



522212

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2021	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 918.13, Florida Statutes, is amended to
read:

918.13 Tampering with or fabricating physical evidence.—

(1) It is unlawful for any ~~Ne~~ person, knowing that a
criminal trial or proceeding or an investigation by a duly
constituted prosecuting authority, law enforcement agency, grand



522212

11 jury, or legislative committee of this state is pending or is
12 about to be instituted, to shall:

13 (a) Alter, destroy, conceal, or remove any record,
14 document, or other item thing with the purpose to impair its
15 verity or availability in such proceeding or investigation; or

16 (b) Make, present, or use any record, document, or other
17 item thing, knowing it to be false.

18 (2) (a) Except as provided in paragraph (b), a Any person
19 who violates subsection (1) commits any provision of this
20 section shall be guilty of a felony of the third degree,
21 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

22 (b)1. Except as provided in subparagraph 2., a person who
23 violates subsection (1) relating to a criminal trial or
24 proceeding or an investigation that relates to a violent felony
25 offense described in s. 775.084(1)(b)1., commits a felony of the
26 second degree, punishable as provided in s. 775.082, s. 775.083,
27 or s. 775.084.

28 2. A person who violates subsection (1) relating to a
29 criminal trial or proceeding or an investigation that relates to
30 a capital felony, or a criminal offense that results in the
31 death of a person, commits a felony of the first degree,
32 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

33 Section 2. Paragraph (c) of subsection (3) of section
34 921.0022, Florida Statutes, is amended to read:

35 921.0022 Criminal Punishment Code; offense severity ranking
36 chart.—

37 (3) OFFENSE SEVERITY RANKING CHART

38 (c) LEVEL 3

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522212

	Florida Statute	Felony Degree	Description
40	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
41	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
42	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
43	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
44	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
45	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
46	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
47	319.33 (4)	3rd	With intent to defraud,



522212

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possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

327.35(2)(b)

3rd

Felony BUI.

49

328.05(2)

3rd

Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

50

328.07(4)

3rd

Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

51

376.302(5)

3rd

Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

52

379.2431
(1)(e)5.

3rd

Taking, disturbing, mutilating,
destroying, causing to be
destroyed, transferring,
selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

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522212

379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
54		
379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
55		
400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
56		
400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
57		
440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
58		
501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading



522212

information.

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624.401(4)(a) 3rd Transacting insurance without a
certificate of authority.

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624.401(4)(b)1. 3rd Transacting insurance without a
certificate of authority;
premium collected less than
\$20,000.

61

626.902(1)(a) & 3rd Representing an unauthorized
(b) insurer.

62

697.08 3rd Equity skimming.

63

790.15(3) 3rd Person directs another to
discharge firearm from a
vehicle.

64

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

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806.10(2) 3rd Interferes with or assaults
firefighter in performance of
duty.

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810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed



522212

			with firearm or dangerous weapon.
67	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
68	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
69	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
70	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
71	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
72	817.233	3rd	Burning to defraud insurer.
73	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
74	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.



522212

75	817.236	3rd	Filing a false motor vehicle insurance application.
76	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
77	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
78	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
79	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
80	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
81	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
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522212

83 860.15(3) 3rd Overcharging for repairs and parts.

84 870.01(2) 3rd Riot; inciting or encouraging.

85 893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).

86 893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

87 893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.

893.13(4)(c) 3rd Use or hire of minor; deliver



522212

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to minor other controlled
substances.

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

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893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

90

893.13(7)(a)9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

91

893.13(7)(a)10. 3rd Affix false or forged label to
package of controlled
substance.

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893.13(7)(a)11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

93

893.13(8)(a)1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a



522212

controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

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893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

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893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

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893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

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918.13 3rd Tampering with or fabricating
(1)(a) & (b) physical evidence ~~Alter,~~
~~destroy, or conceal~~
~~investigation evidence.~~



522212

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944.47 3rd Introduce contraband to
(1) (a) 1. & 2. correctional facility.

99

944.47(1) (c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

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985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

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103 Section 3. This act shall take effect October 1, 2021.

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105 ===== T I T L E A M E N D M E N T =====

106 And the title is amended as follows:

107 Delete everything before the enacting clause

108 and insert:

109 A bill to be entitled

110 An act relating to tampering with or fabricating
111 physical evidence; amending s. 918.13, F.S.; providing
112 enhanced criminal penalties for tampering with or
113 fabricating physical evidence in certain criminal
114 proceedings and investigations; amending s. 921.0022,
115 F.S.; ranking an offense on the offense severity
116 ranking chart of the Criminal Punishment Code;
117 providing an effective date.