

By Senator Posey

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1 A bill to be entitled

2 An act relating to dependent children; amending s. 39.01,
3 F.S.; redefining the term "harm" to provide that a mother
4 harms her child's health or welfare by using a controlled
5 substance during pregnancy without regard to whether using
6 the controlled substance adversely affected the child;
7 reenacting ss. 39.0015(3)(b) and 39.828(1)(a), F.S.,
8 relating to child abuse prevention training in the
9 district school system and grounds for appointment of a
10 guardian advocate, respectively, to incorporate the
11 amendments made to s. 39.01, F.S., in references thereto;
12 providing an effective date.

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

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16 Section 1. Paragraph (g) of subsection (31) of section
17 39.01, Florida Statutes, is amended to read:

18 39.01 Definitions.--When used in this chapter, unless the
19 context otherwise requires:

20 (31) "Harm" to a child's health or welfare can occur when
21 any person:

22 (g) Exposes a child to a controlled substance or alcohol.
23 Exposure to a controlled substance or alcohol is established by:

24 1. Use by the mother of a controlled substance ~~or alcohol~~
25 during pregnancy ~~when the child, at birth, is demonstrably~~
26 ~~adversely affected by such usage; or~~

27 2. Use by the mother of alcohol during pregnancy when the
28 child, at birth, is demonstrably adversely affected by such
29 usage; or

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30 ~~3.2.~~ Continued chronic and severe use of a controlled
31 substance or alcohol by a parent when the child is demonstrably
32 adversely affected by such usage.

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34 As used in this paragraph, the term "controlled substance" means
35 prescription drugs not prescribed for the parent or not
36 administered as prescribed and controlled substances as outlined
37 in Schedule I or Schedule II of s. 893.03.

38 Section 2. For the purpose of incorporating the amendments
39 made by this act to section 39.01, Florida Statutes, in a
40 reference thereto, paragraph (b) of subsection (3) of section
41 39.0015, Florida Statutes, is reenacted to read:

42 39.0015 Child abuse prevention training in the district
43 school system.--

44 (3) DEFINITIONS.--As used in this section:

45 (b) "Child abuse" means those acts as defined in ss.
46 39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and
47 984.03(1), (2), and (37).

48 Section 3. For the purpose of incorporating the amendments
49 made by this act to section 39.01, Florida Statutes, in a
50 reference thereto, of subsection (1) of section 39.828, Florida
51 Statutes, is reenacted to read:

52 39.828 Grounds for appointment of a guardian advocate.--

53 (1) The court shall appoint the person named in the
54 petition as a guardian advocate with all the powers and duties
55 specified in s. 39.829 for an initial term of 1 year upon a
56 finding that:

57 (a) The child named in the petition is or was a drug
58 dependent newborn as described in s. 39.01(31)(g);

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59 (b) The parent or parents of the child have voluntarily
60 relinquished temporary custody of the child to a relative or
61 other responsible adult;

62 (c) The person named in the petition to be appointed the
63 guardian advocate is capable of carrying out the duties as
64 provided in s. 39.829; and

65 (d) A petition to adjudicate the child dependent under this
66 chapter has not been filed.

67 Section 4. This act shall take effect July 1, 2008.