

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Diaz offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 114-124 and insert:

7 Section 1. Subsection (1), paragraph (e) of subsection
8 (32), and subsection (33) of section 39.01, Florida Statutes,
9 are amended to read:

10 39.01 Definitions.—When used in this chapter, unless the
11 context otherwise requires:

12 (1) "Abandoned" or "abandonment" means a situation in
13 which the parent or legal custodian of a child or, in the
14 absence of a parent or legal custodian, the caregiver, while
15 being able, has made ~~makes~~ no significant contribution to the
16 child's care and maintenance or ~~provision for the child's~~
17 ~~support and~~ has failed to establish or maintain a substantial
18 and positive relationship with the child, or both. For purposes
19 of this subsection, "establish or maintain a substantial and

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20 positive relationship" includes, but is not limited to, frequent
21 and regular contact with the child through frequent and regular
22 visitation or frequent and regular communication to or with the
23 child, and the exercise of parental rights and responsibilities.
24 Marginal efforts and incidental or token visits or
25 communications are not sufficient to establish or maintain a
26 substantial and positive relationship with a child. The term
27 does not include a surrendered newborn infant as described in s.
28 383.50, a "child in need of services" as defined in chapter 984,
29 or a "family in need of services" as defined in chapter 984. The
30 incarceration, repeated incarceration, or extended incarceration
31 of a parent, legal custodian, or caregiver responsible for a
32 child's welfare may support a finding of abandonment.

33 (32) "Harm" to a child's health or welfare can occur when
34 any person:

35 (e) Abandons the child. Within the context of the
36 definition of "harm," the term "abandoned the child" or
37 "abandonment of the child" means a situation in which the parent
38 or legal custodian of a child or, in the absence of a parent or
39 legal custodian, the caregiver, while being able, has made ~~makes~~
40 no significant contribution to the child's care and maintenance
41 or provision for the child's support and has failed to establish
42 or maintain a substantial and positive relationship with the
43 child, or both. For purposes of this paragraph, "establish or
44 maintain a substantial and positive relationship" includes, but
45 is not limited to, frequent and regular contact with the child
46 through frequent and regular visitation or frequent and regular
47 communication to or with the child, and the exercise of parental

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48 rights and responsibilities. Marginal efforts and incidental or
 49 token visits or communications are not sufficient to establish
 50 or maintain a substantial and positive relationship with a
 51 child. The term "abandoned" does not include a surrendered
 52 newborn infant as described in s. 383.50, a child in need of
 53 services as defined in chapter 984, or a family in need of
 54 services as defined in chapter 984. The incarceration, repeated
 55 incarceration, or extended incarceration of a parent, legal
 56 custodian, or caregiver responsible for a child's welfare may
 57 support a finding of abandonment.

58 (33) "Institutional child abuse or neglect" means
 59 situations of known or suspected child abuse or neglect in which
 60 the person allegedly perpetrating the child abuse or neglect is
 61 an employee of a private school, public or private day care
 62 center, residential home, institution, facility, or agency or
 63 any other person at such institution responsible for the child's
 64 care as defined in subsection (47).

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 66
 67
 68 **T I T L E A M E N D M E N T**

69 Remove lines 2-4 and insert:

70 An act relating to child protection; amending s. 39.01, F.S.;
 71 revising the definitions of the term "abandoned" or
 72 "abandonment," "institutional child abuse or neglect," and
 73 "abandons the child within the context of harm"; amending s.
 74 39.013, F.S.;