

By Senator Bradley

5-00997-22

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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 the offense of tampering with or  
 8 fabricating physical evidence on the offense severity  
 9 ranking chart of the Criminal Punishment Code to  
 10 conform to changes made by the act; providing an  
 11 effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15 Section 1. Section 918.13, Florida Statutes, is amended to  
 16 read:

17 918.13 Tampering with or fabricating physical evidence.—

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

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

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

28 (2) (a) Except as provided in paragraph (b), a ~~Any~~ person  
 29 who violates subsection (1) commits ~~any provision of this~~

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30 ~~section shall be guilty of a felony of the third degree,~~  
 31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

43 Section 2. Paragraph (c) of subsection (3) of section  
 44 921.0022, Florida Statutes, is amended to read:

45 921.0022 Criminal Punishment Code; offense severity ranking  
 46 chart.-

47 (3) OFFENSE SEVERITY RANKING CHART

48 (c) LEVEL 3

49

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.

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- 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.
- 319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.
- 319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.
- 319.33(1)(c) 3rd Procure or pass title on stolen vehicle.
- 319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
- 327.35(2)(b) 3rd Felony BUI.
- 328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of

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sale of vessels.

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.

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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

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violation of the Marine Turtle Protection Act.

400.9935 (4) (a) 3rd Operating a clinic, or offering services requiring licensure, or (b) without a license.

400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to report information.

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

501.001 (2) (b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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71	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
72	697.08	3rd	Equity skimming.
73	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
74	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
75	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
76	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
77	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
78	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
812.081 (2)	3rd	Theft of a trade secret.
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.
817.233	3rd	Burning to defraud insurer.
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.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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88			insurance card.
	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 disfigurement, or permanent disability.
90			
	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.
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	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
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	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
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	860.15(3)	3rd	Overcharging for repairs and



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parts.

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870.01(2) 3rd Riot.

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870.01(4) 3rd Inciting a riot.

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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.

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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.

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

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

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

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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.

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an

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animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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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.

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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.

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

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~~investigation evidence.~~

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

3rd

Introduce contraband to  
correctional facility.

112

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).

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