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1
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; requiring the court to accept a guilty plea
11 or conviction as conclusive proof that the child was
12 conceived by a violation of criminal law; providing
13 that a petition to terminate parental rights may be
14 filed at any time; amending s. 39.811, F.S.; providing
15 for termination of parental rights of only one parent
16 if conception was the result of an unlawful sexual
17 battery; providing for retroactive application;
18 providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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

25 39.806 Grounds for termination of parental rights.—

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

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

2013964er

30 battery made unlawful pursuant to s. 794.011, or pursuant to a
31 similar law of another state, territory, possession, or Native
32 American tribe where the offense occurred. It is presumed that
33 termination of parental rights is in the best interest of the
34 child if the child was conceived as a result of the unlawful
35 sexual battery. A petition for termination of parental rights
36 under this paragraph may be filed at any time. The court must
37 accept a guilty plea or conviction of unlawful sexual battery
38 pursuant to s. 794.011 as conclusive proof that the child was
39 conceived by a violation of criminal law as set forth in this
40 subsection.

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

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

47 39.811 Powers of disposition; order of disposition.—

48 (6) The parental rights of one parent may be severed
49 without severing the parental rights of the other parent only
50 under the following circumstances:

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

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

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

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

58 (e) If the parent whose rights are being terminated meets

2013964er

59 any of the criteria specified in s. 39.806(1)(d) and (f)-(m)
60 ~~(f)-(l)~~.

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