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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
11/13/2019	.	
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The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

**Senate Amendment (with directory amendment)**

Between lines 17 and 18

insert:

(a) Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child: the age of the child; any prior history of injuries to the child; the location of the injury on the body of the child; the



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11 multiplicity of the injury; and the type of trauma inflicted.  
12 Such injury includes, but is not limited to:

- 13 1. Willful acts that produce the following specific  
14 injuries:
- 15 a. Sprains, dislocations, or cartilage damage.
  - 16 b. Bone or skull fractures.
  - 17 c. Brain or spinal cord damage.
  - 18 d. Intracranial hemorrhage or injury to other internal  
19 organs.
  - 20 e. Asphyxiation, suffocation, or drowning.
  - 21 f. Injury resulting from the use of a deadly weapon.
  - 22 g. Burns or scalding.
  - 23 h. Cuts, lacerations, punctures, or bites.
  - 24 i. Permanent or temporary disfigurement.
  - 25 j. Permanent or temporary loss or impairment of a body part  
26 or function.

27  
28 As used in this subparagraph, the term "willful" refers to  
29 the intent to perform an action, not to the intent to achieve a  
30 result or to cause an injury.

31 2. Purposely giving a child, or storing or leaving out when  
32 a person knows or reasonably should know that a child is likely  
33 to gain access to poison, alcohol, drugs, or other substances  
34 that substantially affect the child's behavior, motor  
35 coordination, or judgment or that result in sickness or internal  
36 injury. For the purposes of this subparagraph, the term:

- 37 a. "Drugs" means prescription drugs not prescribed for the  
38 child or not administered as prescribed, and controlled  
39 substances as outlined in Schedule I or Schedule II of s.



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40 893.03.

41 b. "Other substances" includes any liquid that contains  
42 nicotine, flavorings or other substances that are heated into a  
43 vapor by an electronic cigarette or other vaping device to be  
44 inhaled by an individual.

45 3. Leaving a child without adult supervision or arrangement  
46 appropriate for the child's age or mental or physical condition,  
47 so that the child is unable to care for the child's own needs or  
48 another's basic needs or is unable to exercise good judgment in  
49 responding to any kind of physical or emotional crisis.

50 4. Inappropriate or excessively harsh disciplinary action  
51 that is likely to result in physical injury, mental injury as  
52 defined in this section, or emotional injury. The significance  
53 of any injury must be evaluated in light of the following  
54 factors: the age of the child; any prior history of injuries to  
55 the child; the location of the injury on the body of the child;  
56 the multiplicity of the injury; and the type of trauma  
57 inflicted. Corporal discipline may be considered excessive or  
58 abusive when it results in any of the following or other similar  
59 injuries:

- 60 a. Sprains, dislocations, or cartilage damage.
- 61 b. Bone or skull fractures.
- 62 c. Brain or spinal cord damage.
- 63 d. Intracranial hemorrhage or injury to other internal  
64 organs.
- 65 e. Asphyxiation, suffocation, or drowning.
- 66 f. Injury resulting from the use of a deadly weapon.
- 67 g. Burns or scalding.
- 68 h. Cuts, lacerations, punctures, or bites.



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- 69           i. Permanent or temporary disfigurement.  
70           j. Permanent or temporary loss or impairment of a body part  
71 or function.  
72           k. Significant bruises or welts.  
73

74 ===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

75 And the directory clause is amended as follows:

76           Delete lines 12 - 13

77 and insert:

78           Section 1. Paragraph (a) is amended and paragraphs (m) and  
79 (n) are added to subsection (35) of section 39.01, Florida  
80 Statutes, to read: