

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:

Substitute Amendment for Amendment (235127) (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

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1 management, postplacement supervision, permanent foster care,
2 or family reunification.

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

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

18 (2) It is unlawful for any person to knowingly
19 falsify, alter, destroy, deface, overwrite, remove, or discard
20 records of the Department of Children and Family Services or
21 its contract provider with the intent to conceal a fact
22 material to a child abuse investigation, protective
23 supervision, foster care and related services, or
24 investigations of abuse of an elderly person or disabled
25 adult. Any person violating this subsection commits a felony
26 of the third degree, punishable as provided in s. 775.082, s.
27 775.083, or s. 775.084.

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

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

7 Section 2. This act shall take effect upon becoming a
8 law.

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

12 And the title is amended as follows:

13 remove: the entire title

14

15 and insert:

16 An act relating to the Department of Children
17 and Family Services; creating s. 839.27, F.S.;
18 providing definitions; specifying unlawful acts
19 relating to records of investigations of abuse
20 of a child, records relating to protective
21 supervision foster care and related services,
22 records of investigations of abuse of the
23 elderly person, or disabled adult; providing
24 penalties; requiring imposition of sentence for
25 violations; providing for certain disposal or
26 archiving of records; providing for certain
27 correcting and updating of records; providing
28 an effective date.

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