

724-140AX-08

Bill No. HB 1467, 1st Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Detert offered the following:

**Amendment (with title amendment)**

On page 4, between lines 9 and 10, of the bill

insert:

Section 5. Section 839.27, Florida Statutes, is created to read:

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

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

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

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

(c) "Records of the Department of Children and Family Services" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received by

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1 the Department of Children and Family Services or its contract  
2 provider in the course of an investigation of child abuse or  
3 abuse of an elderly person or disabled adult.

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

10 (a) Except as provided in paragraphs (b) and (c), any  
11 person who violates this subsection commits a misdemeanor of  
12 the first degree, punishable as provided in s. 775.082 or s.  
13 775.083.

14 (b) In any case in which the victim of the alleged  
15 child abuse suffers great bodily harm or dies after the  
16 initial report of child abuse to the Department of Children  
17 and Family Services is made, any person who violates this  
18 subsection at a point in time after the child sustains great  
19 bodily harm or dies commits a felony of the third degree,  
20 punishable as provided in s. 775.082, s. 775.083, or s.  
21 775.084.

22 (c) In any case in which the victim of the alleged  
23 abuse of an elderly person or disabled adult suffers great  
24 bodily harm or dies after the initial report of abuse of an  
25 elderly person or disabled adult to the Department of Children  
26 and Family Services is made, any person who violates this  
27 subsection at a point in time after the victim sustains great  
28 bodily harm or dies commits a felony of the third degree,  
29 punishable as provided in s. 775.082, s. 775.083, or s.  
30 775.084.

31 (3) Notwithstanding the provisions of s. 948.01, a

1 court may not suspend, defer, or withhold adjudication of  
2 guilt or imposition of sentence for any violation of this  
3 section.

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

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 16, after the semicolon,

insert:

creating s. 839.27, F.S.; providing  
definitions; specifying unlawful acts relating  
to records of investigations of abuse of a  
child, elderly person, or disabled adult;  
providing penalties; requiring imposition of  
sentence for violations; providing for certain  
disposal or archiving of records; providing for  
certain correcting and updating of records;