# Federal Grant Sexual Violence Prevention

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**Date:** March 03, 2017

February 28, 2017

Ms. Nadine M. Neufville
Acting Director
Office on Violence Against Women
U.S. Department of Justice
145 N Street, NE Suite 10W.121
Washington, DC 20530

Dear Acting Director Neufville:

This office writes in support of the Florida Department of Health's receipt of a federal grant from the Department of Justice providing supplemental funding for sexual violence prevention programs.

The Florida Department of Health's Sexual Violence Prevention Program administers federal funds awarded by the U.S. Department of Justice (DOJ) to states and territories for several programs, including the Sexual Assault Service Program (SASP) and the Services-Training-Officers-Prosecutors (STOP) program. As previously advised, the Rape Survivor Child Act (RSCCA) authorizes the Office on Violence Against Women to supplement SASP and STOP program funding in states which have qualifying laws regarding termination of parental rights of rapists for children conceived through rape. As a provision for the receipt of such funds, this office has been asked to certify that this state's qualifying statute has not been amended.

Section 39.806(1)(m), Florida Statutes, enacted in 2013, is Florida's qualifying statute regarding the termination of a rapist's parental rights when a child is conceived through rape.[1] As a Senior Assistant Attorney General representing the Florida Department of Legal Affairs, I certify that since the enactment of section 39.806(1)(m), Florida Statutes, its provisions have not been changed and remain in full force and effect. The statute continues to provide:

* Parental rights may be terminated upon a finding by the court that clear and convincing evidence exists that the child was conceived as a result of a sexual battery as defined in section 794.011, Florida Statutes, or pursuant to a similar law of another state, territory, possession, or Native American tribe where the offense occurred.

* A presumption that it is in the best interest of the child to terminate parental rights if the child is conceived as a result of an unlawful sexual battery.

* The standard of proof by "clear and convincing evidence."

* A petition for termination of parental rights under the paragraph may be filed at any time and

the provisions of the statute apply retroactively to “all unlawful acts of sexual battery occurring before, on, or after [July 1, 2013].”[2]

Sincerely,

Lagran Saunders
Division Director
Opinions Division
Florida Department of Legal Affairs

ALS/tsh

cc: Ms. Celeste Philip, MD, MPH

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[1] *See* Op. Letter to Ms. Bea Hanson, Deputy Director, May 4, 2016.

[2] *See* s. 3, Ch. 2013-132, Laws of Fla.