

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 knowingly falsifying
5 records of an individual in the care and
6 custody of a state agency; specifying unlawful
7 acts relating to the Department of Children and
8 Family Services; providing for construction of
9 the act in pari materia with laws enacted at
10 the Regular Session; providing an effective
11 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 839.13, 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, or employee or agent of or contractor
21 with 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 by altering,
7 destroying, defacing, overwriting, removing, or discarding 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. For the
13 purposes of this paragraph, the term "care and custody"
14 includes, but is not limited to, a child abuse protective
15 investigation, protective supervision, foster care and related
16 services, or a protective investigation or protective
17 supervision of a vulnerable adult, as defined in chapter 39,
18 chapter 409, or chapter 415.

19 (b) Any person who commits a violation of paragraph
20 (a) which contributes to great bodily harm to or the death of
21 an individual in the care and custody of a state agency
22 commits a felony of the second degree, punishable as provided
23 in s. 775.082, s. 775.083, or s. 775.084. For the purposes of
24 this paragraph, the term "care and custody" includes, but is
25 not limited to, a child abuse protective investigation,
26 protective supervision, foster care and related services, or a
27 protective investigation or protective supervision of a
28 vulnerable adult, as defined in chapter 39, chapter 409, or
29 chapter 415.

30 (c) Any person who knowingly falsifies by altering,
31 destroying, defacing, overwriting, removing, or discarding

1 records of the Department of Children and Family Services or
2 its contract provider with the intent to conceal a fact
3 material to a child abuse protective investigation, protective
4 supervision, foster care and related services, or a protective
5 investigation or protective supervision of a vulnerable adult,
6 as defined in chapter 39, chapter 409, or chapter 415, commits
7 a felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084. Nothing in this paragraph
9 prohibits prosecution for a violation of paragraph (a) or
10 paragraph (b) involving records described in this paragraph.

11 (d) This section does not prohibit the disposing or
12 archiving of records as otherwise provided by law. In
13 addition, this section does not prohibit any person from
14 correcting or updating records.

15 (3)(2) In any prosecution under this section, it shall
16 not be necessary to prove the ownership or value of any paper
17 or instrument involved.

18 Section 2. Paragraphs (d) and (e) of subsection (3) of
19 section 921.0022, Florida Statutes, as amended by section 2 of
20 chapter 2001-358, Laws of Florida, are amended to read:

21 921.0022 Criminal Punishment Code; offense severity
22 ranking chart.--

23 (3) OFFENSE SEVERITY RANKING CHART

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Florida	Felony	
Statute	Degree	Description

(d) LEVEL 4

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.
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1	787.04(2)	3rd	Take, entice, or remove child
2			beyond state limits with criminal
3			intent pending custody
4			proceedings.
5	787.04(3)	3rd	Carrying child beyond state lines
6			with criminal intent to avoid
7			producing child at custody
8			hearing or delivering to
9			designated person.
10	790.115(1)	3rd	Exhibiting firearm or weapon
11			within 1,000 feet of a school.
12	790.115(2)(b)	3rd	Possessing electric weapon or
13			device, destructive device, or
14			other weapon on school property.
15	790.115(2)(c)	3rd	Possessing firearm on school
16			property.
17	800.04(7)(d)	3rd	Lewd or lascivious exhibition;
18			offender less than 18 years.
19	810.02(4)(a)	3rd	Burglary, or attempted burglary,
20			of an unoccupied structure;
21			unarmed; no assault or battery.
22	810.02(4)(b)	3rd	Burglary, or attempted burglary,
23			of an unoccupied conveyance;
24			unarmed; no assault or battery.
25	810.06	3rd	Burglary; possession of tools.
26	810.08(2)(c)	3rd	Trespass on property, armed with
27			firearm or dangerous weapon.
28	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000
29			or more but less than \$20,000.
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1	812.014		
2	(2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will,
3			firearm, motor vehicle,
4			livestock, etc.
5	812.0195(2)	3rd	Dealing in stolen property by use
6			of the Internet; property stolen
7			\$300 or more.
8	817.563(1)	3rd	Sell or deliver substance other
9			than controlled substance agreed
10			upon, excluding s. 893.03(5)
11			drugs.
12	817.568(2)(a)	3rd	Fraudulent use of personal
13			identification information.
14	817.625(2)(a)	3rd	Fraudulent use of scanning device
15			or reencoder.
16	828.125(1)	2nd	Kill, maim, or cause great bodily
17			harm or permanent breeding
18			disability to any registered
19			horse or cattle.
20	837.02(1)	3rd	Perjury in official proceedings.
21	837.021(1)	3rd	Make contradictory statements in
22			official proceedings.
23	<u>839.13(2)(a)</u>	<u>3rd</u>	<u>Falsifying records of an</u>
24			<u>individual in the care and</u>
25			<u>custody of a state agency.</u>
26	<u>839.13(2)(c)</u>	<u>3rd</u>	<u>Falsifying records of the</u>
27			<u>Department of Children and Family</u>
28			<u>Services.</u>
29	843.021	3rd	Possession of a concealed
30			handcuff key by a person in
31			custody.

