

By Senator Grall

29-00916-25

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1 A bill to be entitled
2 An act relating to harming or neglecting children;
3 amending s. 39.01, F.S.; revising the definition of
4 the term "harm" as it relates to a child's health or
5 welfare; amending s. 827.03, F.S.; revising the
6 definition of the term "neglect of a child";
7 reenacting ss. 390.01114(2)(b) and 984.03(2), F.S.,
8 relating to the definitions of the terms "child abuse"
9 and "abuse," respectively, to incorporate the
10 amendment made to s. 39.01, F.S., in references
11 thereto; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 39.01 Definitions.—When used in this chapter, unless the
18 context otherwise requires:

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

21 (a) Inflicts or allows to be inflicted upon the child
22 physical, mental, or emotional injury. In determining whether
23 harm has occurred, the following factors must be considered in
24 evaluating any physical, mental, or emotional injury to a child:
25 the age of the child; any prior history of injuries to the
26 child; the location of the injury on the body of the child; the
27 multiplicity of the injury; and the type of trauma inflicted.

28 Such injury includes, but is not limited to:

29 1. Willful acts that produce the following specific

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30 injuries:

- 31 a. Sprains, dislocations, or cartilage damage.
- 32 b. Bone or skull fractures.
- 33 c. Brain or spinal cord damage.
- 34 d. Intracranial hemorrhage or injury to other internal
- 35 organs.
- 36 e. Asphyxiation, suffocation, or drowning.
- 37 f. Injury resulting from the use of a deadly weapon.
- 38 g. Burns or scalding.
- 39 h. Cuts, lacerations, punctures, or bites.
- 40 i. Permanent or temporary disfigurement.
- 41 j. Permanent or temporary loss or impairment of a body part
- 42 or function.

43

44 As used in this subparagraph, the term "willful" refers to the

45 intent to perform an action, not to the intent to achieve a

46 result or to cause an injury.

47 2. Purposely giving a child poison, alcohol, drugs, or

48 other substances that substantially affect the child's behavior,

49 motor coordination, or judgment or that result in sickness or

50 internal injury. For the purposes of this subparagraph, the term

51 "drugs" means prescription drugs not prescribed for the child or

52 not administered as prescribed, and controlled substances as

53 outlined in Schedule I or Schedule II of s. 893.03.

54 3. Leaving a child without adult supervision or arrangement

55 appropriate for the child's age or mental or physical condition,

56 so that the child is unable to care for the child's own needs,

57 is subjected to obvious danger of which the child's caregiver

58 knew or should have known, ~~or another's basic needs~~ or is unable

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59 to exercise reasonable ~~good~~ judgment to avoid serious harm to
60 himself or others in responding to any kind of physical or
61 emotional crisis. This subparagraph may not be construed to
62 restrict a caregiver from allowing a child of sufficient
63 maturity and physical condition from engaging in independent
64 unsupervised activities, including, but not limited to,
65 traveling to or from school or nearby locations by bicycle or on
66 foot, playing outdoors, or remaining at home or any other
67 location for a reasonable period of time, unless allowing such
68 activities constitutes conduct that is so reckless as to
69 endanger the health or safety of the child.

70 4. Inappropriate or excessively harsh disciplinary action
71 that is likely to result in physical injury, mental injury as
72 defined in this section, or emotional injury. The significance
73 of any injury must be evaluated in light of the following
74 factors: the age of the child; any prior history of injuries to
75 the child; the location of the injury on the body of the child;
76 the multiplicity of the injury; and the type of trauma
77 inflicted. Corporal discipline may be considered excessive or
78 abusive when it results in any of the following or other similar
79 injuries:

- 80 a. Sprains, dislocations, or cartilage damage.
- 81 b. Bone or skull fractures.
- 82 c. Brain or spinal cord damage.
- 83 d. Intracranial hemorrhage or injury to other internal
84 organs.
- 85 e. Asphyxiation, suffocation, or drowning.
- 86 f. Injury resulting from the use of a deadly weapon.
- 87 g. Burns or scalding.

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

89 i. Permanent or temporary disfigurement.

90 j. Permanent or temporary loss or impairment of a body part
91 or function.

92 k. Significant bruises or welts.

93 (f) Neglects the child. Within the context of the
94 definition of "harm," the term "neglects the child" means that
95 the parent or other person responsible for the child's welfare
96 fails to supply the child with adequate food, clothing, shelter,
97 or health care, although financially able to do so or although
98 offered financial or other means to do so; however, the term
99 does not include a caregiver allowing a child to engage in
100 independent and unsupervised activities unless allowing such
101 activities constitutes reckless conduct that endangers the
102 health or safety of the child. Such independent and unsupervised
103 activities include, but are not limited to, traveling to or from
104 school or nearby locations by bicycle or on foot, playing
105 outdoors, or remaining at home or any other location for a
106 reasonable period of time. ~~However,~~ A parent or legal custodian
107 who, by reason of the legitimate practice of religious beliefs,
108 does not provide specified medical treatment for a child may not
109 be considered abusive or neglectful for that reason alone, but
110 such an exception does not:

- 111 1. Eliminate the requirement that such a case be reported
112 to the department;
- 113 2. Prevent the department from investigating such a case;
114 or
- 115 3. Preclude a court from ordering, when the health of the
116 child requires it, the provision of medical services by a

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117 physician, as defined in this section, or treatment by a duly
118 accredited practitioner who relies solely on spiritual means for
119 healing in accordance with the tenets and practices of a well-
120 recognized church or religious organization.

121 Section 2. Paragraph (e) of subsection (1) of section
122 827.03, Florida Statutes, is amended to read:

123 827.03 Abuse, aggravated abuse, and neglect of a child;
124 penalties.—

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

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

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

141 2. A caregiver's failure to make a reasonable effort to
142 protect a child from abuse, neglect, or exploitation by another
143 person.

144
145 Except as otherwise provided in this section, neglect of a child

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146 may be based on repeated conduct or on a single incident or
147 omission that results in, or could reasonably be expected to
148 result in, serious physical or mental injury, or a substantial
149 risk of death, to a child.

150 Section 3. For the purpose of incorporating the amendment
151 made by this act to section 39.01, Florida Statutes, in a
152 reference thereto, paragraph (b) of subsection (2) of section
153 390.01114, Florida Statutes, is reenacted to read:

154 390.01114 Parental Notice of and Consent for Abortion Act.—

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

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

159 Section 4. For the purpose of incorporating the amendment
160 made by this act to section 39.01, Florida Statutes, in a
161 reference thereto, subsection (2) of section 984.03, Florida
162 Statutes, is reenacted to read:

163 984.03 Definitions.—When used in this chapter, the term:

164 (2) "Abuse" means any willful act that results in any
165 physical, mental, or sexual injury that causes or is likely to
166 cause the child's physical, mental, or emotional health to be
167 significantly impaired. Corporal discipline of a child by a
168 parent or guardian for disciplinary purposes does not in itself
169 constitute abuse when it does not result in harm to the child as
170 defined in s. 39.01.

171 Section 5. This act shall take effect July 1, 2025.