

By the Committee on Criminal Justice; and Senator Bradley

591-02277-22

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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 offenses on the offense severity ranking  
8           chart of the Criminal Punishment Code; providing an  
9           effective date.

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

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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) 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 ranking  
 37 chart.—

38       (3) OFFENSE SEVERITY RANKING CHART

39       (c) LEVEL 3

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

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47	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
48	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
49	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
50	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
51	327.35 (2) (b)	3rd	Felony BUI.
52	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
53	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the

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Inland Protection Trust Fund.

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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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.

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379.2431  
(1) (e) 7.

3rd

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

57

400.9935 (4) (a)  
or (b)

3rd

Operating a clinic, or offering services requiring licensure, without a license.

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400.9935 (4) (e)

3rd

Filing a false license

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59			application or other required information or failing to report information.
60	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
61	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
62	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
63	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
64	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
65	697.08	3rd	Equity skimming.
	790.15 (3)	3rd	Person directs another to discharge firearm from a

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			vehicle.
66	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
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.

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817.034(4)(a)3. 3rd Engages in scheme to defraud  
(Florida Communications Fraud  
Act), property valued at less  
than \$20,000.

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817.233 3rd Burning to defraud insurer.

76

817.234 3rd Unlawful solicitation of  
(8)(b) & (c) persons involved in motor  
vehicle accidents.

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817.234(11)(a) 3rd Insurance fraud; property value  
less than \$20,000.

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817.236 3rd Filing a false motor vehicle  
insurance application.

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817.2361 3rd Creating, marketing, or  
presenting a false or  
fraudulent motor vehicle  
insurance card.

80

817.413(2) 3rd Sale of used goods of \$1,000 or  
more as new.

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817.49(2)(b)1. 3rd Willful making of a false  
report of a crime causing great  
bodily harm, permanent

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disfigurement, or permanent disability.

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

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

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

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

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

870.01(2) 3rd Riot.

870.01(4) 3rd Inciting a riot.

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other s.



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90 893.03(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).

90 893.13(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.

91 893.13(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.

92 893.13(4)(c) 3rd Use or hire of minor; deliver  
 to minor other controlled  
 substances.

93 893.13(6)(a) 3rd Possession of any controlled  
 substance other than felony  
 possession of cannabis.

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- 95 893.13 (7) (a) 8. 3rd Withhold information from  
practitioner regarding previous  
receipt of or prescription for  
a controlled substance.
- 96 893.13 (7) (a) 9. 3rd Obtain or attempt to obtain  
controlled substance by fraud,  
forgery, misrepresentation,  
etc.
- 97 893.13 (7) (a) 10. 3rd Affix false or forged label to  
package of controlled  
substance.
- 98 893.13 (7) (a) 11. 3rd Furnish false or fraudulent  
material information on any  
document or record required by  
chapter 893.
- 99 893.13 (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.
- 893.13 (8) (a) 2. 3rd Employ a trick or scheme in the

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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.

102

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

103

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

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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).

(f) LEVEL 6

Florida	Felony	Description
Statute	Degree	

316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
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400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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116	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
117	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
118	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
119	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
120	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
121	784.041	3rd	Felony battery; domestic battery by strangulation.
122	784.048 (3)	3rd	Aggravated stalking; credible threat.
123	784.048 (5)	3rd	Aggravated stalking of person under 16.
124	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.

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784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081 (2)	2nd	Aggravated assault on specified official or employee.
784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083 (2)	2nd	Aggravated assault on code inspector.
787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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133	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.
134	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
135	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
136	794.05(1)	2nd	Unlawful sexual activity with specified minor.
137	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.
138	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any

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other person.

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810.02 (3) (c)                    2nd    Burglary of occupied structure;  
unarmed; no assault or battery.

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810.145 (8) (b)                2nd    Video voyeurism; certain minor  
victims; 2nd or subsequent  
offense.

141

812.014 (2) (b) 1.            2nd    Property stolen \$20,000 or  
more, but less than \$100,000,  
grand theft in 2nd degree.

142

812.014 (6)                    2nd    Theft; property stolen \$3,000  
or more; coordination of  
others.

143

812.015 (9) (a)               2nd    Retail theft; property stolen  
\$750 or more; second or  
subsequent conviction.

144

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

145

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

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147	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
148	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
149	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
150	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
151	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
152	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
153	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
154	827.03(2)(c)	3rd	Abuse of a child.
155	827.03(2)(d)	3rd	Neglect of a child.

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

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836.05 2nd Threats; extortion.

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

159

843.12 3rd Aids or assists person to escape.

160

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

161

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

162

847.0135(2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

914.23 2nd Retaliation against a witness, victim, or informant, with

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bodily injury.

163

918.13 (2) (b)

2nd

Tampering with or fabricating physical evidence relating to a capital felony.

164

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.

165

944.40

2nd

Escapes.

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944.46

3rd

Harboring, concealing, aiding escaped prisoners.

167

944.47 (1) (a) 5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

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951.22 (1) (i)

3rd

Firearm or weapon introduced into county detention facility.

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Section 3. This act shall take effect October 1, 2022.