

By Senator Thompson

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1 A bill to be entitled
2 An act relating to the abuse of a parent; creating s.
3 784.09, F.S.; defining "child" and "parent" for
4 purposes of the crimes of abuse of a parent,
5 aggravated abuse of a parent, exploitation of a
6 parent's assets, and emotional abuse of a parent;
7 providing the elements of such crimes; providing
8 criminal penalties; authorizing alternative sentencing
9 under certain circumstances; requiring reporting of
10 the abuse of a parent or exploitation of a parent's
11 assets to the central abuse hotline of the Department
12 of Children and Families; providing immunity for a
13 person who makes such a report; providing an effective
14 date.

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

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18 Section 1. Section 784.09, Florida Statutes, is created to
19 read:

20 784.09 Abuse and exploitation of a parent.-

21 (1) As used in this section, the term:

22 (a) "Child" means an unmarried person younger than 18 years
23 of age who has not been emancipated by order of a court.

24 (b) "Parent" means a child's biological parent.

25 (2) A child commits abuse of a parent if he or she:

26 (a) Inflicts physical injury or threatens to inflict great
27 bodily harm upon a parent;

28 (b) Commits an act that could reasonably be expected to
29 result in physical injury to a parent; or

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30 (c) Actively encourages the commission of an act that
31 results or could reasonably be expected to result in physical
32 injury to a parent.

33 (3) A child commits aggravated abuse of a parent if he or
34 she:

35 (a) Commits aggravated battery pursuant to s. 784.045 or
36 aggravated assault pursuant to s. 784.021 of a parent;

37 (b) Falsely imprisons a parent pursuant to s. 787.02; or

38 (c) Causes great bodily harm to, permanent disability of,
39 or permanent disfigurement of a parent.

40 (4) A child commits exploitation of a parent's assets if he
41 or she:

42 (a) Willfully damages or steals a parent's physical
43 property; or

44 (b) Engages in activities outside the home that financially
45 intimidate or harm a parent, including, but not limited to,
46 theft, the incurring of fines or other costs for which a parent
47 is financially liable, or making purchases, charges, or
48 financial commitments in a parent's name.

49 (5) A child commits emotional abuse of a parent if he or
50 she:

51 (a) Induces a parent to take an action under threat;

52 (b) Falsely reports child abuse; or

53 (c) Engages in repeated conduct that results in, or could
54 be reasonably expected to result in, the infliction of physical
55 injury, including repeated threats of great bodily harm or
56 death.

57 (6) A child who violates:

58 (a) Subsection (2) for abuse commits a misdemeanor of the

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59 second degree, punishable as provided in s. 775.082 or s.
60 775.083.

61 (b) Paragraph (3) (a) for aggravated battery commits a
62 felony of the second degree, punishable as provided in s.
63 775.082, s. 775.083, or s. 775.084.

64 (c) Paragraph (3) (a) for aggravated assault commits a
65 felony of the third degree, punishable as provided in s.
66 775.082, s. 775.083, or s. 775.084.

67 (d) Paragraph (3) (b) for false imprisonment commits a
68 felony of the third degree, punishable as provided in s. 787.02.

69 (e) Paragraph (3) (c) for great bodily harm, permanent
70 disability, or permanent disfigurement commits a felony of the
71 first degree, punishable as provided in s. 775.082, s. 775.083,
72 or s. 775.084.

73 (f) Subsection (4) for exploitation of assets commits a:

74 1. Misdemeanor of the second degree, punishable as provided
75 in s. 775.082 or s. 775.083, if the value is less than \$500.

76 2. Misdemeanor of the first degree, punishable as provided
77 in s. 775.082 or s. 775.083, if the value is \$500 or more but
78 less than \$5,000.

79 3. Felony of the third degree, punishable as provided in s.
80 775.082, s. 775.083, or s. 775.084, if the value is \$5,000 or
81 more but less than \$10,000.

82 4. Felony of the second degree, punishable as provided in
83 s. 775.082, s. 775.083, or s. 775.084, if the value is \$10,000
84 or more but less than \$50,000.

85 5. Felony of the first degree, punishable as provided in s.
86 775.082, s. 775.083, or s. 775.084, if the value is \$50,000 or
87 more.

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88 (g) Subsection (5) for emotional abuse commits a
89 misdemeanor of the second degree, punishable as provided in s.
90 775.082 or s. 775.083.

91 (7) If a child is convicted of aggravated abuse of a parent
92 under subsection (3) or exploitation of a parent's assets under
93 subsection (4), upon request of the state attorney or defense
94 attorney, the court may reduce a felony charge to a misdemeanor
95 and provide alternative sentencing. Such alternative sentencing
96 may include, but is not limited to, probation or required
97 attendance in specialized intervention programs.

98 (8) A person who knows, or has reasonable cause to suspect,
99 that a parent is being abused or that a parent's assets are
100 being exploited by his or her child shall report such knowledge
101 or suspicion to the central abuse hotline of the Department of
102 Children and Families. A person who files a report in good faith
103 or participates in an investigation resulting from a report is
104 immune from prosecution for such reporting or participation.

105 Section 2. This act shall take effect October 1, 2015.