

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 279](#)
TITLE: False Reporting
SPONSOR(S): Partington

COMPANION BILL: [SB 726](#) (Ingoglia)
LINKED BILLS: None
RELATED BILLS: None

Committee References

[Judiciary](#)

18 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

CS/CS/HB 279:

- Prohibits a person from causing another party to access the 911 system for the purpose of making a false alarm or false complaint or reporting false information that could result in an emergency response.
- Creates a third degree felony if a person makes a false report of an emergency using the 911 system and the resulting emergency response results in great bodily harm, permanent disfigurement, or permanent injury.
- Creates a second degree felony if a person makes a false report of an emergency using the 911 system and the resulting emergency response results in death to any person.
- Reduces the number of prior convictions needed to subject a person to an enhanced penalty of a third degree felony for misusing the 911 system from four convictions to two convictions.
- Deletes an enhanced penalty if a person misuses the 911 system and receives a service of more than \$100.
- Requires a court to order a person convicted of misusing the 911 system or giving false information to a law enforcement officer to pay the costs of prosecution and investigation, as well as restitution to any victim who suffers damage or injury as a proximate result of lawful conduct arising out of an emergency or law enforcement response.

Fiscal or Economic Impact:

The bill may have an indeterminate positive prison bed impact by creating new felony offenses and reducing the number of prior convictions needed to enhance the penalty for misusing the 911 system. The bill may have an indeterminate positive fiscal impact on state and local governments by requiring a defendant to pay costs of prosecution and investigation, as well as restitution for the cost of the emergency or law enforcement response.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Misusing the 911 System

The bill expands the scope of the prohibition against a person accessing the 911 system for the purpose of making a false alarm or complaint or reporting false information that could result in an emergency response by any public safety agency by also prohibiting a person from *causing another party* to access the 911 system for the purpose of making such a false alarm or complaint or reporting false information. (Section [1](#))

The bill also provides enhanced penalties if the public safety agency response to a false report of an emergency that was made using the 911 system results in specified bodily injury or death. Under the bill, a person who misuses the 911 system by making a false report or complaint or by reporting false information that could lead to an emergency response commits a:

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- Third degree felony,¹ if the emergency response by a public safety agency results in great bodily harm, permanent disfigurement, or permanent disability as a proximate result of lawful conduct arising out of the emergency response.
- Second degree felony,² if the emergency response by a public safety agency results in the death of any person as a proximate result of lawful conduct arising out of the emergency response. (Section [1](#))

The third degree felony offense created by the bill is ranked as a Level 2 offense on the [offense severity ranking chart](#) (OSRC). The second degree felony offense created by the bill is ranked as a Level 5 offense on the OSRC. (Section [3](#))

The bill reduces the number of prior convictions for misusing the 911 system that a person must have to be subject to an enhanced penalty from four convictions to two convictions. As such, under the bill, a person’s third conviction for misusing the 911 system is punishable as a third degree felony. The bill specifies that the term “conviction” means a determination of guilt that is the result of a plea agreement or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered. (Section [1](#))

The bill deletes an enhanced penalty that makes misusing the 911 system punishable as a third degree felony if the value of the service obtained by misuse of the system is \$100 or greater. (Section [1](#))

The bill requires a court to order any person convicted of misusing the 911 system to pay:

- The [costs of prosecution and investigation](#) under [s. 938.27, F.S.](#)
- Restitution to a responding public safety agency and any other victim who suffers damage or injury as a proximate result of lawful conduct arising out of an emergency response. The bill specifies that the restitution must include the full payment of any cost incurred by such agency. (Section [1](#))

False Reports to Law Enforcement Authorities

The bill requires a court to order a person who is convicted of [giving false information to a law enforcement officer](#) concerning the alleged commission of any crime to pay:

- The costs of prosecution and investigation under [s. 938.27, F.S.](#)
- Restitution to any victim who suffers damage or injury as a proximate result of lawful conduct arising out of a law enforcement response. (Section [2](#))

The effective date of the bill is July 1, 2025. (Section [4](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive prison bed impact by creating new felony offenses for misusing the 911 system which result in specified injury or death and reducing the number of prior convictions needed to enhance the penalty for misusing the 911 system to a felony, which could lead to increased prison admissions. The bill may have a positive fiscal impact on state government revenues by requiring a court to order a person who is convicted of specified offenses to pay for the costs of prosecution and investigation.

LOCAL GOVERNMENT:

The bill may have an indeterminate positive jail bed impact by expanding the prohibition against a person misusing the 911 system to also prohibit a person from *causing another party* to access the 911 system for the purpose of making a false alarm or complaint that could result in an emergency response by a public safety agency. The bill requires a court to order a person who is convicted of misusing the 911 system or giving false information to a law enforcement officer to pay the costs of prosecution and investigation, as well as restitution to any public safety agency and any other victim who suffers damage or injury. To the extent that public safety agencies are expending funds by responding to emergency calls resulting from misuse of the 911 system or false information

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

² A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

provided to law enforcement officers, there may be an indeterminate positive fiscal impact on such agencies that would be eligible to receive costs of prosecution and investigation and restitution under the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

False Reports of Emergencies

[Misusing the 911 System](#)

[Section 365.172, F.S.](#), prohibits a person from:

- Accessing the 911 system for the purpose of making a false alarm or complaint or reporting false information that could result in an emergency response of any public safety agency;³
- Knowingly using or attempting to use the 911 system for a purpose other than public safety assistance; or
- Knowingly using or attempting to use the 911 system in an effort to avoid any charge for service.

