

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 or its contract
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1 provider in the course of an investigation of child abuse or
2 abuse of an elderly 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 or
6 its contract provider relating to child abuse investigations,
7 or investigations of abuse of an elderly person or disabled
8 adult.

9 (a) Except as provided in paragraphs (b) and (c), any
10 person who violates this subsection commits a misdemeanor of
11 the first degree, punishable as provided in s. 775.082 or s.
12 775.083.

13 (b) In any case in which the victim of the alleged
14 child abuse suffers great bodily harm or dies after the
15 initial report of child abuse to the Department of Children
16 and Family Services is made, any person who violates this
17 subsection at a point in time after the child sustains great
18 bodily harm or dies commits a felony of the third degree,
19 punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084.

21 (c) In any case in which the victim of the alleged
22 abuse of an elderly person or disabled adult suffers great
23 bodily harm or dies after the initial report of abuse of an
24 elderly person or disabled adult to the Department of Children
25 and Family Services is made, any person who violates this
26 subsection at a point in time after the victim sustains great
27 bodily harm or dies commits a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084.

30 (3) Notwithstanding the provisions of s. 948.01, a
31 court may not suspend, defer, or withhold adjudication of

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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