

Amendment No.2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Diaz offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 1193-1198 and insert:

7 Section 15. Paragraphs (d), (e), and (k) of subsection (1)
8 and subsection (2) of section 39.806, Florida Statutes, are
9 amended to read:

10 39.806 Grounds for termination of parental rights.—

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

13 (d) When the parent of a child is incarcerated ~~in a state~~
14 ~~or federal correctional institution~~ and either:

15 1. The period of time for which the parent is expected to
16 be incarcerated will constitute a significant ~~substantial~~
17 portion of the child's minority. When determining whether the
18 period of time is significant, the court shall consider the
19 child's age and the child's need for a permanent and stable

Amendment No.2

20 home. The period of time begins on the date that the parent
21 enters into incarceration ~~period of time before the child will~~
22 ~~attain the age of 18 years;~~

23 2. The incarcerated parent has been determined by the
24 court to be a violent career criminal as defined in s. 775.084,
25 a habitual violent felony offender as defined in s. 775.084, or
26 a sexual predator as defined in s. 775.21; has been convicted of
27 first degree or second degree murder in violation of s. 782.04
28 or a sexual battery that constitutes a capital, life, or first
29 degree felony violation of s. 794.011; or has been convicted of
30 an offense in another jurisdiction which is substantially
31 similar to one of the offenses listed in this paragraph. As used
32 in this section, the term "substantially similar offense" means
33 any offense that is substantially similar in elements and
34 penalties to one of those listed in this subparagraph, and that
35 is in violation of a law of any other jurisdiction, whether that
36 of another state, the District of Columbia, the United States or
37 any possession or territory thereof, or any foreign
38 jurisdiction; or

39 3. The court determines by clear and convincing evidence
40 that continuing the parental relationship with the incarcerated
41 parent would be harmful to the child and, for this reason that
42 termination of the parental rights of the incarcerated parent is
43 in the best interest of the child. When determining harm, the
44 court shall consider the following factors:

45 a. The age of the child;

46 b. The relationship between the child and the parent;

Amendment No.2

47 c. The nature of the parent's current and past provision
48 for the child's developmental, cognitive, psychological, and
49 physical needs;

50 d. The parent's history of criminal behavior, which may
51 include the frequency of incarceration and the unavailability of
52 the parent to the child due to incarceration; and

53 e. Any other factor the court deems relevant.

54

55

56

57

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

58

Remove line 101 and insert:

59

whichever occurs first; amending s. 39.806, F.S.; providing

60

additional criteria for the court to consider when deciding

61

whether to terminate the parental rights of a parent or legal

62

guardian because the parent or legal guardian is incarcerated;

63