Bill No. HB 71-E, 1st Eng. Amendment No. ____ Barcode 422628 CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 11 Senator Villalobos moved the following amendment: 12 13 Senate Amendment (with title amendment) Delete everything after the enacting clause 14 15 16 and insert: 17 Section 1. Section 839.13, Florida Statutes, is 18 amended to read: 19 839.13 Falsifying records.--20 (1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or 21 22 other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, 23 24 embezzle, alter, corruptly withdraw, falsify or avoid any 25 record, process, charter, gift, grant, conveyance, or 26 contract, or any paper filed in any judicial proceeding in any 27 court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, 28 29 or other forfeiture, or other paper above mentioned, or shall 30 forge, deface, or falsify any document or instrument recorded, 31 or filed in any court, or any registry, acknowledgment, or 1 12:02 PM 05/08/02 h0071Ec-37j01.seg1

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certificate, or shall fraudulently alter, deface, or falsify 1 2 any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any 3 4 person shall cause or procure any of the offenses aforesaid to 5 be committed, or be in anywise concerned therein, the person 6 so offending shall be guilty of a misdemeanor of the first 7 degree, punishable as provided in s. 775.082 or s. 775.083. (2)(a) Any person who knowingly falsifies by altering, 8 destroying, defacing, overwriting, removing, or discarding an 9 10 official record relating to an individual in the care and custody of a state agency, which act has the potential to 11 12 detrimentally affect the health, safety, or welfare of that 13 individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the 14 15 purposes of this paragraph, the term "care and custody" includes, but is not limited to, a child abuse protective 16 17 investigation, protective supervision, foster care and related 18 services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, 19 20 chapter 409, or chapter 415. 21 (b) Any person who commits a violation of paragraph (a) which contributes to great bodily harm to or the death of 22 an individual in the care and custody of a state agency 23 24 commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of 25 this paragraph, the term "care and custody" includes, but is 26 27 not limited to, a child abuse protective investigation, 28 protective supervision, foster care and related services, or a 29 protective investigation or protective supervision of a 30 vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415. 31

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1	(c) Any person who knowingly falsifies by altering,
2	destroying, defacing, overwriting, removing, or discarding
3	records of the Department of Children and Family Services or
4	its contract provider with the intent to conceal a fact
5	material to a child abuse protective investigation, protective
6	supervision, foster care and related services, or a protective
7	investigation or protective supervision of a vulnerable adult,
8	as defined in chapter 39, chapter 409, or chapter 415, commits
9	a felony of the third degree, punishable as provided in s.
10	775.082, s. 775.083, or s. 775.084. Nothing in this paragraph
11	prohibits prosecution for a violation of paragraph (a) or
12	paragraph (b) involving records described in this paragraph.
13	(d) This section does not prohibit the disposing or
14	archiving of records as otherwise provided by law. In
15	addition, this section does not prohibit any person from
16	correcting or updating records.
17	(3) (2) In any prosecution under this section, it shall
18	not be necessary to prove the ownership or value of any paper
19	or instrument involved.
20	Section 2. Paragraphs (d) and (e) of subsection (3) of
21	section 921.0022, Florida Statutes, as amended by section 2 of
22	chapter 2001-358, Laws of Florida, are amended to read:
23	921.0022 Criminal Punishment Code; offense severity
24	ranking chart
25	(3) OFFENSE SEVERITY RANKING CHART
26	
27	Florida Felony
28	Statute Degree Description
29	
30	
31	(d) LEVEL 4
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1	316.1935(3)	2nd	Driving at high speed or with
2			wanton disregard for safety while
3			fleeing or attempting to elude
4			law enforcement officer who is in
5			a marked patrol vehicle with
6			siren and lights activated.
7	784.07(2)(b)	3rd	Battery of law enforcement
8			officer, firefighter, intake
9			officer, etc.
10	784.074(1)(c)	3rd	Battery of sexually violent
11			predators facility staff.
12	784.075	3rd	Battery on detention or
13			commitment facility staff.
14	784.078	3rd	Battery of facility employee by
15			throwing, tossing, or expelling
16			certain fluids or materials.
17	784.08(2)(c)	3rd	Battery on a person 65 years of
18			age or older.
19	784.081(3)	3rd	Battery on specified official or
20			employee.
21	784.082(3)	3rd	Battery by detained person on
22			visitor or other detainee.
23	784.083(3)	3rd	Battery on code inspector.
24	784.085	3rd	Battery of child by throwing,
25			tossing, projecting, or expelling
26			certain fluids or materials.
27	787.03(1)	3rd	Interference with custody;
28			wrongly takes child from
29			appointed guardian.
