

By Senator Forman

32-1353-00

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A bill to be entitled
An act relating to child abuse; amending s.
827.03, F.S.; modifying definitions; providing
penalties for child abuse; providing penalties
for malicious punishment of a child; increasing
penalties for subsequent acts; providing an
effective date.

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

Section 1. Section 827.03, Florida Statutes, is
amended to read:

827.03 Abuse, aggravated abuse, and neglect of a
child; penalties.--

(1) "Child abuse" means:

(a) Intentional infliction of physical or mental
injury upon a child;

(b) An intentional act that could reasonably be
expected to result in physical or mental injury to a child; or

(c) Active encouragement of any person to commit an
act that results or could reasonably be expected to result in
physical or mental injury to a child.

A person who knowingly or willfully abuses a child and causes
mental injury or slight bodily harm to the child commits a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.A person who knowingly or willfully
abuses a child and causes moderate bodily harm without causing
great bodily harm, permanent disability, or permanent
disfigurement to the child commits a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (2) "Aggravated child abuse" occurs when a person:

4 (a) Commits aggravated battery on a child;

5 (b) Willfully tortures, ~~maliciously punishes,~~ or
6 willfully and unlawfully cages a child; or

7 (c) Knowingly or willfully abuses a child and in so
8 doing causes great bodily harm, permanent disability, or
9 permanent disfigurement to the child.

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11 A person who commits aggravated child abuse commits a felony
12 of the first degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (3) "Malicious punishment" occurs when a person
15 maliciously punishes a child.

16 (a) A person who maliciously punishes a child and
17 causes slight or no bodily harm to the child commits a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 (b) A person who maliciously punishes a child and
21 causes moderate bodily injury without causing great bodily
22 harm, permanent disability, or permanent disfigurement to the
23 child commits a felony of the third degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 (c) A person who maliciously punishes a child and
26 causes great bodily harm, permanent disability, or permanent
27 disfigurement to the child commits a felony of the first
28 degree, punishable as provided in s. 775.082, s. 775.083, or
29 s. 775.084.

30 (4) When a person is charged with committing an act of
31 child abuse, aggravated child abuse, or malicious punishment

1 and the person has previously been found guilty, regardless of
2 adjudication of child abuse, aggravated child abuse, or
3 malicious punishment, the punishment for the offense for which
4 the person is charged shall be reclassified as follows:

5 (a) In the case of a misdemeanor of the first degree,
6 to a felony of the third degree.

7 (b) In the case of a felony of the third degree, to a
8 felony of the first degree.

9 (5)(3)(a) "Neglect of a child" means:

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

17 2. A caregiver's failure to make a reasonable effort
18 to protect a child from abuse, neglect, or exploitation by
19 another person.

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21 Neglect of a child may be based on repeated conduct or on a
22 single incident or omission that results in, or could
23 reasonably be expected to result in, serious physical or
24 mental injury, or a substantial risk of death, to a child.

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

30 (c) A person who willfully or by culpable negligence
31 neglects a child without causing great bodily harm, permanent

1 disability, or permanent disfigurement to the child commits a
2 felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084.

4 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Provides a criminal penalty for any person who knowingly
abuses a child and causes mental injury or slight bodily
harm or causes moderate bodily harm without causing great
bodily harm. Modifies the definition of aggravated
battery on a child. Provides that malicious punishment
occurs when a person maliciously punishes a child and
prescribes penalties therefor. Increases penalties for a
person who commits child abuse, aggravated child abuse,
or malicious punishment and who has been previously found
guilty of such an offense.