

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 offenses on the offense severity ranking
8 chart of the Criminal Punishment Code; providing an
9 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 ~~No~~ 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.

30 (b) A person who violates subsection (1) relating to a
 31 criminal trial, proceeding, or investigation that relates to a
 32 capital felony commits a felony of the second degree, punishable
 33 as provided in s. 775.082, s. 775.083, or s. 775.084.

34 Section 2. Paragraphs (c) and (f) of subsection (3) of
 35 section 921.0022, Florida Statutes, are amended to read:

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

38 (3) OFFENSE SEVERITY RANKING CHART

39 (c) LEVEL 3

40

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.

42

43

CS/HB 287

2022

44	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
45	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
46	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
47	319.33(1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
48	319.33(1) (c)	3rd	Procure or pass title on stolen vehicle.
49	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
50	327.35(2) (b)	3rd	Felony BUI.

CS/HB 287

2022

51	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
52	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
53	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
54	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.
	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.
55	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
56	400.9935(4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
57	400.9935(4) (e)	3rd	Filing a false license application or other required information or failing to report information.
58	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
59	501.001(2) (b)	2nd	Tampers with a consumer product

			or the container using materially false/misleading information.
60	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
61	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
62	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
63	697.08	3rd	Equity skimming.
64	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
65	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
66			

CS/HB 287

2022

67	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
68	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
69	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
70	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
71	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
72	812.081(2)	3rd	Theft of a trade secret.
73	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud

			(Florida Communications Fraud Act), property valued at less than \$20,000.
74	817.233	3rd	Burning to defraud insurer.
75	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
76	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
77	817.236	3rd	Filing a false motor vehicle insurance application.
78	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
79	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
80	817.49 (2) (b) 1.	3rd	Willful making of a false

81	831.28(2)(a)	3rd	report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
82	831.29	2nd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
83	838.021(3)(b)	3rd	Possession of instruments for counterfeiting driver licenses or identification cards.
84	843.19	2nd	Threatens unlawful harm to public servant.
85	860.15(3)	3rd	Injure, disable, or kill police, fire, or SAR canine or police horse.
86			Overcharging for repairs and parts.

87	870.01(2)	3rd	Riot.
88	870.01(4)	3rd	Inciting a riot.
89	893.13(1)(a)2.	3rd	<p>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).</p>
90	893.13(1)(d)2.	2nd	<p>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.</p>
	893.13(1)(f)2.	2nd	<p>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</p>

91			housing facility.
	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
92			
	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
93			
	893.13(7)(a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
94			
	893.13(7)(a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
95			
	893.13(7)(a) 10.	3rd	Affix false or forged label to package of controlled substance.
96			
	893.13(7)(a) 11.	3rd	Furnish false or fraudulent

material information on any document or record required by chapter 893.

97

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.

98

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.

99

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

100

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.

101

918.13(1)

3rd

Tampering with or fabricating

~~918.13(1)(a)~~

physical evidence ~~Alter,~~

~~destroy, or conceal~~

~~investigation evidence.~~

102

944.47

3rd

Introduce contraband to

(1)(a)1. & 2.

correctional facility.

103

944.47(1)(c)

2nd

Possess contraband while upon

the grounds of a correctional

institution.

104

985.721

3rd

Escapes from a juvenile

facility (secure detention or

residential commitment

facility).

105

106

(f) LEVEL 6

CS/HB 287

2022

107	Florida Statute	Felony Degree	Description
108	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
109	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
110	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
111	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
112	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
113	499.0051 (4)	2nd	Knowing sale or transfer of

prescription drug to
unauthorized person.

114

775.0875(1) 3rd Taking firearm from law
enforcement officer.

115

784.021(1)(a) 3rd Aggravated assault; deadly
weapon without intent to kill.

116

784.021(1)(b) 3rd Aggravated assault; intent to
commit felony.

117

784.041 3rd Felony battery; domestic
battery by strangulation.

118

784.048(3) 3rd Aggravated stalking; credible
threat.

119

784.048(5) 3rd Aggravated stalking of person
under 16.

120

784.07(2)(c) 2nd Aggravated assault on law
enforcement officer.

121

784.074(1)(b) 2nd Aggravated assault on sexually

violent predators facility
staff.

122

784.08 (2) (b) 2nd Aggravated assault on a person
65 years of age or older.

123

784.081 (2) 2nd Aggravated assault on specified
official or employee.

124

784.082 (2) 2nd Aggravated assault by detained
person on visitor or other
detainee.

125

784.083 (2) 2nd Aggravated assault on code
inspector.

126

787.02 (2) 3rd False imprisonment; restraining
with purpose other than those
in s. 787.01.

127

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

128

790.161 (2) 2nd Make, possess, or throw
destructive device with intent

			to do bodily harm or damage property.
129	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
130	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
131	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
132	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
133	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

134	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
135	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
136	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
137	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
138	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
139	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
140	812.015 (9) (a)	2nd	Retail theft; property stolen

\$750 or more; second or subsequent conviction.

141

812.015 (9) (b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

142

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

143

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

144

817.49 (2) (b) 2. 2nd Willful making of a false report of a crime resulting in death.

145

817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

146

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

147

CS/HB 287

2022

148	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
149	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
150	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
151	827.03(2) (c)	3rd	Abuse of a child.
152	827.03(2) (d)	3rd	Neglect of a child.
153	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
154	836.05	2nd	Threats; extortion.
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

CS/HB 287

2022

155	843.12	3rd	Aids or assists person to escape.
156	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
157	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
158	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
159	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
160	<u>918.13(2)(b)</u>	<u>2nd</u>	<u>Tampering with or fabricating physical evidence relating to a capital felony.</u>
161			

CS/HB 287

2022

162	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
163	944.40	2nd	Escapes.
164	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
165	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
166	951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.
167	Section 3. This act shall take effect October 1, 2022.		