

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 726

INTRODUCER: Senator Ingoglia

SUBJECT: False Reporting

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wyant	Stokes	CJ	Favorable
2.			RI	
3.			RC	

I. Summary:

SB 726 amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

The bill takes effect on July 1, 2025.

II. Present Situation:

In the 2022-2023 school year, there were more than 446 false reports, or “swatting calls,” of an active shooter within a school comprising 63.8% of all violent incidents, while 7.9% of all violent incidents were actual shootings at a school.¹ “Swatting” is false reporting an emergency to public safety by a person for the intent of getting a SWAT team response to a location where no emergency exists.²

Swatting is not the only improper use of 911, for example, just last month a woman was arrested in Florida for overusing the 911 system. Authorities allege the woman called the county’s 911

¹ Educator’s School Safety Network, *Swatting Incidents in American Schools 2022-2023*, available at: <https://eschoolsafety.org/swatting> (last visited March 24, 2025).

² 911.gov, *Public Safety Information on “Swatting,”* available at: https://www.911.gov/assets/National_911_Program_Public_Safety_Information_Swatting_2015.pdf (last visited March 24, 2025).

dispatch line well over 30 times last year alone. In the latest event, the woman called 911 for knee pain, stating her doctor wants her to get an x-ray. The defendant was aware that her pain did not constitute a medical emergency, but lacking the ability to get herself to the hospital, she called 911 for transport.³

911 Communications

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.⁴ The Emergency Communications Act prohibits the misuse of the 911, E911,⁵ and NG911⁶ systems.

Section 365.172, F.S., provides it is a first degree misdemeanor⁷ for a person to:

- Access 911 for the purpose of making a false alarm or complaint or reporting false information that could result in the emergency response of any public safety agency.
- Knowingly use or attempt to use such service for a purpose other than obtaining public safety assistance.
- Knowingly use or attempt to use such service in an effort to avoid any charge for service.⁸

If the value of the service or the service charge exceeds \$100, the person commits a third degree felony.^{9,10}

Additionally, a person commits a third degree felony if he or she continues to engage in the unauthorized use of service after being convicted of unauthorized use of such service four times.¹¹

³ Law & Crime, “My knee hurts,” Colin Kalmbacher (January 15, 2025), available at: <https://lawandcrime.com/crime/my-knee-hurts-florida-woman-arrested-after-allegedly-calling-911-over-30-times-in-a-single-year/> (last visited March 24, 2025).

⁴ Section 365.172(2)(a)-(b), F.S.

⁵ “Enhanced 911” or “E911” means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

⁶ “Next Generation 911” or “NG911” means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

⁷ A first degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

⁸ Section 365.172(14), F.S.

⁹ *Id.*

¹⁰ Punishable as provided in ss. 775.082, 775.083, or 775.084, F.S. A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000.

¹¹ Section 365.172(14), F.S.

False Reports to Law Enforcement

Intentionally giving false information to a law enforcement officer is another form of false reporting. For instance, on January 31, 2025, a woman reported being battered by two neighbors, whom she alleged pushed, grabbed, and shoved her. Upon investigating the matter further and finding through interviews and surveillance that the incident never occurred, detectives charged the woman with filing a false report to law enforcement.¹²

Pursuant to s. 837.05, F.S., it is a first degree misdemeanor for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of any crime.

It is a third degree felony if the person committing this offense has a previous conviction for such offense and the information given to the law enforcement officer was either communicated in writing, or 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 that information to the officer and heard that information.

It is also a third degree felony for a person to knowingly give false information to a law enforcement officer concerning the alleged commission of a capital felony.¹³

FortifyFL

FortifyFL is a mobile suspicious activity reporting platform that allows school students and the community to anonymously relay information concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.¹⁴

Section 943.082, F.S., provides that if, following an investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to the criminal penalties under s. 837.05, F.S., listed above.

In the 2024 Legislative Session, lawmakers passed HB 1473 to require that instruction on the use of FortifyFL is provided to students. The instruction is to be age and developmentally

¹² Gulf Coast News, *Naples Woman Accused of Making False Reports to Police*, (February 11, 2025), available at: <https://www.gulfcoastnewsnow.com/article/naples-florida-woman-false-police-report/63757347> (last visited March 3, 2025).

¹³ A capital felony most often refers to murder under s. 782.04, F.S., or sexual battery pursuant to s. 794.011, F.S., however there are several other offenses that may result in a capital felony such as drug trafficking offenses and offenses relating to weapons of mass destruction and destructive devices.

¹⁴ Section 943.082(1), F.S.

appropriate and include the consequences for making a threat or false report as described in ss. 790.162¹⁵ and 790.163, F.S.^{16,17}

Federal Provisions

Under Title 18 U.S.C. 1038, also known as the false information and hoaxes law, it is illegal for a person to engage in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that it relates to certain criminal chapters of law such as crimes or threats involving biological or chemical weapons, crimes or threats involving guns, bombs, or explosives; or crimes affecting infrastructure.¹⁸

A person who commits an offense under this federal law shall:

- Be fined or imprisoned for not more than 5 years, or both;
- If serious bodily injury results, be fined or imprisoned not more than 20 years, or both; and
- If death results, be fined or imprisoned for any number of years up to life, or both.

A person who commits this offense is also liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for such expenses. The court, in imposing a sentence, must order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire and rescue service, incurring expenses in any emergency or investigative response.

III. Effect of Proposed Changes:

The bill amends s. 365.172, F.S., to require any person who misuses the 911 system to be liable for the costs of prosecution and investigation. Current law provides that specified misuse of the 911 systems is a first degree misdemeanor for a first offense.

The bill amends s. 837.05, F.S., to require any person who knowingly gives false information to law enforcement authorities concerning the alleged commission of any crime to be liable for the costs of prosecution and investigation. Additionally, the bill requires a person to be liable for restitution if the false report involves another person who sustained injury or property damage during the investigation stemming from such false report.

¹⁵ Section 790.162, F.S. provides it is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding \$10,000.

¹⁶ Section 790.163, F.S. provides it is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction, or concerning the use of firearms in a violent manner against a person or persons. The offense is a second degree felony, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., generally not more than 15 years in state prison and a fine not exceeding \$10,000.

¹⁷ Ch. 2024-155, L.o.F.

¹⁸ 18 U.S.C.A. § 1038

The bill reenacts s. 943.082, F.S. to provide false tips made through FortifyFL may be subject to criminal penalties under s. 837.05, F.S., including the liability for the costs of prosecution and investigation stemming from such false tip.

The bill takes effect on July 1, 2025

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 365.172, 837.05, 943.082.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
