

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Human Services
2 Subcommittee

3 Representative Miller offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraphs (a) and (f) of subsection (37) of**
8 **section 39.01, Florida Statutes, are amended to read:**

9 39.01 Definitions.—When used in this chapter, unless the
10 context otherwise requires:

11 (37) "Harm" to a child's health or welfare can occur when
12 any person:

13 (a) Inflicts or allows to be inflicted upon the child
14 physical, mental, or emotional injury. In determining whether
15 harm has occurred, the following factors must be considered in
16 evaluating any physical, mental, or emotional injury to a child:

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17 the age of the child; any prior history of injuries to the
18 child; the location of the injury on the body of the child; the
19 multiplicity of the injury; and the type of trauma inflicted.

20 Such injury includes, but is not limited to:

21 1. Willful acts that produce the following specific
22 injuries:

23 a. Sprains, dislocations, or cartilage damage.

24 b. Bone or skull fractures.

25 c. Brain or spinal cord damage.

26 d. Intracranial hemorrhage or injury to other internal
27 organs.

28 e. Asphyxiation, suffocation, or drowning.

29 f. Injury resulting from the use of a deadly weapon.

30 g. Burns or scalding.

31 h. Cuts, lacerations, punctures, or bites.

32 i. Permanent or temporary disfigurement.

33 j. Permanent or temporary loss or impairment of a body
34 part or function.

35
36 As used in this subparagraph, the term "willful" refers to the
37 intent to perform an action, not to the intent to achieve a
38 result or to cause an injury.

39 2. Purposely giving a child poison, alcohol, drugs, or
40 other substances that substantially affect the child's behavior,
41 motor coordination, or judgment or that result in sickness or

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42 internal injury. For the purposes of this subparagraph, the term
43 "drugs" means prescription drugs not prescribed for the child or
44 not administered as prescribed, and controlled substances as
45 outlined in Schedule I or Schedule II of s. 893.03.

46 3. Leaving a child without adult supervision or
47 arrangement appropriate for the child's age or mental or
48 physical condition, so that the child is unable to care for the
49 child's own needs, is subjected to obvious danger of which the
50 child's caregiver knew or should have known, ~~or another's basic~~
51 needs or is unable to exercise reasonable ~~good~~ judgment to avoid
52 serious harm to himself or others in responding to any kind of
53 physical or emotional crisis. This subparagraph may not be
54 construed to restrict a caregiver from allowing a child of
55 sufficient maturity and physical condition from engaging in
56 independent unsupervised activities, including, but not limited
57 to, traveling to or from school or nearby locations by bicycle
58 or on foot, playing outdoors, or remaining at home or any other
59 location for a reasonable period of time, unless allowing such
60 activities constitutes conduct that is so reckless as to
61 endanger the health or safety of the child.

62 4. Inappropriate or excessively harsh disciplinary action
63 that is likely to result in physical injury, mental injury as
64 defined in this section, or emotional injury. The significance
65 of any injury must be evaluated in light of the following
66 factors: the age of the child; any prior history of injuries to

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67 the child; the location of the injury on the body of the child;
68 the multiplicity of the injury; and the type of trauma
69 inflicted. Corporal discipline may be considered excessive or
70 abusive when it results in any of the following or other similar
71 injuries:

- 72 a. Sprains, dislocations, or cartilage damage.
- 73 b. Bone or skull fractures.
- 74 c. Brain or spinal cord damage.
- 75 d. Intracranial hemorrhage or injury to other internal
76 organs.
- 77 e. Asphyxiation, suffocation, or drowning.
- 78 f. Injury resulting from the use of a deadly weapon.
- 79 g. Burns or scalding.
- 80 h. Cuts, lacerations, punctures, or bites.
- 81 i. Permanent or temporary disfigurement.
- 82 j. Permanent or temporary loss or impairment of a body
83 part or function.
- 84 k. Significant bruises or welts.

