

By Senator Fasano

11-1540-03

1 A bill to be entitled
2 An act relating to aggravated child abuse;
3 amending s. 827.03, F.S.; defining the term
4 "maliciously" for purposes of the offense of
5 aggravated child abuse; providing an effective
6 date.

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

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

12 827.03 Abuse, aggravated abuse, and neglect of a
13 child; penalties.--

14 (1) "Child abuse" means:

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

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

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

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23 A person who knowingly or willfully abuses a child without
24 causing great bodily harm, permanent disability, or permanent
25 disfigurement to the child commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 s. 775.084.

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

29 (a) Commits aggravated battery on a child;

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

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

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5 A person who commits aggravated child abuse commits a felony
6 of the first degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

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

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

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

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

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

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

1 felony of the third degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 (4) As used in this section, the term "maliciously"
4 means wrongfully, intentionally, and without legal
5 justification or excuse.

6 Section 2. This act shall take effect July 1, 2003.

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9 SENATE SUMMARY

10 Defines the term "maliciously" for the purpose of
11 prescribing the elements of the offense of aggravated
12 child abuse.

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