

1 A bill to be entitled
 2 An act relating to termination of parental rights;
 3 amending s. 39.806, F.S.; providing that a parent's
 4 rights may be terminated if the court determines, by
 5 clear and convincing evidence, that the child was
 6 conceived as a result of an act of unlawful sexual
 7 battery; creating a presumption that termination of
 8 parental rights is in the best interest of the child
 9 if the child was conceived as a result of an unlawful
 10 sexual battery; providing that a petition to terminate
 11 parental rights may be filed at any time; amending s.
 12 39.811, F.S.; providing for severing of parental
 13 rights of only one parent if conception was the result
 14 of an unlawful sexual battery; providing for
 15 retroactive application; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (m) is added to subsection (1) of
 20 section 39.806, Florida Statutes, and subsection (2) of that
 21 section is amended, to read:

22 39.806 Grounds for termination of parental rights.—

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

25 (m) The court determines by clear and convincing evidence
 26 that the child was conceived as a result of an act of sexual
 27 battery made unlawful pursuant to s. 794.011, or pursuant to a
 28 similar law of another state, a United States territory or

CS/HB 887

2013

29 possession, or a Native American tribe where the offense
30 occurred. It is presumed that termination of parental rights is
31 in the best interest of the child if the child was conceived as
32 a result of the unlawful sexual battery. A petition for
33 termination of parental rights under this paragraph may be filed
34 at any time.

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

39 Section 2. Paragraph (e) of subsection (6) of section
40 39.811, Florida Statutes, is amended to read:

41 39.811 Powers of disposition; order of disposition.-

42 (6) The parental rights of one parent may be severed
43 without severing the parental rights of the other parent only
44 under the following circumstances:

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

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