

By the Committee on Children, Families, and Elder Affairs; and  
Senator Abruzzo

586-02278-13

2013964c1

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 during an act of unlawful sexual battery;  
7 creating a presumption that termination of parental  
8 rights is in the best interest of the child if the  
9 child was conceived as a result of an unlawful sexual  
10 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 termination 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, territory, possession, or Native  
29 American tribe where the offense occurred. It is presumed that

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30 termination of parental rights is in the best interest of the  
31 child if the child was conceived as a result of the unlawful  
32 sexual battery. A petition for termination of parental rights  
33 under this paragraph may be filed at any time.

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

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

40 39.811 Powers of disposition; order of disposition.—

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

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

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

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

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

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

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