

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

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

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. 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) "Foster care and related services" means, family preservation, independent living, emergency shelter, residential group care, foster care, therapeutic foster care, intensive residential treatment, foster care supervision, case management, postplacement supervision, permanent foster care,

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1 or family reunification.

2 (d) "Protective supervision" means a legal status in  
3 dependency cases which permits the child to remain safely in  
4 his or her own home or other nonlicensed placement under the  
5 supervision of an agent of the department and which must be  
6 reviewed by the court during the period of supervision as  
7 defined in s. 39.01(59).

8 (e) "Records of the Department of Children and Family  
9 Services" means all documents, papers, letters, maps, books,  
10 tapes, photographs, films, sound recordings, data processing  
11 software, or other material, regardless of the physical form,  
12 characteristics, or means of transmission, made or received by  
13 the Department of Children and Family Services or its contract  
14 provider in the course of an investigation of child abuse,  
15 protective supervision, foster care and related services, or  
16 abuse of an elderly person or disabled adult.

17 (2) It is unlawful for any person to knowingly  
18 falsify, alter, destroy, deface, overwrite, remove, or discard  
19 records of the Department of Children and Family Services or  
20 its contract provider with the intent to conceal a fact  
21 material to a child abuse investigation, protective  
22 supervision, foster care and related services, or  
23 investigations of abuse of an elderly person or disabled  
24 adult.

25 (a) Except as provided in paragraphs (b) and (c), any  
26 person who violates this subsection commits a misdemeanor of  
27 the first degree, punishable as provided in s. 775.082 or s.  
28 775.083.

29 (b) In any case in which the victim of the alleged  
30 child abuse suffers great bodily harm or dies after the  
31 initial report of child abuse to the Department of Children

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1 and Family Services is made, any person who violates this  
2 subsection at a point in time after the child sustains great  
3 bodily harm or dies commits a felony of the third degree,  
4 punishable as provided in s. 775.082, s. 775.083, or s.  
5 775.084.

6 (c) In any case in which the victim of the alleged  
7 abuse of an elderly person or disabled adult suffers great  
8 bodily harm or dies after the initial report of abuse of an  
9 elderly person or disabled adult to the Department of Children  
10 and Family Services is made, any person who violates this  
11 subsection at a point in time after the victim sustains great  
12 bodily harm or dies commits a felony of the third degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084.

15 (3) Notwithstanding the provisions of s. 948.01, a  
16 court may not suspend, defer, or withhold adjudication of  
17 guilt or imposition of sentence for any violation of this  
18 section.

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

25 Section 2. This act shall take effect upon becoming a  
26 law.

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

30 And the title is amended as follows:

31 remove: the entire title

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1 and insert:

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, records relating to protective  
7 supervision foster care and related services,  
8 records of investigations of abuse of the  
9 elderly person, or disabled adult; providing  
10 penalties; requiring imposition of sentence for  
11 violations; providing for certain disposal or  
12 archiving of records; providing for certain  
13 correcting and updating of records; providing  
14 an effective date.

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