House



LEGISLATIVE ACTION

Senate Comm: RCS 01/25/2022

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

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11	jury or legislat	cive committ	tee 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 <u>oth</u>	<u>ner item</u> thi	ing with the purpose to impair its		
15	verity or availa	ability in s	such proceeding or investigation; or		
16	(b) Make, p	present, or	use any record, document, or <u>other</u>		
17	item thing, know	ving it to k	be false.		
18	(2) <u>(a)</u> Exce	ept as provi	ided in paragraph (b), a Any person		
19	who violates <u>sub</u>	section (1)	commits any provision of this		
20	section shall be	guilty of guilty of guilty of g	a felony of the third degree,		
21	punishable as p	covided in s	s. 775.082, s. 775.083, or s. 775.084.		
22	(b) A perso	on who viola	ates subsection (1) relating to a		
23	criminal trial,	proceeding,	, or investigation that relates to a		
24	capital felony of	commits a fe	elony of the second degree, punishable		
25	as provided in s	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) OFFENSI	E SEVERITY F	RANKING CHART		
31	(c) LEVEL (3			
32					
33					
	Florida	Felony	Description		
	Statute	Degree			
34					
	119.10(2)(b)	3rd	Unlawful use of confidential		
			information from police		
			reports.		
	1		Dage 2 of 20		
			Page 2 of 20		

 35 316.066 3rd Unlawfully obtaining or using 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. 		l		
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42 327.35(2)(b) 3rd Felony BUI.				possess, sell, etc., a blank,
42 327.35(2)(b) 3rd Felony BUI.				forged, or unlawfully obtained
327.35(2)(b) 3rd Felony BUI.				title or registration.
	42			
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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.
45	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
47	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.
77 /	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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48			
49	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
50	400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
	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.
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
53 54	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
5 1	624.401(4)(b)1.	3rd	Transacting insurance without a Page 5 of 20
			-

55			certificate of authority; premium collected less than \$20,000.
56	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
57	697.08	3rd	Equity skimming.
58	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
59	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
60	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
61 62	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.



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.
	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
66	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
67	817.233	3rd	Burning to defraud insurer.
68	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
70	817.236	3rd	Filing a false motor vehicle insurance application.
71			

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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.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
76 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
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police horse. 78 860.15(3) 3rd Overcharging for repairs and parts. 79 870.01(2) 3rd Riot. 80 870.01(4) Inciting a riot. 3rd 81 Sell, manufacture, or deliver 893.13(1)(a)2. 3rd 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. Sell, manufacture, or deliver 2nd 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

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84			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.
	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.
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.

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COMMITTEE AMENDMENT

Florida Senate - 2022 Bill No. SB 796

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90			
91	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.
91	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.
93	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
94	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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	<u>918.13(1)</u> 918.13(1)(a)	3rd	<u>Tampering with or fabricating</u> <u>physical evidence</u> Alter, destroy, or conceal
95			investigation evidence.
	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).
98			1401110, , ,
99			
100	(f) LEVEL 6		
101			
102			
	Florida	Felony	Description
	Statute	Degree	
103			
104	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent
		I	Page 12 of 20



conviction.

105	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
106	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
107	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
100	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
	775.0875(1)	3rd	Taking firearm from law enforcement officer.
110	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
111	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
112	784.041	3rd	Felony battery; domestic Page 13 of 20
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113			battery by strangulation.
115	784.048(3)	3rd	Aggravated stalking; credible threat.
114	784.048(5)	3rd	Aggravated stalking of person
115			under 16.
	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
120			detainee.
	784.083(2)	2nd	Aggravated assault on code inspector.
121	787.02(2)	3rd	False imprisonment; restraining
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122			with purpose other than those in s. 787.01.
122	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
124	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
125	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.
126	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
127	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
128	794.05(1)	2nd	Unlawful sexual activity with specified minor.

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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.
129	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
130	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
131	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
132	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
133	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
134	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
135	812.015(9)(a)	2nd	Retail theft; property stolen Page 16 of 20

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\$750 or more; second or subsequent conviction.

136			subsequent conviction.
137	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
138	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
130	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
140	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
	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
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144			of an elderly person or disabled adult.
7.7.7	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
145 146	827.03(2)(c)	3rd	Abuse of a child.
147	827.03(2)(d)	3rd	Neglect of a child.
	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.

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152			
	847.012	3rd	Knowingly using a minor in the
			production of materials harmful to minors.
153			co minors.
	847.0135(2)	3rd	Facilitates sexual conduct of
			or with a minor or the visual
154			depiction of such conduct.
	914.23	2nd	Retaliation against a witness,
			victim, or informant, with
155			bodily injury.
100	918.13(2)(b)	2nd	Tampering with or fabricating
			physical evidence relating to a
156			capital felony.
100	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			
158	944.40	2nd	Escapes.
TOO	944.46	3rd	Harboring, concealing, aiding
			escaped prisoners.
159			



	944.47(1)(a)5. 2	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
160	951.22(1)(i) 3	3rd	Firearm or weapon introduced into county detention facility.
161 162			
163 164	Section 3. This a	act sha	all take effect October 1, 2022.
165	====== T I	ΤΙΕ	A M E N D M E N T ==================
166	And the title is amended as follows:		
167	Delete everything before the enacting clause		
168	and insert:		
169		A bill	l to be entitled
170	An act relating t	to tamp	pering with or fabricating
171	physical evidence	e; amer	nding s. 918.13, F.S.; providing
172	enhanced criminal penalties for tampering with or		
173	fabricating physical evidence in certain criminal		
174	proceedings and investigations; amending s. 921.0022,		
175	F.S.; ranking offenses on the offense severity ranking		
176	chart of the Crim	minal H	Punishment Code; providing an
177	effective date.		