

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

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 817.49, Florida Statutes, is amended to
 13 read:

14 817.49 False reports of commission of crimes; penalty.—

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

24 (2) (a) As used in this subsection, the term "public safety
 25 agency" means a law enforcement agency, professional or

26 volunteer fire department, emergency medical service, ambulance
27 service, or other public entity that provides first responder
28 services to respond to crimes, to assist victims of crimes, or
29 to apprehend offenders.

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

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

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

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

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

49 921.0022 Criminal Punishment Code; offense severity
50 ranking chart.—

51	(3) OFFENSE SEVERITY RANKING CHART		
52	(c) LEVEL 3		
53	Florida	Felony	
54	Statute	Degree	Description
54	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
55	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
56	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
57	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
58	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
59	319.33 (1) (a)	3rd	Alter or forge any certificate

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60	319.33(1)(c)	3rd	of title to a motor vehicle or mobile home.
61	319.33(4)	3rd	Procure or pass title on stolen vehicle.
62	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
63	328.05(2)	3rd	Felony BUI.
64	328.07(4)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
65	376.302(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
			Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

70			without a license.
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
71			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
72			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
73			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
74			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
75			

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76	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
77	697.08	3rd	Equity skimming.
78	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
79	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
80	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
81	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
82	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

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

90			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
91			
	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
92			
	<u>817.49 (2) (b) 1.</u>	<u>3rd</u>	<u>Willful making of a false report of a crime causing financial costs in excess of \$1,000.</u>
93			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
94			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
95			

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96	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
97	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
98	860.15 (3)	3rd	Overcharging for repairs and parts.
99	870.01 (2)	3rd	Riot; inciting or encouraging.
100	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.

101

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.

102

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

103

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

104

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

105

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

forgery, misrepresentation,
etc.

106

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

107

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

108

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.

109

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.

110

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

111

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.

112

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

113

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

114

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

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116	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
117	(f) LEVEL 6		
118	Florida Statute	Felony Degree	Description
119	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
120	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
121	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
122	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

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123	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
124	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
125	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
126	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
127	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
128	784.041	3rd	Felony battery; domestic battery by strangulation.
129	784.048 (3)	3rd	Aggravated stalking; credible threat.
130	784.048 (5)	3rd	Aggravated stalking of person

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under 16.

131

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

132

784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

133

784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

134

784.081 (2) 2nd Aggravated assault on specified official or employee.

135

784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

136

784.083 (2) 2nd Aggravated assault on code inspector.

137

787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

138	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
139	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
140	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.
141	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
142	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
143	794.05 (1)	2nd	Unlawful sexual activity with

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specified minor.

144

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.

145

800.04 (6) (b) 2nd Lewd or lascivious conduct;
offender 18 years of age or
older.

146

806.031 (2) 2nd Arson resulting in great bodily
harm to firefighter or any
other person.

147

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

148

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

149

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

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150	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
151	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
152	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
153	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
154	<u>817.49 (2) (b) 2.</u>	<u>2nd</u>	<u>Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.</u>
155	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned

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cellular telephones.

156

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

157

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

158

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

159

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

160

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

161

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

162

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

163

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

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or direct such performance.

164

836.05 2nd Threats; extortion.

165

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

166

843.12 3rd Aids or assists person to
escape.

167

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

168

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

169

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

170

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171	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
172	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.
173	944.40	2nd	Escapes.
174	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
175	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
176	951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.
177	(h) LEVEL 8		
178			

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	Florida Statute	Felony Degree	Description
179	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
180	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
181	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
182	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
183	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
184	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
185			

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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 unlawfully discharging bomb.

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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.
	787.06 (3) (e) 1.	1st	Human trafficking for labor and

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

196

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.

197

790.161(3) 1st Discharging a destructive device which results in bodily harm or property damage.

198

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.

199

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.

200

794.011(5)(c) 2nd Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

201

794.011(5)(d) 1st Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

202

794.08(3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

203

800.04(4)(b) 2nd Lewd or lascivious battery.

204

800.04(4)(c) 1st Lewd or lascivious battery;

offender 18 years of age or
older; prior conviction for
specified sex offense.

205

806.01(1) 1st Maliciously damage dwelling or
structure by fire or explosive,
believing person in structure.

206

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

207

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

208

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

209

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

210

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

211

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212	<u>817.49 (2) (b) 3.</u>	<u>1st</u>	<u>Willful making of a false report of a crime resulting in death.</u>
213	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
214	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
215	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
216	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
217	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

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218	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.
219	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
220	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
221	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
222	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

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223	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
224	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
225	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
226	860.16	1st	Aircraft piracy.
227	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) .
228	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

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229	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
230	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
231	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
232	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
233	893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
234	893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
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236	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
237	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
238	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
239	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
240	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
241	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

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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 derived from pattern of racketeering activity.

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