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A bill to be entitled
An act relating to abuse of children; amending s. 827.03,
F.S.; providing a definition for the term "maliciously"
for purposes of aggravated child abuse; 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 without
causing great bodily harm, permanent disability, or permanent
disfigurement to the child commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(a) Commits aggravated battery on a child;

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



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

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34 A person who commits aggravated child abuse commits a felony of
35 the first degree, punishable as provided in s. 775.082, s.
36 775.083, or s. 775.084.

37 (3)(a) "Neglect of a child" means:

38 1. A caregiver's failure or omission to provide a child
39 with the care, supervision, and services necessary to maintain
40 the child's physical and mental health, including, but not
41 limited to, food, nutrition, clothing, shelter, supervision,
42 medicine, and medical services that a prudent person would
43 consider essential for the well-being of the child; or

44 2. A caregiver's failure to make a reasonable effort to
45 protect a child from abuse, neglect, or exploitation by another
46 person.

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48 Neglect of a child may be based on repeated conduct or on a
49 single incident or omission that results in, or could reasonably
50 be expected to result in, serious physical or mental injury, or
51 a substantial risk of death, to a child.

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

57 (c) A person who willfully or by culpable negligence
58 neglects a child without causing great bodily harm, permanent
59 disability, or permanent disfigurement to the child commits a



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60 felony of the third degree, punishable as provided in s.
61 775.082, s. 775.083, or s. 775.084.

62 (4) For purposes of this section, "maliciously" means
63 wrongfully, intentionally, and without legal justification or
64 excuse. Maliciousness may be established by circumstances from
65 which one could conclude that a reasonable parent would not have
66 engaged in the damaging acts toward the child for any valid
67 reason and that the primary purpose of the acts was to cause the
68 victim unjustifiable pain or injury.

69 Section 2. This act shall take effect upon becoming a law.