



692330

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 03/13/2013 | . |       |
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The Committee on Children, Families, and Elder Affairs (Sobel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

39.806 Grounds for termination of parental rights.—

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

(m) The court determines by clear and convincing evidence that the child was conceived as a result of an act of sexual



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

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

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

26 39.811 Powers of disposition; order of disposition.—

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

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

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

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

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

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)-(m)  
39 ~~(f)-(l)~~.

40 Section 3. This act shall take effect July 1, 2013, and  
41 applies to all unlawful acts of sexual battery occurring before,



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42 on, or after that date.

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

45 And the title is amended as follows:

46 Delete everything before the enacting clause  
47 and insert:

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