

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 the reporting
 10 of the abuse of a parent or exploitation of a parent's
 11 assets to the central abuse hotline of the Department
 12 of Children and Families; providing immunity from
 13 prosecution for a person who files, or participates in
 14 an investigation resulting from, such a report;
 15 providing an effective date.

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

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 19 Section 1. Section 784.09, Florida Statutes, is created to
 20 read:

21 784.09 Abuse and exploitation of a parent.—

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

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

25 (b) "Parent" means a child's legal parent.

26 (2) A child commits abuse of his or her parent if he or

27 | she:

28 | (a) Inflicts physical injury or threatens to inflict great
 29 | bodily harm upon the parent;

30 | (b) Commits an act that could reasonably be expected to
 31 | result in physical injury to the parent; or

32 | (c) Actively encourages the commission of an act that
 33 | results in, or could reasonably be expected to result in,
 34 | physical injury to the parent.

35 | (3) A child commits aggravated abuse of his or her parent
 36 | if he or she:

37 | (a) Commits aggravated battery pursuant to s. 784.045 or
 38 | aggravated assault pursuant to s. 784.021 of the parent;

39 | (b) Falsely imprisons the parent pursuant to s. 787.02; or

40 | (c) Causes great bodily harm to, permanent disability of,
 41 | or permanent disfigurement of the parent.

42 | (4) A child commits exploitation of his or her parent's
 43 | assets if he or she:

44 | (a) Willfully damages or steals the parent's physical
 45 | property; or

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

51 | (5) A child commits emotional abuse of his or her parent
 52 | if he or she:

- 53 (a) Induces the parent to take an action under threat;
 54 (b) Falsely reports child abuse; or
 55 (c) Engages in repeated conduct that results in, or could
 56 be reasonably expected to result in, the infliction of physical
 57 injury, including repeated threats of great bodily harm or
 58 death.
- 59 (6) A child who violates:
- 60 (a) Subsection (2) for abuse of his or her parent commits
 61 a misdemeanor of the second degree, punishable as provided in s.
 62 775.082 or s. 775.083.
- 63 (b) Paragraph (3) (a) for aggravated battery of his or her
 64 parent commits a felony of the second degree, punishable as
 65 provided in s. 775.082, s. 775.083, or s. 775.084.
- 66 (c) Paragraph (3) (a) for aggravated assault of his or her
 67 parent commits a felony of the third degree, punishable as
 68 provided in s. 775.082, s. 775.083, or s. 775.084.
- 69 (d) Paragraph (3) (b) for false imprisonment of his or her
 70 parent commits a felony of the third degree, punishable as
 71 provided in s. 787.02.
- 72 (e) Paragraph (3) (c) for great bodily harm to, permanent
 73 disability of, or permanent disfigurement of his or her parent
 74 commits a felony of the first degree, punishable as provided in
 75 s. 775.082, s. 775.083, or s. 775.084.
- 76 (f) Subsection (4) for exploitation of his or her parent's
 77 assets commits a:
- 78 1. Misdemeanor of the second degree, punishable as

79 provided in s. 775.082 or s. 775.083, if the value is less than
80 \$500.

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

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

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

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

93 (g) Subsection (5) for emotional abuse of his or her
94 parent commits a misdemeanor of the second degree, punishable as
95 provided in s. 775.082 or s. 775.083.

96 (7) If a child is convicted of aggravated abuse of his or
97 her parent under subsection (3) or exploitation of his or her
98 parent's assets under subsection (4), upon request of the state
99 attorney or defense attorney, the court may reduce a felony
100 charge to a misdemeanor and provide alternative sentencing. Such
101 alternative sentencing may include, but is not limited to,
102 probation or required attendance in specialized intervention
103 programs.

104 (8) A person who knows, or has reasonable cause to

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105 suspect, that a parent is being abused or that a parent's assets
106 are being exploited by his or her child shall report such
107 knowledge or suspicion to the central abuse hotline of the
108 Department of Children and Families. A person who files a report
109 in good faith or participates in an investigation resulting from
110 a report is immune from prosecution for such reporting or
111 participation.

112 Section 2. This act shall take effect October 1, 2016.