



230774

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2021	.	
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	.	

The Committee on Criminal Justice (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 34 - 91
and insert:
equipment" means protective clothing or equipment, including, but not limited to, face masks, face shields, gloves, goggles, gowns, helmets, or respirators designed to protect a person from infectious materials, communicable disease, or other illness.

(2) It is unlawful for any person to knowingly and willfully make a materially false or misleading statement or to



230774

11 knowingly and willfully disseminate false or misleading
12 information relating to the characteristics, authenticity,
13 effectiveness, or availability of personal protective equipment
14 in any marketing or advertising material; on a website, social
15 media platform, or other media; or by telephone, text message,
16 mail, or e-mail, with the intent to obtain or receive any money
17 or other valuable consideration.

18 (a) Except as provided in paragraph (b), a person who
19 violates this subsection commits a felony of the third degree,
20 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

21 (b) A person who commits a second or subsequent violation
22 of this subsection commits a felony of the second degree,
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (3) Prosecution for a violation of this section may be
25 brought on behalf of the state by any state attorney or by the
26 statewide prosecutor.

27 (4) If the Attorney General reasonably believes that a
28 person has committed a violation of this section, the Attorney
29 General may institute a civil action for a violation of this
30 section or to prevent a violation of this section. An action for
31 relief may include a permanent or temporary injunction, a
32 restraining order, or any other appropriate order.

33 Section 2. Section 817.504, Florida Statutes, is created to
34 read:

35 817.504 Offering or advertising a vaccine with intent to
36 defraud.—

37 (1) It is unlawful for any person to knowingly and
38 willfully make a materially false or misleading statement or to
39 knowingly and willfully disseminate false or misleading



230774

40 information regarding the availability of, or access to, a
41 vaccine for the novel coronavirus "COVID-19" or a vaccine for
42 any other pandemic disease in any marketing or advertising
43 material; on a website, social media platform, or other media;
44 or by telephone, text message, mail, or e-mail, with the intent
45 to obtain another person's personal identification information,
46 as defined in s. 817.568(1) (f), or to obtain or receive any
47 money or other valuable consideration.

48 (a) Except as provided in paragraph (b), a person who
49 violates this subsection commits a felony of the third degree,
50 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

51 (b) A person who commits a second or subsequent violation
52 of this subsection commits a felony of the second degree,
53 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

54 (2) Prosecution for a violation of this section may be
55 brought on behalf of the state by any state attorney or by the
56 statewide prosecutor.

57 (3) If the Attorney General reasonably believes that a
58 person has committed a violation of this section, the Attorney
59 General may institute a civil action for a violation of this
60 section or to prevent a violation of this section. An action for
61 relief may include a permanent or temporary injunction, a
62 restraining order, or any other appropriate order.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 5 - 25

67 and insert:

68 prohibiting dissemination of false or misleading



230774

69 information relating to personal protective equipment
70 under certain circumstances with specified intent;
71 providing criminal penalties; authorizing a state
72 attorney or the statewide prosecutor to prosecute a
73 violation; authorizing the Attorney General to seek
74 civil remedies; creating s. 817.504, F.S.; prohibiting
75 dissemination of false or misleading vaccine
76 information under certain circumstances with specified
77 intent; providing criminal penalties; authorizing a
78 state attorney or the statewide prosecutor to
79 prosecute a violation; authorizing the Attorney
80 General to seek civil remedies; amending s. 921.0022,
81 F.S.; ranking offenses created by the act on the
82 offense severity ranking chart of the Criminal
83 Punishment Code; providing an effective date.