

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Murman and Detert offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 839.13, Florida Statutes, is amended to read:

839.13 Falsifying records.--

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or

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1 certificate, or shall fraudulently alter, deface, or falsify
2 any minutes, documents, books, or any proceedings whatever of
3 or belonging to any public office within this state; or if any
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.

8 (2)(a) Any person who knowingly falsifies, alters,
9 destroys, defaces, overwrites, removes, or discards an
10 official record relating to an individual in the care and
11 custody of a state agency, which act has the potential to
12 detrimentally affect the health, safety, or welfare of that
13 individual, commits a felony of the third degree, punishable
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 (b) Any person who commits a violation of subsection
16 (2)(a) which contributes to great bodily harm to or the death
17 of an individual in the care and custody of a state agency,
18 commits a felony of the second degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084.

20 (c) Any person who knowingly falsifies, alters,
21 destroys, defaces, overwrites, removes, or discards records of
22 the Department of Children and Family Services or its contract
23 provider with the intent to conceal a fact material to a child
24 abuse investigation, protective supervision, foster care and
25 related services, or investigations of abuse of an elderly
26 person or disabled adult, as defined in chapters 39, 409, or
27 415, Florida Statutes, commits a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084.

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

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

3 (3)~~(2)~~ In any prosecution under this section, it shall
4 not be necessary to prove the ownership or value of any paper
5 or instrument involved.

6 Section 2. Paragraph (d) and (e) of subsection (3) of
7 section 921.0022, Florida Statutes, as amended by section 2 of
8 chapter 2001-358, Laws of Florida, is amended to read:

9 921.0022 Criminal Punishment Code; offense severity
10 ranking chart.--

11 (3) OFFENSE SEVERITY RANKING CHART

12

13 Florida Felony

14 Statute

Degree

Description

15

16

17

(d) LEVEL 4

18

316.1935(3)

2nd

Driving at high speed or with
wanton disregard for safety while
fleeing or attempting to elude
law enforcement officer who is in
a marked patrol vehicle with
siren and lights activated.

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784.07(2)(b)

3rd

Battery of law enforcement
officer, firefighter, intake
officer, etc.

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27

784.074(1)(c)

3rd

Battery of sexually violent
predators facility staff.

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784.075

3rd

Battery on detention or
commitment facility staff.

