

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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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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