

CHAPTER 2013-132

Committee Substitute for Senate Bill No. 964

An act relating to termination of parental rights; amending s. 39.806, F.S.; providing that a parent's rights may be terminated if the court determines, by clear and convincing evidence, that the child was conceived during an act of unlawful sexual battery; creating a presumption that termination of parental rights is in the best interest of the child if the child was conceived as a result of an unlawful sexual battery; requiring the court to accept a guilty plea or conviction as conclusive proof that the child was conceived by a violation of criminal law; providing that a petition to terminate parental rights may be filed at any time; amending s. 39.811, F.S.; providing for termination of parental rights of only one parent if conception was the result of an unlawful sexual battery; providing for retroactive application; providing an effective date.

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

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

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

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

39.811 Powers of disposition; order of disposition.—

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

- (a) If the child has only one surviving parent;
- (b) If the identity of a prospective parent has been established as unknown after sworn testimony;
- (c) If the parent whose rights are being terminated became a parent through a single-parent adoption;
- (d) If the protection of the child demands termination of the rights of a single parent; or
- (e) If the parent whose rights are being terminated meets any of the criteria specified in s. 39.806(1)(d) and (f)-(m) ~~(f)-(l)~~.

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

Approved by the Governor June 7, 2013.

Filed in Office Secretary of State June 7, 2013.