A violation is punishable as a first degree misdemeanor.⁴ A person commits a third degree felony if he or she misuses the 911 system and:

- The person has four prior convictions for misusing the 911 system; or
- The value of the service or the service charge obtained by misusing the 911 system exceeds \$100.⁵

The felony is unranked on the OSRC and thus defaults to a Level 1 offense.

False Reports to Law Enforcement Authorities

[Section 837.05, F.S.](#), prohibits a person from knowingly [giving false information to a law enforcement officer](#) concerning the alleged commission of any crime, a violation of which is punishable as a first degree misdemeanor. A person commits a third degree felony if he or she:

- Knowingly gives false information to a law enforcement officer concerning the commission of a capital felony; or
- Has a previous conviction for giving false information to a law enforcement officer concerning the commission of any crime and:
 - The information that the person gave to the law enforcement officer was communicated orally and the officer's account of that information is corroborated by:
 - An audio recording or audio recording in a video of that information;
 - A written or recorded statement made by the person who gave that information; or
 - Another person who was present when that person gave the information to the officer and heard that information, or
 - The information the person gave to the law enforcement officer was communicated in writing.

False Reports of Crimes

[Section 817.49, F.S.](#), prohibits a person from willfully imparting, conveying, or causing to be imparted or conveyed to any law enforcement officer or employee of a public safety agency, false information or reports concerning the commission of any crime when the person knows the report is false and that no such crime has been committed. A violation is punishable as a first degree misdemeanor.⁶ If a person willfully makes a false report of a crime and the response by a public safety agency results in:

- Great bodily harm, permanent disfigurement, or permanent disability to any person as a proximate result of lawful conduct arising out of a response, the person making such a false report commits a third degree felony, which is ranked as a Level 3 offense on the offense severity ranking chart (OSRC).
- Death to any person as a proximate result of lawful conduct arising out of a response, the person making such a false report commits a second degree felony, which is ranked as a Level 6 offense on the OSRC.

³ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. [S. 365.172\(3\)\(z\), F.S.](#)

⁴ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

⁵ [S. 365.172, F.S.](#)

⁶ [S. 817.49\(1\), F.S.](#)

A court must order a person who is convicted of making a false report of a crime to pay restitution, which must include full payment for any cost incurred by a responding public safety agency.⁷

Costs of Prosecution and Investigation

Section 938.27, F.S., specifies that a defendant in all criminal and violation of probation or community control cases is liable for the costs of prosecution, which includes investigative costs incurred by law enforcement and other investigative agencies. A court is required to include such costs in every judgment rendered against a defendant regardless of his or her present ability to pay such costs.⁸ The state attorney bears the burden of demonstrating the amount of costs incurred.⁹ Such costs for the state attorney must be set at no less than \$50 in all misdemeanor and criminal traffic cases, and no less than \$100 in all felony cases.¹⁰ Any dispute as to the proper amount or type of costs must be resolved by the court by a preponderance of the evidence.¹¹

Offense Severity Ranking Chart

Felony offenses subject to the Criminal Punishment Code (CPC) are listed in a single offense severity ranking chart (OSRC), which uses 10 offense levels to rank felonies from least severe (Level 1) to most severe (Level 10). Each felony offense is assigned to a level according to the severity of the offense, commensurate with the harm or potential for harm to the community that is caused by the offense, as determined by statute. A person’s primary offense, any other current offenses, and prior offenses are scored using the points designated for the offense severity level of each offense. The final calculation, following the scoresheet formula, determines the lowest permissible sentence that the trial court may impose, absent a valid reason for departure.¹² If an offense is unranked, the CPC specifies a default level on the OSRC depending on the felony degree of the offense.¹³

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Judiciary Committee	18 Y, 0 N, As CS	4/8/2025	Kramer	Padgett

THE CHANGES ADOPTED BY THE COMMITTEE:

- Prohibited a person from causing another party to access the number 911 for the purpose of making a false alarm or complaint that could result in an emergency response by any public safety agency.
- Reduced the number of prior convictions for misusing the 911 system that a person must have to be subjected to an enhanced penalty of a third degree felony from four convictions to two convictions, and defined the term “conviction.”
- Required a person who is convicted of misusing the 911 system to pay the costs of prosecution and investigation.
- Required a person who is convicted of knowingly giving false information to a law enforcement officer concerning the alleged commission of a crime to pay the costs of prosecution and investigation, as well as restitution in specified circumstances.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

⁷ [S. 817.49\(3\), F.S.](#)
⁸ [S. 938.27\(2\)\(a\), F.S.](#)
⁹ [S. 938.27\(4\), F.S.](#)
¹⁰ [S. 938.27\(8\), F.S.](#)
¹¹ [S. 938.27\(4\), F.S.](#)
¹² [S. 921.0022, F.S.](#)
¹³ [S. 921.0023, F.S.](#)