

By the Committee on Children, Families, and Elder Affairs; and  
Senator Book

586-01384-20

2020232c1

1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.01,  
3       F.S.; expanding the list of incidents or injuries that  
4       constitute harm to a child's health or welfare;  
5       amending s. 39.303, F.S.; expanding the types of  
6       reports that the Department of Children and Families  
7       must refer to Child Protection Teams; providing an  
8       effective date.

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

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12       Section 1. Paragraph (a) of subsection (35) of section  
13       39.01, Florida Statutes, is amended, and paragraphs (m) and (n)  
14       are added to that subsection, to read:

15       39.01 Definitions.—When used in this chapter, unless the  
16       context otherwise requires:

17       (35) "Harm" to a child's health or welfare can occur when  
18       any person:

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

26       Such injury includes, but is not limited to:

27       1. Willful acts that produce the following specific  
28       injuries:

29       a. Sprains, dislocations, or cartilage damage.

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

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42 As used in this subparagraph, the term "willful" refers to the  
43 intent to perform an action, not to the intent to achieve a  
44 result or to cause an injury.

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

51 a. "Drugs" means prescription drugs not prescribed for the  
52 child or not administered as prescribed, and controlled  
53 substances as outlined in Schedule I or Schedule II of s.  
54 893.03.

55 b. "Other substances" includes any liquid that contains  
56 nicotine, flavorings or, other substances that are heated into a  
57 vapor by an electronic cigarette or other vaping device to be  
58 inhaled by an individual.

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

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

- 74           a. Sprains, dislocations, or cartilage damage.  
75           b. Bone or skull fractures.  
76           c. Brain or spinal cord damage.  
77           d. Intracranial hemorrhage or injury to other internal  
78 organs.  
79           e. Asphyxiation, suffocation, or drowning.  
80           f. Injury resulting from the use of a deadly weapon.  
81           g. Burns or scalding.  
82           h. Cuts, lacerations, punctures, or bites.  
83           i. Permanent or temporary disfigurement.  
84           j. Permanent or temporary loss or impairment of a body part  
85 or function.  
86           k. Significant bruises or welts.  
87           (m) Violates s. 316.613 or s. 316.614, resulting in the

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88 death of a child or the injury of a child which requires  
89 treatment at a medical facility, if substantiated by a licensed  
90 physician's opinion that the violation exacerbated the child's  
91 injuries or resulted in the child's death.

92 (n) Violates s. 316.6135, resulting in the death of a child  
93 or the injury of a child.

94 Section 2. Paragraphs (j), (k), and (l) are added to  
95 subsection (4) of section 39.303, Florida Statutes, to read:

96 39.303 Child Protection Teams and sexual abuse treatment  
97 programs; services; eligible cases.—

98 (4) The child abuse, abandonment, and neglect reports that  
99 must be referred by the department to Child Protection Teams of  
100 the Department of Health for an assessment and other appropriate  
101 available support services as set forth in subsection (3) must  
102 include cases involving:

103 (j) A child who was not properly restrained in a motor  
104 vehicle pursuant to s. 316.613 or s. 316.614 and the improper  
105 restraint exacerbated the child's injuries or resulted in the  
106 child's death.

107 (k) A child who was left unattended or unsupervised in a  
108 motor vehicle pursuant to s. 316.6135 and such action resulted  
109 in an injury to the child or in the child's death.

110 (l) Reports from emergency room physicians.

111 Section 3. This act shall take effect July 1, 2020.