

By Senator Boyd

21-01287-21

20211234\_\_

1                                   A bill to be entitled  
 2       An act relating to false reports of crimes; amending  
 3       s. 817.49, F.S.; providing a definition; providing  
 4       enhanced criminal penalties for the willful making of  
 5       false reports of crimes in certain circumstances;  
 6       amending s. 921.0022, F.S.; ranking offenses created  
 7       by the act on levels 3, 6, and 8 of the offense  
 8       severity ranking chart of the Criminal Punishment  
 9       Code; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 13       Section 1. Section 817.49, Florida Statutes, is amended to  
 14       read:

15       817.49 False reports of commission of crimes; penalty.—

16       (1) Except as provided in subsection (2), whoever willfully  
 17       imparts, conveys, or causes to be imparted or conveyed to a ~~any~~  
 18       law enforcement officer false information or reports concerning  
 19       the alleged commission of any crime under the laws of this  
 20       state, knowing such information or report to be false, when in  
 21       ~~that~~ no such crime has had actually been committed, commits  
 22       ~~shall upon conviction thereof be guilty of~~ a misdemeanor of the  
 23       first degree, punishable as provided in s. 775.082 or s.  
 24       775.083.

25       (2) (a) As used in this subsection, the term "public safety  
 26       agency" means a law enforcement agency, a professional or  
 27       volunteer fire department, an emergency medical service, an  
 28       ambulance service, or any other public entity that provides  
 29       first responder services to respond to crimes, to assist victims

21-01287-21

20211234\_\_

30 of crimes, or to apprehend offenders.

31 (b) If the willful making of a false report of a crime as  
 32 set forth in this section results in:

33 1. A response by a federal, state, district, municipal, or  
 34 other public safety agency to address the reported crime, and  
 35 the combined cost incurred by all responding agencies exceeds  
 36 \$1,000, the person making such report commits a felony of the  
 37 third degree, punishable as provided in s. 775.082, s. 775.083,  
 38 or s. 775.084.

39 2. Great bodily harm, permanent disfigurement, or permanent  
 40 disability as a proximate result of lawful conduct arising out  
 41 of a response, the person making such report commits a felony of  
 42 the second degree, punishable as provided in s. 775.082, s.  
 43 775.083, or s. 775.084.

44 3. Death as a proximate result of lawful conduct arising  
 45 out of a response, the person making such report commits a  
 46 felony of the first degree, punishable as provided in s.  
 47 775.082, s. 775.083, or s. 775.084.

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

50 921.0022 Criminal Punishment Code; offense severity ranking  
 51 chart.—

52 (3) OFFENSE SEVERITY RANKING CHART

53 (c) LEVEL 3

54

Florida	Felony	Description
Statute	Degree	

55

119.10(2)(b)	3rd	Unlawful use of confidential
--------------	-----	------------------------------

21-01287-21

20211234\_\_

information from police reports.

56

316.066 3rd Unlawfully obtaining or using  
(3) (b) - (d) confidential crash reports.

57

316.193 (2) (b) 3rd Felony DUI, 3rd conviction.

58

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

59

319.30 (4) 3rd Possession by junkyard of motor  
vehicle with identification  
number plate removed.

60

319.33 (1) (a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

61

319.33 (1) (c) 3rd Procure or pass title on stolen  
vehicle.

62

319.33 (4) 3rd With intent to defraud,  
possess, sell, etc., a blank,  
forged, or unlawfully obtained  
title or registration.

63

21-01287-21 20211234\_\_

64	327.35(2)(b)	3rd	Felony BUI.
65	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
66	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
67	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
68	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.
68	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

21-01287-21

20211234\_\_

69

in the Marine Turtle Protection Act.

379.2431  
(1) (e) 7.

3rd

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

70

400.9935 (4) (a)  
or (b)

3rd

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

71

400.9935 (4) (e)

3rd

Filing a false license application or other required information or failing to report information.

72

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

73

501.001 (2) (b)

2nd

Tampers with a consumer product or the container using materially false/misleading information.

74

624.401 (4) (a)

3rd

Transacting insurance without a certificate of authority.

21-01287-21

20211234\_\_

75  
76  
77  
78  
79  
80  
81  
82

624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
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.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but

21-01287-21

20211234\_\_

83			less than \$10,000.
84	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
85	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
86	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
87	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
88	817.233	3rd	Burning to defraud insurer.
89	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
90	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
91	817.236	3rd	Filing a false motor vehicle insurance application.

21-01287-21

20211234\_\_

92	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
93	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
94	<u>817.49(2)(b)1.</u>	<u>3rd</u>	<u>Willful making of a false report of a crime which results in costs to responding agencies in excess of \$1,000.</u>
95	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
96	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
97	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.



