

By Senator Villalobos

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A bill to be entitled
An act relating to falsification of records;
amending ss. 839.13, 921.0022, F.S.;
prescribing penalties for falsifying records of
an individual in the care and custody of a
state agency; providing for construction of the
act in pari materia with laws enacted at the
2001 Regular Session; providing an effective
date.

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

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

839.13 Falsifying records.--

(1) If any judge, justice, mayor, alderman, clerk,
sheriff, coroner, or other public officer, 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 certificate, or shall fraudulently alter,
deface, or falsify any minutes, documents, books, or any
proceedings whatever of or belonging to any public office
within this state; or if any person shall cause or procure any
of the offenses aforesaid to be committed, or be in anywise
concerned therein, the person so offending shall be guilty of

1 a misdemeanor of the first degree, punishable as provided in
2 s. 775.082 or s. 775.083.

3 (2)(a) Any person who commits a violation of
4 subsection (1) which involves an official record relating to
5 an individual in the care and custody of a state agency which
6 record, if falsified, has the potential to detrimentally
7 affect the health, safety, or welfare of that individual
8 commits a felony of the third degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (b) Any person who commits a violation of subsection
11 (1) which involves an official record relating to an
12 individual in the care and custody of a state agency who
13 suffers great bodily harm or dies while in such care and
14 custody which record, if falsified, has the potential to
15 detrimentally affect the health, safety, or welfare of that
16 individual commits a felony of the third degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18 (3)(2) In any prosecution under this section, it shall
19 not be necessary to prove the ownership or value of any paper
20 or instrument involved.

21 Section 2. Paragraph (d) of subsection (3) of section
22 921.0022, Florida Statutes, as amended by section 2 of chapter
23 2001-358, Laws of Florida, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

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28 Florida Felony
29 Statute Degree Description
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1			(d) LEVEL 4
2	316.1935(3)	2nd	Driving at high speed or with
3			wanton disregard for safety while
4			fleeing or attempting to elude
5			law enforcement officer who is in
6			a marked patrol vehicle with
7			siren and lights activated.
8	784.07(2)(b)	3rd	Battery of law enforcement
9			officer, firefighter, intake
10			officer, etc.
11	784.074(1)(c)	3rd	Battery of sexually violent
12			predators facility staff.
13	784.075	3rd	Battery on detention or
14			commitment facility staff.
15	784.078	3rd	Battery of facility employee by
16			throwing, tossing, or expelling
17			certain fluids or materials.
18	784.08(2)(c)	3rd	Battery on a person 65 years of
19			age or older.
20	784.081(3)	3rd	Battery on specified official or
21			employee.
22	784.082(3)	3rd	Battery by detained person on
23			visitor or other detainee.
24	784.083(3)	3rd	Battery on code inspector.
25	784.085	3rd	Battery of child by throwing,
26			tossing, projecting, or expelling
27			certain fluids or materials.
28	787.03(1)	3rd	Interference with custody;
29			wrongly takes child from
30			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)(b)</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 who</u>
26			<u>suffers great bodily harm or dies</u>
27			<u>while in such care and custody.</u>
28	843.021	3rd	Possession of a concealed
29			handcuff key by a person in
30			custody.
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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 estreatment 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 Section 3. If any law that is amended by this act was
25 also amended by a law enacted at the 2002 Regular Session of
26 the Legislature, such laws shall be construed as if they had
27 been enacted at the same session of the Legislature, and full
28 effect should be given to each if that is possible.

29 Section 4. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Prescribes penalties for falsifying records of an individual in the care and custody of a state agency.