

Amendment No. 1

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 WITHDRAWN (Y/N)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: Civil Justice Subcommittee
 2 Representative Kerner offered the following:

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4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (m) is added to subsection (1) of
 7 section 39.806, Florida Statutes, and subsection (2) of that
 8 section is amended, to read:

9 39.806 Grounds for termination of parental rights.—

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

12 (m) The court determines by clear and convincing evidence
 13 that the child was conceived as a result of an act of sexual
 14 battery made unlawful pursuant to s. 794.011, or pursuant to a
 15 similar law of another state, territory, possession, or Native
 16 American tribe where the offense occurred. It is presumed that
 17 termination of parental rights is in the best interest of the
 18 child if the child was conceived as a result of the unlawful
 19 sexual battery. A petition for termination of parental rights
 20 under this paragraph may be filed at any time.

Amendment No. 1

21 (2) Reasonable efforts to preserve and reunify families
22 are not required if a court of competent jurisdiction has
23 determined that any of the events described in paragraphs
24 (1)(b)-(d) or paragraphs (1)(f)-(m) ~~(f)-(l)~~ have occurred.

25 Section 2. Subsection (6) of section 39.811, Florida
26 Statutes, is amended to read:

27 39.811 Powers of disposition; order of disposition.-

28 (6) The parental rights of one parent may be severed
29 without severing the parental rights of the other parent only
30 under the following circumstances:

31 (a) If the child has only one surviving parent;

32 (b) If the identity of a prospective parent has been
33 established as unknown after sworn testimony;

34 (c) If the parent whose rights are being terminated became
35 a parent through a single-parent adoption;

36 (d) If the protection of the child demands termination of
37 the rights of a single parent; or

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

41 Section 3. This act shall take effect July 1, 2013, and
42 applies to all unlawful acts of sexual battery occurring before,
43 on, or after that date.

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

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 887 (2013)

Amendment No. 1

49 Remove everything before the enacting clause and insert:
50 An act relating to termination of parental rights; amending s.
51 39.806, F.S.; providing that a parent's rights may be terminated
52 if the court determines, by clear and convincing evidence, that
53 the child was conceived during an act of unlawful sexual
54 battery; creating a presumption that termination of parental
55 rights is in the best interest of the child if the child was
56 conceived as a result of an unlawful sexual battery; providing
57 that a petition to terminate parental rights may be filed at any
58 time; amending s. 39.811, F.S.; providing for termination of
59 parental rights of only one parent if conception was the result
60 of an unlawful sexual battery; providing an effective date;
61 providing for retroactive application.