

A bill to be entitled

An act relating to the abuse of a parent; creating s. 741.50, F.S.; defining the terms "child" and "parent" for purposes of the offenses of abuse of a parent, aggravated abuse of a parent, exploitation of a parent's assets, and emotional abuse of a parent; providing the elements of such offenses; providing criminal penalties; authorizing alternative sentencing under certain circumstances; requiring reporting of the abuse of a parent or exploitation of a parent's assets to the Department of Children and Families' central abuse hotline; providing immunity from prosecution for persons reporting to the hotline or participating in an investigation; providing an effective date.

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

Section 1. Section 741.50, Florida Statutes, is created to read:

741.50 Abuse and exploitation of a parent.-

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

(a) "Child" means a person of any age who has a parent-child relationship with a person named as a parent:

1. On the child's birth certificate; or

2. By court order or express written agreement that is

27 subject to court enforcement.

28 (b) "Parent" means a biological parent, adoptive parent,  
 29 or stepparent or a guardian who has custody of the child.

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

31 (a) Inflicts physical injury upon or threatens to harm a  
 32 parent;

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

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

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

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

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

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

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

47 (a) Willfully damages or steals a parent's physical  
 48 property; or

49 (b) Engages in activities outside the home that  
 50 financially intimidate or harm a parent, including, but not  
 51 limited to, theft, the incurring of fines or other costs for  
 52 which a parent is financially liable, or making charges or

53 financial commitments in a parent's name.

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

56 (a) Induces a parent to take an action under threat;  
57 (b) Falsely reports child abuse; or  
58 (c) Engages in repeated conduct that results or could be  
59 reasonably expected to result in, the infliction of physical  
60 injury, including repeated threats of harm, serious physical  
61 injury, or death.

62 (6) A violation of:

63 (a) Subsection (2) for abuse of a parent is a misdemeanor  
64 of the second degree, punishable as provided in s. 775.082 or s.  
65 775.083.

66 (b) Paragraph (3) (a) for aggravated battery of a parent is  
67 a felony of the second degree, punishable as provided in s.  
68 775.082, s. 775.083, or s. 775.084.

69 (c) Paragraph (3) (a) for aggravated assault of a parent is  
70 a felony of the third degree, punishable as provided in s.  
71 775.082, s. 775.083, or s. 775.084.

72 (d) Paragraph (3) (b) for false imprisonment of a parent is  
73 felony of the third degree, punishable as provided in s.  
74 775.082, s. 775.083, or s. 775.084.

75 (e) Paragraph (3) (c) for great bodily harm to, permanent  
76 disability of, or permanent disfigurement of a parent is a  
77 felony of the first degree, punishable as provided in s.  
78 775.082, s. 775.083, or s. 775.084.

79 (f) Subsection (4) for exploitation of a parent's assets  
80 is a:

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

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

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

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

93 5. Felony of the first degree, punishable as provided in  
94 s. 775.082, s. 775.083, or s. 775.084, if the value of the  
95 assets is \$50,000 or more.

96 (g) Subsection (5) for emotional abuse of a parent is a  
97 misdemeanor of the second degree, punishable as provided in s.  
98 775.082 or s. 775.083.

99 (7) If a child is convicted of aggravated abuse of a  
100 parent under subsection (3) or exploitation of a parent's assets  
101 under subsection (4), upon request of the state attorney or  
102 defense attorney, the court may reduce a felony charge to a  
103 misdemeanor and provide alternative sentencing. Such alternative  
104 sentencing may include, but need not be limited to, probation or

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105 required attendance in specialized intervention programs.

106 (8) A person who knows or has reasonable cause to suspect  
107 that a parent is being abused or that the parent's assets are  
108 being exploited by the parent's child shall report such  
109 knowledge or suspicion to the Department of Children and  
110 Families' central abuse hotline. A person who makes such a  
111 report in good faith or participates in an investigation  
112 resulting from a report is immune from prosecution for such  
113 reporting or participation.

114 Section 2. This act shall take effect October 1, 2014.