1	843.025	3rd	Deprive law enforcement,
2			correctional, or correctional
3			probation officer of means of
4			protection or communication.
5	843.15(1)(a)	3rd	Failure to appear while on bail
6			for felony (bond estreature or
7			bond jumping).
8	874.05(1)	3rd	Encouraging or recruiting another
9			to join a criminal street gang.
10	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.
11			893.03(1)(a), (b), or (d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs).
14	914.14(2)	3rd	Witnesses accepting bribes.
15	914.22(1)	3rd	Force, threaten, etc., witness,
16			victim, or informant.
17	914.23(2)	3rd	Retaliation against a witness,
18			victim, or informant, no bodily
19			injury.
20	918.12	3rd	Tampering with jurors.
21	934.215	3rd	Use of two-way communications
22			device to facilitate commission
23			of a crime.
24			(e) LEVEL 5
25	316.027(1)(a)	3rd	Accidents involving personal
26			injuries, failure to stop;
27			leaving scene.
28	316.1935(4)	2nd	Aggravated fleeing or eluding.
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1	322.34(6)	3rd	Careless operation of motor
2			vehicle with suspended license,
3			resulting in death or serious
4			bodily injury.
5	327.30(5)	3rd	Vessel accidents involving
6			personal injury; leaving scene.
7	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
8			knowing HIV positive.
9	790.01(2)	3rd	Carrying a concealed firearm.
10	790.162	2nd	Threat to throw or discharge
11			destructive device.
12	790.163	2nd	False report of deadly explosive.
13	790.165(2)	3rd	Manufacture, sell, possess, or
14			deliver hoax bomb.
15	790.221(1)	2nd	Possession of short-barreled
16			shotgun or machine gun.
17	790.23	2nd	Felons in possession of firearms
18			or electronic weapons or devices.
19	800.04(6)(c)	3rd	Lewd or lascivious conduct;
20			offender less than 18 years.
21	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
22			offender 18 years or older.
23	806.111(1)	3rd	Possess, manufacture, or dispense
24			fire bomb with intent to damage
25			any structure or property.
26	812.015(8)	3rd	Retail theft; property stolen is
27			valued at \$300 or more and one or
28			more specified acts.
29	812.019(1)	2nd	Stolen property; dealing in or
30			trafficking in.
31	812.131(2)(b)	3rd	Robbery by sudden snatching.

1	812.16(2)	3rd	Owning, operating, or conducting
2			a chop shop.
3	817.034(4)(a)2.	2nd	Communications fraud, value
4			\$20,000 to \$50,000.
5	817.234(11)(b)	2nd	Insurance fraud; property value
6			\$20,000 or more but less than
7			\$100,000.
8	817.568(2)(b)	2nd	Fraudulent use of personal
9			identification information; value
10			of benefit, services received,
11			payment avoided, or amount of
12			injury or fraud, \$75,000 or more.
13	817.625(2)(b)	2nd	Second or subsequent fraudulent
14			use of scanning device or
15			reencoder.
16	825.1025(4)	3rd	Lewd or lascivious exhibition in
17			the presence of an elderly person
18			or disabled adult.
19	827.071(4)	2nd	Possess with intent to promote
20			any photographic material, motion
21			picture, etc., which includes
22			sexual conduct by a child.
23	<u>839.13(2)(b)</u>	<u>2nd</u>	<u>Falsifying records of an</u>
24			<u>individual in the care and</u>
25			<u>custody of a state agency</u>
26			<u>involving great bodily harm or</u>
27			<u>death.</u>
28	843.01	3rd	Resist officer with violence to
29			person; resist arrest with
30			violence.
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1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs).
9	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
10			cannabis (or other s.
11			893.03(1)(c), (2)(c)1., (2)(c)2.,
12			(2)(c)3., (2)(c)5., (2)(c)6.,
13			(2)(c)7., (2)(c)8., (2)(c)9.,
14			(3), or (4) drugs) within 1,000
15			feet of a child care facility or
16			school.
17	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
18			cocaine (or other s.
19			893.03(1)(a), (1)(b), (1)(d),
20			(2)(a), (2)(b), or (2)(c)4.
21			drugs) within 200 feet of
22			university or public park.
23	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
24			cannabis or other drug prohibited
25			under s. 893.03(1)(c), (2)(c)1.,
26			(2)(c)2., (2)(c)3., (2)(c)5.,
27			(2)(c)6., (2)(c)7., (2)(c)8.,
28			(2)(c)9., (3), or (4) within
29			1,000 feet of property used for
30			religious services or a specified
31			business site.

1 893.13(1)(f)1. 1st Sell, manufacture, or deliver
2 cocaine (or other s.
3 893.03(1)(a), (1)(b), (1)(d), or
4 (2)(a), (2)(b), or (2)(c)4.
5 drugs) within 200 feet of public
6 housing facility.
7 893.13(4)(b) 2nd Deliver to minor cannabis (or
8 other s. 893.03(1)(c), (2)(c)1.,
9 (2)(c)2., (2)(c)3., (2)(c)5.,
10 (2)(c)6., (2)(c)7., (2)(c)8.,
11 (2)(c)9., (3), or (4) drugs).

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

17 Section 4. This act shall take effect upon becoming a
18 law.

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