30	787.04(2)	3rd	Take, entice, or remove child
31			beyond state limits with criminal
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1			intent pending custody
2			proceedings.
3	787.04(3)	3rd	Carrying child beyond state lines
4			with criminal intent to avoid
5			producing child at custody
6			hearing or delivering to
7			designated person.
8	790.115(1)	3rd	Exhibiting firearm or weapon
9			within 1,000 feet of a school.
10	790.115(2)(b)	3rd	Possessing electric weapon or
11			device, destructive device, or
12			other weapon on school property.
13	790.115(2)(c)	3rd	Possessing firearm on school
14			property.
15	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
16			offender less than 18 years.
17	810.02(4)(a)	3rd	Burglary, or attempted burglary,
18			of an unoccupied structure;
19			unarmed; no assault or battery.
20	810.02(4)(b)	3rd	Burglary, or attempted burglary,
21			of an unoccupied conveyance;
22			unarmed; no assault or battery.
23	810.06	3rd	Burglary; possession of tools.
24	810.08(2)(c)	3rd	Trespass on property, armed with
25			firearm or dangerous weapon.
26	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
27			or more but less than \$20,000.
28	812.014		
29	(2)(c)410.	3rd	Grand theft, 3rd degree, a will,
30			firearm, motor vehicle,
31			livestock, etc.
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1	812.0195(2)	3rd	Dealing in stolen property by use
2			of the Internet; property stolen
3			\$300 or more.
4	817.563(1)	3rd	Sell or deliver substance other
5			than controlled substance agreed
6			upon, excluding s. 893.03(5)
7			drugs.
8	817.568(2)(a)	3rd	Fraudulent use of personal
9			identification information.
10	817.625(2)(a)	3rd	Fraudulent use of scanning device
11			or reencoder.
12	828.125(1)	2nd	Kill, maim, or cause great bodily
13			harm or permanent breeding
14			disability to any registered
15			horse or cattle.
16	837.02(1)	3rd	Perjury in official proceedings.
17	837.021(1)	3rd	Make contradictory statements in
18			official proceedings.
19	839.13(2)(a)	<u>3rd</u>	Falsifying records of an
20			individual in the care and
21			custody of a state agency.
22	839.13(2)(c)	<u>3rd</u>	Falsifying records of the
23			Department of Children and Family
24			Services.
25	843.021	3rd	Possession of a concealed
26			handcuff key by a person in
27			custody.
28	843.025	3rd	Deprive law enforcement,
29			correctional, or correctional
30			probation officer of means of
31			protection or communication.
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1	843.15(1)(a)	3rd	Failure to appear while on bail
2			for felony (bond estreature or
3			bond jumping).
4	874.05(1)	3rd	Encouraging or recruiting another
5			to join a criminal street gang.
6	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
7			893.03(1)(a), (b), or (d),
8			(2)(a), $(2)(b)$, or $(2)(c)4$.
9			drugs).
10	914.14(2)	3rd	Witnesses accepting bribes.
11	914.22(1)	3rd	Force, threaten, etc., witness,
12			victim, or informant.
13	914.23(2)	3rd	Retaliation against a witness,
14			victim, or informant, no bodily
15			injury.
16	918.12	3rd	Tampering with jurors.
17	934.215	3rd	Use of two-way communications
18			device to facilitate commission
19			of a crime.
20			(e) LEVEL 5
21	316.027(1)(a)	3rd	Accidents involving personal
22			injuries, failure to stop;
23			leaving scene.
24	316.1935(4)	2nd	Aggravated fleeing or eluding.
25	322.34(6)	3rd	Careless operation of motor
26			vehicle with suspended license,
27			resulting in death or serious
28			bodily injury.
29	327.30(5)	3rd	Vessel accidents involving
30			personal injury; leaving scene.
31			
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1	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
2			knowing HIV positive.
3	790.01(2)	3rd	Carrying a concealed firearm.
4	790.162	2nd	Threat to throw or discharge
5			destructive device.
6	790.163	2nd	False report of deadly explosive.
7	790.165(2)	3rd	Manufacture, sell, possess, or
8			deliver hoax bomb.
9	790.221(1)	2nd	Possession of short-barreled
10			shotgun or machine gun.
11	790.23	2nd	Felons in possession of firearms
12			or electronic weapons or devices.
13	800.04(6)(c)	3rd	Lewd or lascivious conduct;
14			offender less than 18 years.
15	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
16			offender 18 years or older.
17	806.111(1)	3rd	Possess, manufacture, or dispense
18			fire bomb with intent to damage
19			any structure or property.
20	812.015(8)	3rd	Retail theft; property stolen is
21			valued at \$300 or more and one or
22			more specified acts.