85 (f) Neglects the child. Within the context of the
86 definition of "harm," the term "neglects the child" means that
87 the parent or other person responsible for the child's welfare
88 fails to supply the child with adequate food, clothing, shelter,
89 or health care, although financially able to do so or although
90 offered financial or other means to do so; however, the term
91 does not include a caregiver allowing a child to engage in

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92 independent and unsupervised activities unless allowing such
93 activities constitutes reckless conduct that endangers the
94 health or safety of the child. Such independent and unsupervised
95 activities include, but are not limited to, traveling to or from
96 school or nearby locations by bicycle or on foot, playing
97 outdoors, or remaining at home or any other location for a
98 reasonable period of time. ~~A However,~~ a parent or legal
99 custodian who, by reason of the legitimate practice of religious
100 beliefs, does not provide specified medical treatment for a
101 child may not be considered abusive or neglectful for that
102 reason alone, but such an exception does not:

103 1. Eliminate the requirement that such a case be reported
104 to the department;

105 2. Prevent the department from investigating such a case;
106 or

107 3. Preclude a court from ordering, when the health of the
108 child requires it, the provision of medical services by a
109 physician, as defined in this section, or treatment by a duly
110 accredited practitioner who relies solely on spiritual means for
111 healing in accordance with the tenets and practices of a well-
112 recognized church or religious organization.

113 **Section 2. Paragraph (e) of subsection (1) of section**
114 **827.03, Florida Statutes, is amended to read:**

115 827.03 Abuse, aggravated abuse, and neglect of a child;
116 penalties.—

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117 (1) DEFINITIONS.—As used in this section, the term:

118 (e) "Neglect of a child" means:

119 1. A caregiver's willful failure or omission to provide a
120 child with the care, supervision, and services necessary to
121 maintain the child's physical and mental health, including, but
122 not limited to, food, nutrition, clothing, shelter, supervision,
123 medicine, and medical services that a prudent person would
124 consider essential for the well-being of the child. The term
125 does not include a caregiver allowing a child to engage in
126 independent and unsupervised activities unless allowing such
127 activities constitutes willful and wanton conduct that endangers
128 the health or safety of the child. Such independent and
129 unsupervised activities include, but are not limited to,
130 traveling to or from school or nearby locations by bicycle or on
131 foot, playing outdoors, or remaining at home or any other
132 location for a reasonable period of time; or

133 2. A caregiver's failure to make a reasonable effort to
134 protect a child from abuse, neglect, or exploitation by another
135 person.

136
137 Except as otherwise provided in this section, neglect of a child
138 may be based on repeated conduct or on a single incident or
139 omission that results in, or could reasonably be expected to
140 result in, serious physical or mental injury, or a substantial
141 risk of death, to a child.

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142 **Section 3. For the purpose of incorporating the amendment**
143 **made by this act to section 39.01, Florida Statutes, in a**
144 **reference thereto, paragraph (b) of subsection (2) of section**
145 **390.01114, Florida Statutes, is reenacted to read:**

146 390.01114 Parental Notice of and Consent for Abortion
147 Act.—

148 (2) DEFINITIONS.—As used in this section, the term:

149 (b) "Child abuse" means abandonment, abuse, harm, mental
150 injury, neglect, physical injury, or sexual abuse of a child as
151 those terms are defined in ss. 39.01, 827.04, and 984.03.

152 **Section 4. For the purpose of incorporating the amendment**
153 **made by this act to section 827.03, Florida Statutes, in a**
154 **reference thereto, paragraph (b) of subsection (2) of section**
155 **39.301, Florida Statutes, is reenacted to read:**

156 39.301 Initiation of protective investigations.—

157 (2)

158 (b) As used in this subsection, the term "criminal
159 conduct" means:

160 1. A child is known or suspected to be the victim of child
161 abuse, as defined in s. 827.03, or of neglect of a child, as
162 defined in s. 827.03.

163 2. A child is known or suspected to have died as a result
164 of abuse or neglect.

165 3. A child is known or suspected to be the victim of
166 aggravated child abuse, as defined in s. 827.03.

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167 4. A child is known or suspected to be the victim of
168 sexual battery, as defined in s. 827.071, or of sexual abuse, as
169 defined in s. 39.01.

170 5. A child is known or suspected to be the victim of
171 institutional child abuse or neglect, as defined in s. 39.01,
172 and as provided for in s. 39.302(1).

173 6. A child is known or suspected to be a victim of human
174 trafficking, as provided in s. 787.06.

175 **Section 5. For the purpose of incorporating the amendment**
176 **made by this act to section 39.01, Florida Statutes, in a**
177 **reference thereto, Subsection (2) of section 984.03, Florida**
178 **Statutes, is reenacted to read:**

179 984.03 Definitions.—When used in this chapter, the term:

180 (2) "Abuse" means any willful act that results in any
181 physical, mental, or sexual injury that causes or is likely to
182 cause the child's physical, mental, or emotional health to be
183 significantly impaired. Corporal discipline of a child by a
184 parent or guardian for disciplinary purposes does not in itself
185 constitute abuse when it does not result in harm to the child as
186 defined in s. 39.01.

187 **Section 6.** This act shall take effect July 1, 2025.