

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 court order.

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, or threatens to inflict, physical injury or
 29 great bodily harm upon the parent;
 30 (b) Commits an act that could reasonably be expected to
 31 result in physical injury or great bodily harm 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 or great bodily harm 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 on 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) commits a misdemeanor of the second
 61 degree, punishable as provided in s. 775.082 or s. 775.083.

62 (b) Paragraph (3) (a) commits a:

63 1. Felony of the second degree, punishable as provided in
 64 s. 775.082, s. 775.083, or s. 775.084, if the offense is
 65 aggravated battery of his or her parent.

66 2. Felony of the third degree, punishable as provided in
 67 s. 775.082, s. 775.083, or s. 775.084, if the offense is
 68 aggravated assault of his or her parent.

69 (c) Paragraph (3) (b) commits a felony of the third degree,
 70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

71 (d) Paragraph (3) (c) commits a felony of the first degree,
 72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

73 (e) Subsection (4) commits a:

74 1. Misdemeanor of the second degree, punishable as
 75 provided in s. 775.082 or s. 775.083, if the value of the assets

76 is less than \$500.

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

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

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

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

89 (f) Subsection (5) commits a misdemeanor of the second
90 degree, punishable as provided in s. 775.082 or s. 775.083.

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

99 (8) A person who knows, or has reasonable cause to
100 suspect, that a parent is being abused, or that a parent's

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101 assets are being exploited, by his or her child shall report
102 such knowledge or suspicion to the central abuse hotline of the
103 Department of Children and Families. A person who files a report
104 in good faith or participates in an investigation resulting from
105 a report is immune from prosecution for such reporting or
106 participation.

107 Section 2. This act shall take effect October 1, 2017.