21-01287-21

20211234\_\_

98  
99  
100  
101  
102  
103

860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot; inciting or encouraging.
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).
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.
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.

21-01287-21

20211234\_\_

104

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

105

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

106

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

107

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

108

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

109

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

21-01287-21

20211234\_\_

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

110

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.

111

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

112

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.

113

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

114

21-01287-21 20211234\_\_

115	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
116	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
117	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
118	(f) LEVEL 6		
119	Florida	Felony	Description
120	Statute	Degree	
121	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
122	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
123	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
	499.0051 (2)	2nd	Knowing forgery of transaction



21-01287-21

20211234\_\_

132  
133  
134  
135  
136  
137  
138  
139  
140

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

21-01287-21

20211234\_\_

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

141

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.

142

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

143

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

144

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

145

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.

146

21-01287-21 20211234\_\_

147	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
148	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
149	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
150	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
151	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
152	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
153	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
	812.015 (9) (b)	2nd	Retail theft; aggregated



21-01287-21

20211234\_\_

property stolen within 30 days  
is \$3,000 or more;  
coordination of others.

154

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

155

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

156

817.49(2)(b)2. 2nd Willful making of a false  
report of a crime which  
results in great bodily harm,  
permanent disfigurement, or  
permanent disability.

157

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

158

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

159

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

160

825.1025(3) 3rd Lewd or lascivious molestation  
of an elderly person or  
disabled adult.

21-01287-21

20211234\_\_

161

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

162

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

163

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

164

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

165

836.05 2nd Threats; extortion.

166

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

167

843.12 3rd Aids or assists person to  
escape.

168

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

169

21-01287-21 20211234\_\_

170 847.012 3rd Knowingly using a minor in the  
production of materials  
harmful to minors.

171 847.0135 (2) 3rd Facilitates sexual conduct of  
or with a minor or the visual  
depiction of such conduct.

172 914.23 2nd Retaliation against a witness,  
victim, or informant, with  
bodily injury.

173 944.35 (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.

174 944.40 2nd Escapes.

175 944.46 3rd Harboring, concealing, aiding  
escaped prisoners.

176 944.47 (1) (a) 5. 2nd Introduction of contraband  
(firearm, weapon, or  
explosive) into correctional  
facility.

21-01287-21 20211234\_\_

951.22(1)(i) 3rd Firearm or weapon introduced  
into county detention  
facility.

177

178

(h) LEVEL 8

179

Florida	Felony	Description
Statute	Degree	

180

316.193	2nd	DUI manslaughter.
(3)(c)3.a.		

181

316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
----------------	-----	---

182

327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
----------------	-----	--------------------------

183

499.0051(6)	1st	Knowing trafficking in contraband prescription drugs.
-------------	-----	---

184

499.0051(7)	1st	Knowing forgery of prescription labels or prescription drug labels.
-------------	-----	---

185

560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling
-----------------	-----	---

21-01287-21

20211234\_\_

or exceeding \$20,000, but  
less than \$100,000 by money  
transmitter.

186

560.125 (5) (b)

2nd

Money transmitter business by  
unauthorized person, currency  
or payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

187

655.50 (10) (b) 2.

2nd

Failure to report financial  
transactions totaling or  
exceeding \$20,000, but less  
than \$100,000 by financial  
institutions.

188

777.03 (2) (a)

1st

Accessory after the fact,  
capital felony.

189

782.04 (4)

2nd

Killing of human without  
design when engaged in act or  
attempt of any felony other  
than arson, sexual battery,  
robbery, burglary,  
kidnapping, aggravated  
fleeing or eluding with  
serious bodily injury or  
death, aircraft piracy, or

21-01287-21

20211234\_\_

unlawfully discharging bomb.

190

782.051 (2) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony not  
enumerated in s. 782.04(3).

191

782.071 (1) (b) 1st Committing vehicular homicide  
and failing to render aid or  
give information.

192

782.072 (2) 1st Committing vessel homicide  
and failing to render aid or  
give information.

193

787.06 (3) (a) 1. 1st Human trafficking for labor  
and services of a child.

194

787.06 (3) (b) 1st Human trafficking using  
coercion for commercial  
sexual activity of an adult.

195

787.06 (3) (c) 2. 1st Human trafficking using  
coercion for labor and  
services of an unauthorized  
alien adult.

196

787.06 (3) (e) 1. 1st Human trafficking for labor  
and services by the transfer

21-01287-21

20211234\_\_

or transport of a child from  
outside Florida to within the  
state.

197

787.06(3)(f)2.

1st

Human trafficking using  
coercion for commercial  
sexual activity by the  
transfer or transport of any  
adult from outside Florida to  
within the state.

