

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

12  
13 Be It Enacted by the Legislature of the State of Florida:

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

17           839.13 Falsifying records.--

18           (1) Except as provided in subsection (2),~~if~~ any  
19 judge, justice, mayor, alderman, clerk, sheriff, coroner, or  
20 other public officer, employee or agent of or contractor with  
21 a public agency, or any person whatsoever, shall steal,  
22 embezzle, alter, corruptly withdraw, falsify or avoid any  
23 record, process, charter, gift, grant, conveyance, or  
24 contract, or any paper filed in any judicial proceeding in any  
25 court of this state, or shall knowingly and willfully take  
26 off, discharge or conceal any issue, forfeited recognizance,  
27 or other forfeiture, or other paper above mentioned, or shall  
28 forge, deface, or falsify any document or instrument recorded,  
29 or filed in any court, or any registry, acknowledgment, or  
30 certificate, or shall fraudulently alter, deface, or falsify  
31 any minutes, documents, books, or any proceedings whatever of

1 or belonging to any public office within this state; or if any  
2 person shall cause or procure any of the offenses aforesaid to  
3 be committed, or be in anywise concerned therein, the person  
4 so offending shall be guilty of a misdemeanor of the first  
5 degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

28 (d) This section does not prohibit the disposing or  
29 archiving of records as otherwise provided by law. In  
30 addition, this section does not prohibit any person from  
31 correcting or updating records.

1        (3)~~(2)~~ In any prosecution under this section, it shall  
2 not be necessary to prove the ownership or value of any paper  
3 or instrument involved.

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

7            921.0022 Criminal Punishment Code; offense severity  
8 ranking chart.--

9            (3) OFFENSE SEVERITY RANKING CHART

10	11 Florida	12 Felony	
13	14 Statute	15 Degree	16 Description
17			(d) LEVEL 4
18	316.1935(3)	2nd	Driving at high speed or with
19			wanton disregard for safety while
20			fleeing or attempting to elude
21			law enforcement officer who is in
22			a marked patrol vehicle with
23			siren and lights activated.
24	784.07(2)(b)	3rd	Battery of law enforcement
25			officer, firefighter, intake
26			officer, etc.
27	784.074(1)(c)	3rd	Battery of sexually violent
28			predators facility staff.
29	784.075	3rd	Battery on detention or
30			commitment facility staff.
31	784.078	3rd	Battery of facility employee by
			throwing, tossing, or expelling
			certain fluids or materials.

1	784.08(2)(c)	3rd	Battery on a person 65 years of
2			age or older.
3	784.081(3)	3rd	Battery on specified official or
4			employee.
5	784.082(3)	3rd	Battery by detained person on
6			visitor or other detainee.
7	784.083(3)	3rd	Battery on code inspector.
8	784.085	3rd	Battery of child by throwing,
9			tossing, projecting, or expelling
10			certain fluids or materials.
11	787.03(1)	3rd	Interference with custody;
12			wrongly takes child from
13			appointed guardian.
14	787.04(2)	3rd	Take, entice, or remove child
15			beyond state limits with criminal
16			intent pending custody
17			proceedings.
18	787.04(3)	3rd	Carrying child beyond state lines
19			with criminal intent to avoid
20			producing child at custody
21			hearing or delivering to
22			designated person.
23	790.115(1)	3rd	Exhibiting firearm or weapon
24			within 1,000 feet of a school.
25	790.115(2)(b)	3rd	Possessing electric weapon or
26			device, destructive device, or
27			other weapon on school property.
28	790.115(2)(c)	3rd	Possessing firearm on school
29			property.
30	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
31			offender less than 18 years.

1	810.02(4)(a)	3rd	Burglary, or attempted burglary,
2			of an unoccupied structure;
3			unarmed; no assault or battery.
4	810.02(4)(b)	3rd	Burglary, or attempted burglary,
5			of an unoccupied conveyance;
6			unarmed; no assault or battery.
7	810.06	3rd	Burglary; possession of tools.
8	810.08(2)(c)	3rd	Trespass on property, armed with
9			firearm or dangerous weapon.
10	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
11			or more but less than \$20,000.
12	812.014		
13	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
14			firearm, motor vehicle,
15			livestock, etc.
16	812.0195(2)	3rd	Dealing in stolen property by use
17			of the Internet; property stolen
18			\$300 or more.
19	817.563(1)	3rd	Sell or deliver substance other
20			than controlled substance agreed
21			upon, excluding s. 893.03(5)
22			drugs.
23	817.568(2)(a)	3rd	Fraudulent use of personal
24			identification information.
25	817.625(2)(a)	3rd	Fraudulent use of scanning device
26			or reencoder.
27	828.125(1)	2nd	Kill, maim, or cause great bodily
28			harm or permanent breeding
29			disability to any registered
30			horse or cattle.
31	837.02(1)	3rd	Perjury in official proceedings.