23	812.019(1)	2nd	Stolen property; dealing in or
24			trafficking in.
25	812.131(2)(b)	3rd	Robbery by sudden snatching.
26	812.16(2)	3rd	Owning, operating, or conducting
27			a chop shop.
28	817.034(4)(a)2.	2nd	Communications fraud, value
29			\$20,000 to \$50,000.
30	817.234(11)(b)	2nd	Insurance fraud; property value
31			\$20,000 or more but less than
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1			\$100,000.
2	817.568(2)(b)	2nd	Fraudulent use of personal
3			identification information; value
4			of benefit, services received,
5			payment avoided, or amount of
6			injury or fraud, \$75,000 or more.
7	817.625(2)(b)	2nd	Second or subsequent fraudulent
8			use of scanning device or
9			reencoder.
10	825.1025(4)	3rd	Lewd or lascivious exhibition in
11			the presence of an elderly person
12			or disabled adult.
13	827.071(4)	2nd	Possess with intent to promote
14			any photographic material, motion
15			picture, etc., which includes
16			sexual conduct by a child.
17	839.13(2)(b)	2nd	Falsifying records of an
18			individual in the care and
19			custody of a state agency
-			
20			involving great bodily harm or
			<u>involving great bodily harm or</u> <u>death.</u>
20	843.01	3rd	
20 21	843.01	3rd	death.
20 21 22	843.01	3rd	<u>death.</u> Resist officer with violence to
20 21 22 23	843.01 874.05(2)	3rd 2nd	<u>death.</u> Resist officer with violence to person; resist arrest with
20 21 22 23 24			<u>death.</u> Resist officer with violence to person; resist arrest with violence.
20 21 22 23 24 25			<u>death.</u> Resist officer with violence to person; resist arrest with violence. Encouraging or recruiting another
20 21 22 23 24 25 26			<u>death.</u> Resist officer with violence to person; resist arrest with violence. Encouraging or recruiting another to join a criminal street gang;
20 21 22 23 24 25 26 27	874.05(2)	2nd	death. Resist officer with violence to person; resist arrest with violence. Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
20 21 22 23 24 25 26 27 28	874.05(2)	2nd	<pre>death. Resist officer with violence to person; resist arrest with violence. Encouraging or recruiting another to join a criminal street gang; second or subsequent offense. Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),</pre>
20 21 22 23 24 25 26 27 28 29	874.05(2)	2nd	<pre>death. Resist officer with violence to person; resist arrest with violence. Encouraging or recruiting another to join a criminal street gang; second or subsequent offense. Sell, manufacture, or deliver cocaine (or other s.</pre>

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1drugs).2 $893.13(1)(c)2.$ 2ndSell, manufacture, or deliver cannabis (or other s.3 $893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000feet of a child care facility orschool.6(2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000feet of a child care facility orschool.7(3), or (4) drugs) within 1,000feet of a child care facility orschool.8893.13(1)(d)1.10893.13(1)(d)1.11cocaine (or other s.893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.drugs) within 200 feet ofuniversity or public park.16893.13(1)(e)2.17cannabis or other drug prohibitedunder s. 893.03(1)(c), (2)(c)1., (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within$
$\begin{array}{c} 3\\ 4\\ 4\\ 4\\ 893.03(1)(c), (2)(c)1., (2)(c)2., \\ (2)(c)3., (2)(c)5., (2)(c)6., \\ (2)(c)7., (2)(c)8., (2)(c)9., \\ (3), or (4) drugs) within 1,000 \\ feet of a child care facility or \\ school. \\ 10\\ 893.13(1)(d)1. 1st Sell, manufacture, or deliver \\ cocaine (or other s. \\ 893.03(1)(a), (1)(b), (1)(d), \\ (2)(a), (2)(b), or (2)(c)4. \\ drugs) within 200 feet of \\ university or public park. \\ 16\\ 893.13(1)(e)2. 2nd Sell, manufacture, or deliver \\ cannabis or other drug prohibited \\ under s. 893.03(1)(c), (2)(c)1., \\ (2)(c)2., (2)(c)3., (2)(c)5., \\ (2)(c)6., (2)(c)7., (2)(c)8., \\ \end{array}$
<pre>4 4 893.03(1)(c), (2)(c)1., (2)(c)2., 5 6 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., 7 7 (3), or (4) drugs) within 1,000 8 9 893.13(1)(d)1. 1st Sell, manufacture, or deliver 11 1 893.13(1)(d)1. 1st Sell, manufacture, or deliver 12 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. 14 14 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4</pre>