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1	784.078	3rd	Battery of facility employee by
2			throwing, tossing, or expelling
3			certain fluids or materials.
4	784.08(2)(c)	3rd	Battery on a person 65 years of
5			age or older.
6	784.081(3)	3rd	Battery on specified official or
7			employee.
8	784.082(3)	3rd	Battery by detained person on
9			visitor or other detainee.
10	784.083(3)	3rd	Battery on code inspector.
11	784.085	3rd	Battery of child by throwing,
12			tossing, projecting, or expelling
13			certain fluids or materials.
14	787.03(1)	3rd	Interference with custody;
15			wrongly takes child from
16			appointed guardian.
17	787.04(2)	3rd	Take, entice, or remove child
18			beyond state limits with criminal
19			intent pending custody
20			proceedings.
21	787.04(3)	3rd	Carrying child beyond state lines
22			with criminal intent to avoid
23			producing child at custody
24			hearing or delivering to
25			designated person.
26	790.115(1)	3rd	Exhibiting firearm or weapon
27			within 1,000 feet of a school.
28	790.115(2)(b)	3rd	Possessing electric weapon or
29			device, destructive device, or
30			other weapon on school property.
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1	790.115(2)(c)	3rd	Possessing firearm on school
2			property.
3	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
4			offender less than 18 years.
5	810.02(4)(a)	3rd	Burglary, or attempted burglary,
6			of an unoccupied structure;
7			unarmed; no assault or battery.
8	810.02(4)(b)	3rd	Burglary, or attempted burglary,
9			of an unoccupied conveyance;
10			unarmed; no assault or battery.
11	810.06	3rd	Burglary; possession of tools.
12	810.08(2)(c)	3rd	Trespass on property, armed with
13			firearm or dangerous weapon.
14	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
15			or more but less than \$20,000.
16	812.014		
17	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
18			firearm, motor vehicle,
19			livestock, etc.
20	812.0195(2)	3rd	Dealing in stolen property by use
21			of the Internet; property stolen
22			\$300 or more.
23	817.563(1)	3rd	Sell or deliver substance other
24			than controlled substance agreed
25			upon, excluding s. 893.03(5)
26			drugs.
27	817.568(2)(a)	3rd	Fraudulent use of personal
28			identification information.
29	817.625(2)(a)	3rd	Fraudulent use of scanning device
30			or reencoder.
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1	828.125(1)	2nd	Kill, maim, or cause great bodily
2			harm or permanent breeding
3			disability to any registered
4			horse or cattle.
5	837.02(1)	3rd	Perjury in official proceedings.
6	837.021(1)	3rd	Make contradictory statements in
7			official proceedings.
8	<u>839.13(2)(c)</u>	<u>3rd</u>	<u>Falsify records of the Department</u>
9			<u>of Children and Family Services.</u>
10	843.021	3rd	Possession of a concealed
11			handcuff key by a person in
12			custody.
13	843.025	3rd	Deprive law enforcement,
14			correctional, or correctional
15			probation officer of means of
16			protection or communication.
17	843.15(1)(a)	3rd	Failure to appear while on bail
18			for felony (bond estreature or
19			bond jumping).
20	874.05(1)	3rd	Encouraging or recruiting another
21			to join a criminal street gang.
22	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
23			893.03(1)(a), (b), or (d),
24			(2)(a), (2)(b), or (2)(c)4.
25			drugs).
26	914.14(2)	3rd	Witnesses accepting bribes.
27	914.22(1)	3rd	Force, threaten, etc., witness,
28			victim, or informant.
29	914.23(2)	3rd	Retaliation against a witness,
30			victim, or informant, no bodily
31			injury.

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1	918.12	3rd	Tampering with jurors.
2	934.215	3rd	Use of two-way communications
3			device to facilitate commission
4			of a crime.
5			(e) LEVEL 5
6	316.027(1)(a)	3rd	Accidents involving personal
7			injuries, failure to stop;
8			leaving scene.
9	316.1935(4)	2nd	Aggravated fleeing or eluding.
10	322.34(6)	3rd	Careless operation of motor
11			vehicle with suspended license,
12			resulting in death or serious
13			bodily injury.
14	327.30(5)	3rd	Vessel accidents involving
15			personal injury; leaving scene.
16	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
17			knowing HIV positive.
18	790.01(2)	3rd	Carrying a concealed firearm.
19	790.162	2nd	Threat to throw or discharge
20			destructive device.
21	790.163	2nd	False report of deadly explosive.
22	790.165(2)	3rd	Manufacture, sell, possess, or
23			deliver hoax bomb.
24	790.221(1)	2nd	Possession of short-barreled
25			shotgun or machine gun.
26	790.23	2nd	Felons in possession of firearms
27			or electronic weapons or devices.
28	800.04(6)(c)	3rd	Lewd or lascivious conduct;
29			offender less than 18 years.
30	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
31			offender 18 years or older.