1	837.021(1)	3rd	Make contradictory statements in
2			official proceedings.
3	<u>839.13(2)(c)</u>	<u>3rd</u>	<u>Falsify records of the Department</u>
4			<u>of Children and Family Services.</u>
5	843.021	3rd	Possession of a concealed
6			handcuff key by a person in
7			custody.
8	843.025	3rd	Deprive law enforcement,
9			correctional, or correctional
10			probation officer of means of
11			protection or communication.
12	843.15(1)(a)	3rd	Failure to appear while on bail
13			for felony (bond estreature or
14			bond jumping).
15	874.05(1)	3rd	Encouraging or recruiting another
16			to join a criminal street gang.
17	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
18			893.03(1)(a), (b), or (d),
19			(2)(a), (2)(b), or (2)(c)4.
20			drugs).
21	914.14(2)	3rd	Witnesses accepting bribes.
22	914.22(1)	3rd	Force, threaten, etc., witness,
23			victim, or informant.
24	914.23(2)	3rd	Retaliation against a witness,
25			victim, or informant, no bodily
26			injury.
27	918.12	3rd	Tampering with jurors.
28	934.215	3rd	Use of two-way communications
29			device to facilitate commission
30			of a crime.
31			(e) LEVEL 5

1	316.027(1)(a)	3rd	Accidents involving personal
2			injuries, failure to stop;
3			leaving scene.
4	316.1935(4)	2nd	Aggravated fleeing or eluding.
5	322.34(6)	3rd	Careless operation of motor
6			vehicle with suspended license,
7			resulting in death or serious
8			bodily injury.
9	327.30(5)	3rd	Vessel accidents involving
10			personal injury; leaving scene.
11	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
12			knowing HIV positive.
13	790.01(2)	3rd	Carrying a concealed firearm.
14	790.162	2nd	Threat to throw or discharge
15			destructive device.
16	790.163	2nd	False report of deadly explosive.
17	790.165(2)	3rd	Manufacture, sell, possess, or
18			deliver hoax bomb.
19	790.221(1)	2nd	Possession of short-barreled
20			shotgun or machine gun.
21	790.23	2nd	Felons in possession of firearms
22			or electronic weapons or devices.
23	800.04(6)(c)	3rd	Lewd or lascivious conduct;
24			offender less than 18 years.
25	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
26			offender 18 years or older.
27	806.111(1)	3rd	Possess, manufacture, or dispense
28			fire bomb with intent to damage
29			any structure or property.
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1	812.015(8)	3rd	Retail theft; property stolen is
2			valued at \$300 or more and one or
3			more specified acts.
4	812.019(1)	2nd	Stolen property; dealing in or
5			trafficking in.
6	812.131(2)(b)	3rd	Robbery by sudden snatching.
7	812.16(2)	3rd	Owning, operating, or conducting
8			a chop shop.
9	817.034(4)(a)2.	2nd	Communications fraud, value
10			\$20,000 to \$50,000.
11	817.234(11)(b)	2nd	Insurance fraud; property value
12			\$20,000 or more but less than
13			\$100,000.
14	817.568(2)(b)	2nd	Fraudulent use of personal
15			identification information; value
16			of benefit, services received,
17			payment avoided, or amount of
18			injury or fraud, \$75,000 or more.
19	817.625(2)(b)	2nd	Second or subsequent fraudulent
20			use of scanning device or
21			reencoder.
22	825.1025(4)	3rd	Lewd or lascivious exhibition in
23			the presence of an elderly person
24			or disabled adult.
25	827.071(4)	2nd	Possess with intent to promote
26			any photographic material, motion
27			picture, etc., which includes
28			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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