<pre>5 6 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., 7 7 (3), or (4) drugs) within 1,000 8 9 893.13(1)(d)1. 1st Sell, manufacture, or deliver 11 1 893.13(1)(d)1. 1st Sell, manufacture, or deliver 12 893.03(1)(a), (1)(b), (1)(d), 13 (2)(a), (2)(b), or (2)(c)4. 14 14 drugs) within 200 feet of 15 15 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 20 20 20 20 20 20 20 20 20 20 20 20 20</pre>
<pre>6 (2)(c)7., (2)(c)8., (2)(c)9., 7 (3), or (4) drugs) within 1,000 8 9 893.13(1)(d)1. 1st Sell, manufacture, or deliver 11 1 893.03(1)(a), (1)(b), (1)(d), 13 (2)(a), (2)(b), or (2)(c)4. 14 14 drugs) within 200 feet of 15 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 17 18 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 18 19 10 10 10 10 10 10 10 10 10 10 10 10 10</pre>
<pre>7</pre>
8 feet of a child care facility or school. 9 school. 10 893.13(1)(d)1. 1st 11 cocaine (or other s. 12 893.03(1)(a), (1)(b), (1)(d), 13 (2)(a), (2)(b), or (2)(c)4. 14 drugs) within 200 feet of 15 university or public park. 16 893.13(1)(e)2. 2nd 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)6., (2)(c)7., (2)(c)8.,
9 school. 10 893.13(1)(d)1. 1st Sell, manufacture, or deliver 11 cocaine (or other s. 12 893.03(1)(a), (1)(b), (1)(d), 13 (2)(a), (2)(b), or (2)(c)4. 14 drugs) within 200 feet of 15 university or public park. 16 893.13(1)(e)2. 2nd 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
<pre>10 893.13(1)(d)1. 1st Sell, manufacture, or deliver 11 cocaine (or other s. 12 893.03(1)(a), (1)(b), (1)(d), 13 (2)(a), (2)(b), or (2)(c)4. 14 drugs) within 200 feet of 15 university or public park. 16 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,</pre>
<pre>11 11 12 12 12 14 14 14 15 15 16 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 18 19 20 10 11 20 20 20 20 20 20 20 20 20 20 20 20 20</pre>
<pre>12 12 13 13 14 14 14 15 15 16 893.13(1)(e)2. 2nd 17 17 19 20 20 20 20 20 20 20 20 20 20 20 20 20</pre>
<pre>13 13 14 14 14 15 15 16 893.13(1)(e)2. 2nd 17 18 19 20 20 20 20 20 20 20 20 20 20 20 20 20</pre>
14 drugs) within 200 feet of 15 university or public park. 16 893.13(1)(e)2. 2nd 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
15 university or public park. 16 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
16 893.13(1)(e)2. 2nd Sell, manufacture, or deliver 17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
17 cannabis or other drug prohibited 18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
18 under s. 893.03(1)(c), (2)(c)1., 19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
19 (2)(c)2., (2)(c)3., (2)(c)5., 20 (2)(c)6., (2)(c)7., (2)(c)8.,
20 (2)(c)6., (2)(c)7., (2)(c)8.,
21 (2)(c)9., (3), or (4) within
22 1,000 feet of property used for
23 religious services or a specified
24 business site.
25 893.13(1)(f)1. 1st Sell, manufacture, or deliver
26 cocaine (or other s.
27 893.03(1)(a), (1)(b), (1)(d), or
28 (2)(a), (2)(b), or (2)(c)4.
29 drugs) within 200 feet of public
30 housing facility.
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893.13(4)(b) 2nd Deliver to minor cannabis (or 1 2 other s. 893.03(1)(c), (2)(c)1., 3 (2)(c)2., (2)(c)3., (2)(c)5., 4 (2)(c)6., (2)(c)7., (2)(c)8.,5 (2)(c)9., (3), or (4) drugs). 6 Section 3. If any law that is amended by this act was 7 also amended by a law enacted at the 2002 Regular Session of the Legislature, such laws shall be construed as if they had 8 been enacted at the same session of the Legislature, and full 9 10 effect should be given to each if that is possible. Section 4. This act shall take effect upon becoming a 11 12 law. 13 14 15 16 And the title is amended as follows: 17 Delete everything before the enacting clause 18 19 and insert: A bill to be entitled 20 21 An act relating to falsification of records; amending ss. 839.13, 921.0022, F.S.; 22 prescribing penalties for knowingly falsifying 23 24 records of an individual in the care and 25 custody of a state agency; specifying unlawful 26 acts relating to the Department of Children and 27 Family Services; providing for construction of the act in pari materia with laws enacted at 28 the Regular Session; providing an effective 29 30 date. 31

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