

By the Committee on Children, Families, and Elder Affairs; and
Senator Storms

586-2251-07

1 A bill to be entitled

2 An act relating to the falsifying of records;

3 amending s. 839.13, F.S.; clarifying provisions

4 that prohibit falsifying, altering, or in any

5 manner destroying records if such act may be

6 detrimental to the health, safety, or welfare

7 of an individual in the care and custody of a

8 state agency; clarifying provisions that

9 prohibit falsifying, altering, or in any manner

10 destroying records of the Department of

11 Children and Family Services or its contract

12 provider with the intent to conceal a material

13 fact; providing for the application of

14 penalties thereto; providing an effective date.

15

16 Be It Enacted by the Legislature of the State of Florida:

17

18 Section 1. Subsection (2) of section 839.13, Florida

19 Statutes, is amended to read:

20 839.13 Falsifying records.--

21 (2)(a) Any person who knowingly falsifies, alters,

22 destroys, defaces, overwrites, removes, or discards ~~by~~

23 ~~altering, destroying, defacing, overwriting, removing, or~~

24 ~~discarding~~ an official record relating to an individual in the

25 care and custody of a state agency, which act has the

26 potential to detrimentally affect the health, safety, or

27 welfare of that individual, commits a felony of the third

28 degree, punishable as provided in s. 775.082, s. 775.083, or

29 s. 775.084. For the purposes of this paragraph, the term "care

30 and custody" includes, but is not limited to, a child abuse

31 protective investigation, protective supervision, foster care

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 and related services, or a protective investigation or
2 protective supervision of a vulnerable adult, as defined in
3 chapter 39, chapter 409, or chapter 415.

4 (b) Any person who commits a violation of paragraph
5 (a) which contributes to great bodily harm to or the death of
6 an individual in the care and custody of a state agency
7 commits a felony of the second degree, punishable as provided
8 in s. 775.082, s. 775.083, or s. 775.084. For the purposes of
9 this paragraph, the term "care and custody" includes, but is
10 not limited to, a child abuse protective investigation,
11 protective supervision, foster care and related services, or a
12 protective investigation or protective supervision of a
13 vulnerable adult, as defined in chapter 39, chapter 409, or
14 chapter 415.

15 (c) Any person who knowingly falsifies, alters,
16 destroys, defaces, overwrites, removes, or discards ~~by~~
17 ~~altering, destroying, defacing, overwriting, removing, or~~
18 ~~discarding~~ records of the Department of Children and Family
19 Services or its contract provider with the intent to conceal a
20 fact material to a child abuse protective investigation,
21 protective supervision, foster care and related services, or a
22 protective investigation or protective supervision of a
23 vulnerable adult, as defined in chapter 39, chapter 409, or
24 chapter 415, commits a felony of the third degree, punishable
25 as provided in s. 775.082, s. 775.083, or s. 775.084. Nothing
26 in this paragraph prohibits prosecution for a violation of
27 paragraph (a) or paragraph (b) involving records described in
28 this paragraph.

29 (d) This section does not prohibit the disposing or
30 archiving of records as otherwise provided by law. In
31

1 addition, this section does not prohibit any person from
2 correcting or updating records.

3 Section 2. This act shall take effect July 1, 2007.
4

5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1390

8 The committee substitute amends s. 839.13(2), F.S., to make it
9 clear that it is unlawful to create, as well as to alter,
10 destroy, deface, overwrite, remove or discard, official
11 records relating to individuals in the care and custody of a
12 state agency and certain records of the Department of Children
13 and Families.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31