## Florida Senate - 2007

By Senator Posey

24-1408-07 1 A bill to be entitled 2 An act relating to dependent children; amending 3 s. 39.01, F.S.; redefining the term "harm" to 4 provide that a mother harms her child's health 5 or welfare by using a controlled substance б during pregnancy without regard to whether 7 using the controlled substance adversely 8 affected the child; reenacting ss. 9 39.0015(3)(b) and 39.828(1)(a), F.S., relating 10 to child abuse prevention training in the district school system and grounds for 11 12 appointment of a guardian advocate, 13 respectively, to incorporate the amendments made to s. 39.01, F.S., in references thereto; 14 providing an effective date. 15 16 17 Be It Enacted by the Legislature of the State of Florida: 18 Section 1. Paragraph (g) of subsection (31) of section 19 39.01, Florida Statutes, is amended to read: 20 21 39.01 Definitions.--When used in this chapter, unless 22 the context otherwise requires: 23 (31) "Harm" to a child's health or welfare can occur when any person: 2.4 (g) Exposes a child to a controlled substance or 25 alcohol. Exposure to a controlled substance or alcohol is 26 27 established by: 28 1. Use by the mother of a controlled substance or 29 alcohol during pregnancy when the child, at birth, is 30 demonstrably adversely affected by such usage; or 31

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1 2. Use by the mother of alcohol during pregnancy when 2 the child, at birth, is demonstrably adversely affected by 3 such usage; or 4 3.2. Continued chronic and severe use of a controlled substance or alcohol by a parent when the child is 5 6 demonstrably adversely affected by such usage. 7 8 As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not 9 10 administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03. 11 12 Section 2. For the purpose of incorporating the 13 amendments made by this act to section 39.01, Florida Statutes, in a reference thereto, paragraph (b) of subsection 14 (3) of section 39.0015, Florida Statutes, is reenacted to 15 16 read: 17 39.0015 Child abuse prevention training in the 18 district school system. --(3) DEFINITIONS.--As used in this section: 19 (b) "Child abuse" means those acts as defined in ss. 20 21 39.01(1), (2), (31), (41), (43), (55), and (66), 827.04, and 22 984.03(1), (2), and (37). 23 Section 3. For the purpose of incorporating the amendments made by this act to section 39.01, Florida 2.4 Statutes, in a reference thereto, of subsection (1) of section 25 39.828, Florida Statutes, is reenacted to read: 26 27 39.828 Grounds for appointment of a guardian 2.8 advocate.--29 (1) The court shall appoint the person named in the 30 petition as a guardian advocate with all the powers and duties 31

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1	specified in s. 39.829 for an initial term of 1 year upon a
2	finding that:
3	(a) The child named in the petition is or was a drug
4	dependent newborn as described in s. 39.01(31)(g);
5	(b) The parent or parents of the child have
6	voluntarily relinguished temporary custody of the child to a
7	relative or other responsible adult;
8	(c) The person named in the petition to be appointed
9	the guardian advocate is capable of carrying out the duties as
10	provided in s. 39.829; and
11	(d) A petition to adjudicate the child dependent under
12	this chapter has not been filed.
13	Section 4. This act shall take effect July 1, 2007.
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16	SENATE SUMMARY
17	Revises the definition of the term "harm" to provide that a mother harms her child's health or welfare by using a
18	controlled substance during pregnancy without regard to the effect using the controlled substance has on the
19	child.
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