198

790.161(3)

1st

Discharging a destructive  
device which results in  
bodily harm or property  
damage.

199

794.011(5)(a)

1st

Sexual battery; victim 12  
years of age or older but  
younger than 18 years;  
offender 18 years or older;  
offender does not use  
physical force likely to  
cause serious injury.

200

794.011(5)(b)

2nd

Sexual battery; victim and  
offender 18 years of age or  
older; offender does not use  
physical force likely to  
cause serious injury.





21-01287-21

20211234\_\_

or structure by fire or explosive, believing person in structure.

207

810.02 (2) (a) 1st,PBL Burglary with assault or battery.

208

810.02 (2) (b) 1st,PBL Burglary; armed with explosives or dangerous weapon.

209

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

210

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

211

812.13 (2) (b) 1st Robbery with a weapon.

212

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

213

817.49 (2) (b) 3. 1st Willful making of a false report of a crime which results in death.

21-01287-21

20211234\_\_

214  
215  
216  
217  
218  
219  
220

- 817.505 (4) (c) 1st Patient brokering; 20 or more patients.
- 817.535 (2) (b) 2nd Filing false lien or other unauthorized document; second or subsequent offense.
- 817.535 (3) (a) 2nd Filing false lien or other unauthorized document; property owner is a public officer or employee.
- 817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
- 817.535 (5) (a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
- 817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

21-01287-21 20211234\_\_

221 817.611(2)(c) 1st Traffic in or possess 50 or  
more counterfeit credit cards  
or related documents.

222 825.102(2) 1st Aggravated abuse of an  
elderly person or disabled  
adult.

223 825.1025(2) 2nd Lewd or lascivious battery  
upon an elderly person or  
disabled adult.

224 825.103(3)(a) 1st Exploiting an elderly person  
or disabled adult and  
property is valued at \$50,000  
or more.

225 837.02(2) 2nd Perjury in official  
proceedings relating to  
prosecution of a capital  
felony.

226 837.021(2) 2nd Making contradictory  
statements in official  
proceedings relating to  
prosecution of a capital  
felony.

860.121(2)(c) 1st Shooting at or throwing any

21-01287-21

20211234\_\_

object in path of railroad  
vehicle resulting in great  
bodily harm.

227

860.16 1st Aircraft piracy.

228

893.13(1)(b) 1st Sell or deliver in excess of  
10 grams of any substance  
specified in s. 893.03(1)(a)  
or (b).

229

893.13(2)(b) 1st Purchase in excess of 10  
grams of any substance  
specified in s. 893.03(1)(a)  
or (b).

230

893.13(6)(c) 1st Possess in excess of 10 grams  
of any substance specified in  
s. 893.03(1)(a) or (b).

231

893.135(1)(a)2. 1st Trafficking in cannabis, more  
than 2,000 lbs., less than  
10,000 lbs.

232

893.135 1st Trafficking in cocaine, more  
(1)(b)1.b. than 200 grams, less than 400  
grams.

233

893.135 1st Trafficking in illegal drugs,

21-01287-21 20211234\_\_

234 (1) (c) 1.b. more than 14 grams, less than  
28 grams.

235 893.135 1st Trafficking in hydrocodone,  
(1) (c) 2.c. 100 grams or more, less than  
300 grams.

236 893.135 1st Trafficking in oxycodone, 25  
(1) (c) 3.c. grams or more, less than 100  
grams.

237 893.135 1st Trafficking in fentanyl, 14  
(1) (c) 4.b. (II) grams or more, less than 28  
grams.

238 893.135 1st Trafficking in phencyclidine,  
(1) (d) 1.b. 200 grams or more, less than  
400 grams.

239 893.135 1st Trafficking in methaqualone,  
(1) (e) 1.b. 5 kilograms or more, less  
than 25 kilograms.

240 893.135 1st Trafficking in amphetamine,  
(1) (f) 1.b. 28 grams or more, less than  
200 grams.

893.135 1st Trafficking in flunitrazepam,  
(1) (g) 1.b. 14 grams or more, less than

21-01287-21

20211234\_\_

28 grams.

241

893.135  
(1) (h) 1.b.

1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

242

893.135  
(1) (j) 1.b.

1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

243

893.135  
(1) (k) 2.b.

1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.

244

893.135  
(1) (m) 2.c.

1st Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.

245

893.135  
(1) (n) 2.b.

1st Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.

246

893.1351 (3)

1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

247

895.03 (1)

1st Use or invest proceeds

21-01287-21

20211234\_\_

derived from pattern of racketeering activity.

248

895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

249

895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

250

896.101(5)(b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

251

896.104(4)(a)2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

252

253 Section 3. This act shall take effect upon becoming a law.