

By Senator Thompson

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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 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 years
24 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

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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 financially
47 intimidate or harm the parent, including, but not limited to,
48 theft, the incurring of fines or other costs for which the
49 parent is financially liable, or making purchases, charges, or
50 financial commitments in the parent's name.

51 (5) A child commits emotional abuse of his or her parent if
52 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 a
61 misdemeanor of the second degree, punishable as provided in s.

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

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

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

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

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

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91 more.

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

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

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

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