



322426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2022	.	
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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 ~~No~~ person, knowing that a  
criminal trial, ~~or~~ proceeding, or ~~an~~ investigation by a duly  
constituted prosecuting authority, law enforcement agency, grand



322426

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

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

28 921.0022 Criminal Punishment Code; offense severity ranking  
29 chart.-

30 (3) OFFENSE SEVERITY RANKING CHART

31 (c) LEVEL 3

32  
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Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

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322426

35	316.066	3rd	Unlawfully obtaining or using
	(3) (b) - (d)		confidential crash reports.
36	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
37	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
38	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
39	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
40	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
41	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
42	327.35 (2) (b)	3rd	Felony BUI.
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322426

- 44 328.05(2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or  
fraudulent titles or bills of  
sale of vessels.
- 45 328.07(4) 3rd Manufacture, exchange, or  
possess vessel with counterfeit  
or wrong ID number.
- 46 376.302(5) 3rd Fraud related to reimbursement  
for cleanup expenses under the  
Inland Protection Trust Fund.
- 47 379.2431 3rd Taking, disturbing, mutilating,  
(1) (e) 5. 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 3rd Possessing any marine turtle  
(1) (e) 6. species or hatchling, or parts  
thereof, or the nest of any  
marine turtle species described  
in the Marine Turtle Protection  
Act.



322426

48	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
49	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
50	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
51	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
52	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
53	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
54	624.401 (4) (b) 1.	3rd	Transacting insurance without a



322426

			certificate of authority; premium collected less than \$20,000.
55	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
56	697.08	3rd	Equity skimming.
57	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
58	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
59	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
60	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
61	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
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322426

63	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
64	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
65	812.081 (2)	3rd	Theft of a trade secret.
66	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
67	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
68	817.233	3rd	Burning to defraud insurer.
69	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
70	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
71	817.236	3rd	Filing a false motor vehicle insurance application.



322426

72	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
73	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
74	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
75	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
76	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
77	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or





322426

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police horse.

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

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870.01(2) 3rd Riot.

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870.01(4) 3rd Inciting a riot.

81

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).

82

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.

83

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



322426

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within 1,000 feet of public  
housing facility.

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

85

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

86

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

87

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

88

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

89

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





322426

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

95

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

96

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

97

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

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99

100 (f) LEVEL 6

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Florida Statute	Felony Degree	Description
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103

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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104

316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
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322426

battery by strangulation.

113

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

114

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

115

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

116

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

117

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

118

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

119

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

120

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

121

787.02 (2) 3rd False imprisonment; restraining



322426

with purpose other than those  
in s. 787.01.

122

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

123

790.161(2)            2nd    Make, possess, or throw  
destructive device with intent  
to do bodily harm or damage  
property.

124

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.

125

790.19                2nd    Shooting or throwing deadly  
missiles into dwellings,  
vessels, or vehicles.

126

794.011(8)(a)        3rd    Solicitation of minor to  
participate in sexual activity  
by custodial adult.

127

794.05(1)            2nd    Unlawful sexual activity with  
specified minor.

128



322426

129	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.
130	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
131	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
132	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
133	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
134	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
135	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen





322426

\$750 or more; second or  
subsequent conviction.

136

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

137

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

138

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

139

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

140

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

141

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

142

825.102 (3) (c)        3rd    Neglect of an elderly person or  
disabled adult.

143

825.1025 (3)           3rd    Lewd or lascivious molestation



322426

of an elderly person or  
disabled adult.

144

825.103(3)(c) 3rd Exploiting an elderly person or  
disabled adult and property is  
valued at less than \$10,000.

145

827.03(2)(c) 3rd Abuse of a child.

146

827.03(2)(d) 3rd Neglect of a child.

147

827.071(2) & (3) 2nd Use or induce a child in a  
sexual performance, or promote  
or direct such performance.

148

836.05 2nd Threats; extortion.

149

836.10 2nd Written or electronic threats  
to kill, do bodily injury, or  
conduct a mass shooting or an  
act of terrorism.

150

843.12 3rd Aids or assists person to  
escape.

151

847.011 3rd Distributing, offering to  
distribute, or possessing with  
intent to distribute obscene  
materials depicting minors.



152	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
153	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
154	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
155	<u>918.13 (2) (b)</u>	<u>2nd</u>	<u>Tampering with or fabricating physical evidence relating to a capital felony.</u>
156	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.
157	944.40	2nd	Escapes.
158	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
159			

