

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WITHDRAWN	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: Criminal Justice
2 Subcommittee

3 Representative Van Zant offered the following:

4
5 **Amendment**

6 Remove lines 64-105 and insert:
7 supported by expert testimony.

8 (e)(3)(a) "Neglect of a child" means:

9 1. A caregiver's failure or omission to provide a child
10 with the care, supervision, and services necessary to maintain
11 the child's physical and mental health, including, but not
12 limited to, food, nutrition, clothing, shelter, supervision,
13 medicine, and medical services that a prudent person would
14 consider essential for the well-being of the child; or

15 2. A caregiver's failure to make a reasonable effort to
16 protect a child from abuse, neglect, or exploitation by another
17 person.
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19 Except as otherwise provided in this section, neglect of a child
20 may be based on repeated conduct or on a single incident or
21 omission that results in, or could reasonably be expected to
22 result in, serious physical or mental injury, or a substantial
23 risk of death, to a child.

24 (2) OFFENSES.-

25 (a) A person who commits aggravated child abuse commits a
26 felony of the first degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 (b) A person who willfully or by culpable negligence
29 neglects a child and in so doing causes great bodily harm,
30 permanent disability, or permanent disfigurement to the child
31 commits a felony of the second degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084.

33 (c) A person who knowingly or willfully abuses a child
34 without causing great bodily harm, permanent disability, or
35 permanent disfigurement to the child commits a felony of the
36 third degree, punishable as provided in s. 775.082, s. 775.083,
37 or s. 775.084.

38 (d)-(e) A person who willfully or by culpable negligence
39 neglects a child without causing great bodily harm, permanent
40 disability, or permanent disfigurement to the child commits a
41 felony of the third degree, punishable as provided in s.
42 775.082, s. 775.083, or s. 775.084.

43 (3) EXPERT TESTIMONY.-

44 (a) Except as provided in paragraph (b), a physician may
45 not provide expert testimony in a criminal child abuse case
46 unless the physician is a physician licensed under chapter 458

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47 or chapter 459 or has obtained certification as an expert
48 witness pursuant to s. 458.3175.

49 (b) A physician may not provide expert testimony in a
50 criminal child abuse case regarding mental injury unless the
51 physician is a physician licensed under chapter 458 or chapter
52 459 who is board certified in psychiatry or has obtained
53 certification as an expert witness pursuant to s. 458.3175.

54 (c) A psychologist may not give expert testimony in a
55 criminal child abuse case regarding mental injury unless the
56 psychologist is licensed under chapter 490.

57 (d) The expert testimony requirements of this subsection
58 only apply to criminal child abuse cases and not to family court
59 or dependency court cases.