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1	806.111(1)	3rd	Possess, manufacture, or dispense
2			fire bomb with intent to damage
3			any structure or property.
4	812.015(8)	3rd	Retail theft; property stolen is
5			valued at \$300 or more and one or
6			more specified acts.
7	812.019(1)	2nd	Stolen property; dealing in or
8			trafficking in.
9	812.131(2)(b)	3rd	Robbery by sudden snatching.
10	812.16(2)	3rd	Owning, operating, or conducting
11			a chop shop.
12	817.034(4)(a)2.	2nd	Communications fraud, value
13			\$20,000 to \$50,000.
14	817.234(11)(b)	2nd	Insurance fraud; property value
15			\$20,000 or more but less than
16			\$100,000.
17	817.568(2)(b)	2nd	Fraudulent use of personal
18			identification information; value
19			of benefit, services received,
20			payment avoided, or amount of
21			injury or fraud, \$75,000 or more.
22	817.625(2)(b)	2nd	Second or subsequent fraudulent
23			use of scanning device or
24			reencoder.
25	825.1025(4)	3rd	Lewd or lascivious exhibition in
26			the presence of an elderly person
27			or disabled adult.
28	827.071(4)	2nd	Possess with intent to promote
29			any photographic material, motion
30			picture, etc., which includes
31			sexual conduct by a child.

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1	<u>839.13(2)(b)</u>	<u>2nd</u>	<u>Falsifying records of an</u>
2			<u>individual in the care and</u>
3			<u>custody of a state agency</u>
4			<u>involving great bodily harm or</u>
5			<u>death.</u>
6	843.01	3rd	Resist officer with violence to
7			person; resist arrest with
8			violence.
9	874.05(2)	2nd	Encouraging or recruiting another
10			to join a criminal street gang;
11			second or subsequent offense.
12	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
13			cocaine (or other s.
14			893.03(1)(a), (1)(b), (1)(d),
15			(2)(a), (2)(b), or (2)(c)4.
16			drugs).
17	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
18			cannabis (or other s.
19			893.03(1)(c), (2)(c)1., (2)(c)2.,
20			(2)(c)3., (2)(c)5., (2)(c)6.,
21			(2)(c)7., (2)(c)8., (2)(c)9.,
22			(3), or (4) drugs) within 1,000
23			feet of a child care facility or
24			school.
25	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
26			cocaine (or other s.
27			893.03(1)(a), (1)(b), (1)(d),
28			(2)(a), (2)(b), or (2)(c)4.
29			drugs) within 200 feet of
30			university or public park.
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- 1 893.13(1)(e)2. 2nd Sell, manufacture, or deliver
2 cannabis or other drug prohibited
3 under s. 893.03(1)(c), (2)(c)1.,
4 (2)(c)2., (2)(c)3., (2)(c)5.,
5 (2)(c)6., (2)(c)7., (2)(c)8.,
6 (2)(c)9., (3), or (4) within
7 1,000 feet of property used for
8 religious services or a specified
9 business site.
- 10 893.13(1)(f)1. 1st Sell, manufacture, or deliver
11 cocaine (or other s.
12 893.03(1)(a), (1)(b), (1)(d), or
13 (2)(a), (2)(b), or (2)(c)4.
14 drugs) within 200 feet of public
15 housing facility.
- 16 893.13(4)(b) 2nd Deliver to minor cannabis (or
17 other s. 893.03(1)(c), (2)(c)1.,
18 (2)(c)2., (2)(c)3., (2)(c)5.,
19 (2)(c)6., (2)(c)7., (2)(c)8.,
20 (2)(c)9., (3), or (4) drugs).

21 Section 3. If any law that is amended by this act was
22 also amended by a law enacted at the 2002 Regular Session of
23 the Legislature, such laws shall be construed as if they had
24 been enacted at the same session of the Legislature, and full
25 effect should be given to each if that is possible.

26 Section 4. This act shall take effect upon becoming a
27 law.

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

31 And the title is amended as follows:

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1 Delete everything before the enacting clause,
2
3 and insert:
4 A bill to be entitled
5 An act relating to falsification of records;
6 amending ss. 839.13, 921.0022, F.S.;
7 prescribing penalties for falsifying records of
8 an individual in the care and custody of a
9 state agency; specifying unlawful acts relating
10 to records of the Department of Children and
11 Family Services; providing for construction of
12 the act in pari materia with laws enacted at
13 the 2001 Regular Session; providing an
14 effective date.
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