restitution is ordered.

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59 (d) Notwithstanding this subsection, a court that has
60 ordered restitution for the offense of sexual battery pursuant to
61 s. 794.057 shall retain jurisdiction for the purpose of enforcing
62 the restitution order.

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

65
66 If the restitution ordered by the court is not made within the
67 time period specified, the court may continue the restitution
68 order through the duration of the civil judgment provision set
69 forth in subsection (5) and as provided in s. 55.10.

70 Section 4. Section 794.057, Florida Statutes, is created to
71 read:

72 794.057 Restitution for sexual battery.--If a child is born
73 as the result of a sexual battery, the court may order the
74 defendant to pay restitution to the victim, pursuant to s.
75 775.089, for the monetary expenses related to the support of the
76 child, unless the parental rights of the victim have been
77 terminated pursuant to chapter 39. This section does not preclude
78 the court from ordering any other restitution to which the victim
79 of a sexual battery may be entitled pursuant to s. 775.089,
80 regardless of whether or not a child is born. If restitution is
81 ordered:

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

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

87 Section 5. This act shall take effect July 1, 2008.