

ENROLLED

CS/HB 371, Engrossed 1

2021 Legislature

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An act relating to false reports of crimes; amending s. 817.49, F.S.; providing a definition; providing enhanced criminal penalties for the willful making of false reports of crimes in certain circumstances; requiring a court to order restitution; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

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

817.49 False reports of commission of crimes; penalty.—

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

(2) (a) As used in this section, the term "public safety

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26 agency" means a law enforcement agency, professional or
 27 volunteer fire department, emergency medical service, ambulance
 28 service, or other public entity that dispatches or provides
 29 first responder services to respond to crimes, to assist victims
 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 a response by a federal,
 33 state, district, municipal, or other public safety agency and
 34 the response results in:

35 1. Great bodily harm, permanent disfigurement, or
 36 permanent disability to any person as a proximate result of
 37 lawful conduct arising out of a response, the person making such
 38 report commits a felony of the third degree, punishable as
 39 provided in s. 775.082, s. 775.083, or s. 775.084.

40 2. Death to any person as a proximate result of lawful
 41 conduct arising out of a response, the person making such report
 42 commits a felony of the second degree, punishable as provided in
 43 s. 775.082, s. 775.083, or s. 775.084.

44 (3) A court shall order any person convicted of violating
 45 this section to pay restitution, which shall include full
 46 payment for any cost incurred by a responding public safety
 47 agency.

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

50 921.0022 Criminal Punishment Code; offense severity

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51 ranking chart.—

52 (3) OFFENSE SEVERITY RANKING CHART

53 (c) LEVEL 3

54

Florida Statute	Felony Degree	Description
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55

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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56

316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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57

316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
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58

316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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59

319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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61	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
62	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
63	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
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.
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the

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67	379.2431 (1) (e) 5.	3rd	<p>Inland Protection Trust Fund.</p> <p>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.</p>
68	379.2431 (1) (e) 6.	3rd	<p>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.</p>
69	379.2431 (1) (e) 7.	3rd	<p>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</p>
70	400.9935 (4) (a)	3rd	<p>Operating a clinic, or offering</p>

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	or (b)		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.
75			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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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.
90			

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91	817.236	3rd	Filing a false motor vehicle insurance application.
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 causing great bodily harm, permanent disfigurement, or permanent disability.</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.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses

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or identification cards.

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).

101

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.,

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(2) (c) 10., (3), or (4) drugs within 1,000 feet of university.

102

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.

103

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

104

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

105

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

106

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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.
110	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.
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to

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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

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

115

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

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institution.

116

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

117

118

119

(f) LEVEL 6

120

Florida
Statute

Felony
Degree

Description

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.

124

499.0051 (2)

2nd

Knowing forgery of transaction

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history, transaction
information, or transaction
statement.

125

499.0051 (3) 2nd Knowing purchase or receipt of
prescription drug from
unauthorized person.

126

499.0051 (4) 2nd Knowing sale or transfer of
prescription drug to
unauthorized person.

127

775.0875 (1) 3rd Taking firearm from law
enforcement officer.

128

784.021 (1) (a) 3rd Aggravated assault; deadly
weapon without intent to kill.

129

784.021 (1) (b) 3rd Aggravated assault; intent to
commit felony.

130

784.041 3rd Felony battery; domestic
battery by strangulation.

131

784.048 (3) 3rd Aggravated stalking; credible

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threat.

132

784.048 (5) 3rd Aggravated stalking of person under 16.

133

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

134

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

135

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

136

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

137

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

138

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

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139	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
140	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
141	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
142	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.
143	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
144	794.011 (8) (a)	3rd	Solicitation of minor to

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participate in sexual activity
by custodial adult.

145

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

146

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.

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

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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.

154

812.015 (9) (b) 2nd Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.

155

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

156

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

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cellular telephones.

157

817.49(2)(b)2.

2nd

Willful making of a false report of a crime resulting in death.

158

817.505(4)(b)

2nd

Patient brokering; 10 or more patients.

159

825.102(1)

3rd

Abuse of an elderly person or disabled adult.

160

825.102(3)(c)

3rd

Neglect of an elderly person or disabled adult.

161

825.1025(3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

162

825.103(3)(c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

163

827.03(2)(c)

3rd

Abuse of a child.

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164	827.03 (2) (d)	3rd	Neglect of a child.
165	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
166	836.05	2nd	Threats; extortion.
167	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
168	843.12	3rd	Aids or assists person to escape.
169	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
170	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.

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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.

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177

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

178

179

180

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