

By the Committee on Child & Family Security and
Representatives Detert and Murman

1 A bill to be entitled
2 An act relating to the Department of Children
3 and Family Services; creating s. 839.27, F.S.;
4 providing definitions; specifying unlawful acts
5 relating to records of investigations of abuse
6 of a child, elderly person, or disabled adult;
7 providing penalties; requiring imposition of
8 sentence for violations; providing for certain
9 disposal or archiving of records; providing for
10 certain correcting and updating of records;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 839.27, Florida Statutes, is
16 created to read:

17 839.27 Unlawful acts relating to records of abuse of a
18 child, elderly person, or disabled adult.--

19 (1) DEFINITIONS.--As used in this section:

20 (a) "Abuse of an elderly person or disabled adult"
21 means conduct proscribed under s. 825.102 or s. 825.1025.

22 (b) "Child abuse" means conduct proscribed under s.
23 794.011, s. 794.05, s. 796.03, s. 800.04, s. 827.03, s.
24 827.04(3), or s. 827.071.

25 (c) "Records of the Department of Children and Family
26 Services" means all documents, papers, letters, maps, books,
27 tapes, photographs, films, sound recordings, data processing
28 software, or other material, regardless of the physical form,
29 characteristics, or means of transmission, made or received by
30 the Department of Children and Family Services in the course
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1 of an investigation of child abuse or abuse of an elderly
2 person or disabled adult.

3 (2) It is unlawful for any person to knowingly
4 falsify, alter, destroy, deface, overwrite, remove, or discard
5 records of the Department of Children and Family Services
6 relating to child abuse investigations, or investigations of
7 abuse of an elderly person or disabled adult.

8 (a) Except as provided in paragraphs (b) and (c), any
9 person who violates this subsection commits a misdemeanor of
10 the first degree, punishable as provided in s. 775.082 or s.
11 775.083.

12 (b) In any case in which the victim of the alleged
13 child abuse suffers great bodily harm or dies after the
14 initial report of child abuse to the Department of Children
15 and Family Services is made, any person who violates this
16 subsection at a point in time after the child sustains great
17 bodily harm or dies commits a felony of the third degree,
18 punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084.

20 (c) In any case in which the victim of the alleged
21 abuse of an elderly person or disabled adult suffers great
22 bodily harm or dies after the initial report of abuse of an
23 elderly person or disabled adult to the Department of Children
24 and Family Services is made, any person who violates this
25 subsection at a point in time after the victim sustains great
26 bodily harm or dies commits a felony of the third degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 (3) Notwithstanding the provisions of s. 948.01, a
30 court may not suspend, defer, or withhold adjudication of
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1 guilt or imposition of sentence for any violation of this
2 section.

3 (4) This section does not apply to the disposal of
4 records or the archiving of records of the Department of
5 Children and Family Services as otherwise provided by law. In
6 addition, this section does not prohibit any person from
7 correcting or updating records, so long as the original record
8 entries are not altered or destroyed.

9 Section 2. This act shall take effect upon becoming a
10 law.

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12 HOUSE SUMMARY

13 Provides that it is unlawful to falsify, alter, destroy,
14 deface, overwrite, remove, or discard Department of
15 Children and Family Services records of investigations of
16 child abuse or abuse of an elderly person or disabled
17 adult. Provides definitions and penalties. Prohibits a
18 court from suspending, deferring, or withholding
19 adjudication of guilt or imposition of sentence for
20 violations. Provides for disposal or archiving of records
21 as otherwise provided by law. Provides that records may
22 be corrected or updated, so long as the original record
23 entries are not altered or destroyed.

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