

By the Committee on Children, Families, and Elder Affairs; and
Senator Thompson

586-03525-14

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1 A bill to be entitled
2 An act relating to the abuse of a parent; creating s.
3 784.09, F.S.; defining the terms "child" and "parent"
4 for purposes of the crimes of abuse of a parent,
5 aggravated abuse of a parent, exploitation of a
6 parent's assets, and emotional abuse of a parent;
7 providing the elements of such crimes; providing
8 criminal penalties; authorizing alternative sentencing
9 under certain circumstances; requiring reporting of
10 the abuse of a parent or exploitation of a parent's
11 assets to the Department of Children and Families'
12 central abuse hotline; providing immunity for a person
13 who makes such a report; providing an effective date.
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15 Be It Enacted by the Legislature of the State of Florida:
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17 Section 1. Section 784.09, Florida Statutes, is created to
18 read:

19 784.09 Abuse and exploitation of a parent.-

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

21 (a) "Child" means an unmarried person younger than 18 years
22 of age who has not been emancipated by order of the court.

23 (b) "Parent" means a child's biological parent.

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

25 (a) Inflicts physical injury or threatens to inflict great
26 bodily harm upon a parent;

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

29 (c) Actively encourages the commission of an act that

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30 results or could reasonably be expected to result in physical
31 injury to a parent.

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

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

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

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

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

41 (a) Willfully damages or steals a parent's physical
42 property; or

43 (b) Engages in activities outside the home that financially
44 intimidate or harm a parent, including, but not limited to, the
45 incurring of fines or other costs for which a parent is
46 financially liable, theft, or making charges or financial
47 commitments in a parent's name.

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

50 (a) Induces a parent to take an action under threat;

51 (b) Falsely reports child abuse; or

52 (c) Engages in repeated conduct that results in, or could
53 be reasonably expected to result in, the infliction of physical
54 injury, including repeated threats of great bodily harm or
55 death.

56 (6) A violation of:

57 (a) Subsection (2) for abuse is a misdemeanor of the second
58 degree, punishable as provided in s. 775.082 or s. 775.083.

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59 (b) Paragraph (3) (a) for aggravated battery is a felony of
60 the second degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 (c) Paragraph (3) (a) for aggravated assault is a felony of
63 the third degree, punishable as provided in s. 775.082, s.
64 775.083, or s. 775.084.

65 (d) Paragraph (3) (b) for false imprisonment is a felony of
66 the third degree, punishable as provided in s. 787.02.

67 (e) Paragraph (3) (c) for great bodily harm, permanent
68 disability, or permanent disfigurement is a felony of the first
69 degree, punishable as provided in s. 775.082, s. 775.083, or s.
70 775.084.

71 (f) Subsection (4) for exploitation of assets is a:

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

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

77 3. Felony of the third degree, punishable as provided in s.
78 775.082, s. 775.083, or s. 775.084, if the value is \$5,000 or
79 more but less than \$10,000.

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

83 5. Felony of the first degree, punishable as provided in s.
84 775.082, s. 775.083, or s. 775.084, if the value is \$50,000 or
85 more.

86 (g) Subsection (5) for emotional abuse is a misdemeanor of
87 the second degree, punishable as provided in s. 775.082 or s.

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88 775.083.

89 (7) If a child is convicted of aggravated abuse of a parent
90 under subsection (3) or exploitation of a parent's assets under
91 subsection (4), upon request of the state attorney or defense
92 attorney, the court may reduce a felony charge to a misdemeanor
93 and provide alternative sentencing. Such alternative sentencing
94 may include, but need not be limited to, probation or required
95 attendance in specialized intervention programs.

96 (8) A person who knows, or has reasonable cause to suspect,
97 that a parent is being abused or that a parent's assets are
98 being exploited by his or her child shall report such knowledge
99 or suspicion to the Department of Children and Families' central
100 abuse hotline. A person who files a report in good faith or
101 participates in an investigation resulting from a report is
102 immune from prosecution for such reporting or participation.

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