

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Barreiro and Seiler offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

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30 A person who knowingly or willfully abuses a child without
31 causing great bodily harm, permanent disability, or permanent
32 disfigurement to the child commits a felony of the third degree,
33 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

35 (a) Commits aggravated battery on a child;

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

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

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42 A person who commits aggravated child abuse commits a felony of
43 the first degree, punishable as provided in s. 775.082, s.
44 775.083, or s. 775.084.

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

46 1. A caregiver's failure or omission to provide a child
47 with the care, supervision, and services necessary to maintain
48 the child's physical and mental health, including, but not
49 limited to, food, nutrition, clothing, shelter, supervision,
50 medicine, and medical services that a prudent person would
51 consider essential for the well-being of the child; or

52 2. A caregiver's failure to make a reasonable effort to
53 protect a child from abuse, neglect, or exploitation by another
54 person.

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56 Neglect of a child may be based on repeated conduct or on a
57 single incident or omission that results in, or could reasonably
58 be expected to result in, serious physical or mental injury, or
59 a substantial risk of death, to a child.

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

65 (c) A person who willfully or by culpable negligence
66 neglects a child without causing great bodily harm, permanent
67 disability, or permanent disfigurement to the child commits a
68 felony of the third degree, punishable as provided in s.
69 775.082, s. 775.083, or s. 775.084.

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

77 Section 2. This act shall take effect upon becoming a law.
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80 ===== T I T L E A M E N D M E N T =====
81 Remove the entire title
82 and insert:

83 A bill to be entitled

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84 An act relating to abuse of children; amending s. 827.03,
85 F.S.; providing a definition for the term "maliciously"
86 for purposes of aggravated child abuse; providing an
87 effective date.
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