

By the Committee on Criminal Justice; and Senator Bradley

591-03564-21

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1 A bill to be entitled
2 An act relating to tampering with or fabricating
3 physical evidence; amending s. 918.13, F.S.; providing
4 enhanced criminal penalties for tampering with or
5 fabricating physical evidence in certain criminal
6 proceedings and investigations; amending s. 921.0022,
7 F.S.; ranking an offense on the offense severity
8 ranking chart of the Criminal Punishment Code;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 918.13, Florida Statutes, is amended to
14 read:

15 918.13 Tampering with or fabricating physical evidence.—

16 (1) It is unlawful for any ~~Ne~~ person, knowing that a
17 criminal trial or proceeding or an investigation by a duly
18 constituted prosecuting authority, law enforcement agency, grand
19 jury, or legislative committee of this state is pending or is
20 about to be instituted, to shall:

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

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

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

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30 (b)1. Except as provided in subparagraph 2., a person who
 31 violates subsection (1) relating to a criminal trial or
 32 proceeding or an investigation that relates to a violent felony
 33 offense described in s. 775.084(1)(b)1., commits a felony of the
 34 second degree, punishable as provided in s. 775.082, s. 775.083,
 35 or s. 775.084.

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

41 Section 2. Paragraph (c) of subsection (3) of section
 42 921.0022, Florida Statutes, is amended to read:

43 921.0022 Criminal Punishment Code; offense severity ranking
 44 chart.—

45 (3) OFFENSE SEVERITY RANKING CHART

46 (c) LEVEL 3

47

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.

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316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

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319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

53

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

54

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

55

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

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327.35(2)(b) 3rd Felony BUI.

57

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

61

379.2431 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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379.2431 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.

379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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70	(b)		insurer.
71	697.08	3rd	Equity skimming.
72	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
73	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
74	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
75	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
76	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
77	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	812.015 (8) (b)	3rd	Retail theft with intent to

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78			sell; conspires with others.
79	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
80	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
81	817.233	3rd	Burning to defraud insurer.
82	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
83	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
84	817.236	3rd	Filing a false motor vehicle insurance application.
85	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.

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831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.

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831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

88

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

89

843.19 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.

90

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

91

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

92

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).

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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.

94

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.

95

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

96

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

97

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

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98

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

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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.

101

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

102

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

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substance.

103

893.13 (8) (a) 3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

104

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.

105

918.13
(1) (a) & (b)

3rd

Tampering with or fabricating physical evidence ~~Alter, destroy, or conceal investigation evidence.~~

106

944.47
(1) (a) 1. & 2.

3rd

Introduce contraband to correctional facility.

107

944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

108

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment

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facility).

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