

21.15 FALSE INFORMATION TO LAW ENFORCEMENT

§ 837.055(1), Fla. Stat.

To prove the crime of False Information to Law Enforcement, the State must prove the following five elements beyond a reasonable doubt:

1. (Name of law enforcement officer) **was conducting a [missing person investigation] [felony criminal investigation].**
2. (Name of law enforcement officer) **was a law enforcement officer.**
3. (Defendant) **knew that** (name of law enforcement officer) **was a law enforcement officer.**
4. (Defendant) **knowingly and willfully gave false information to** (name of law enforcement officer).
5. (Defendant) **intended to mislead** (name of law enforcement officer) **or impede the investigation.**

Definition.

Patterson v. State, 512 So. 2d 1109 (Fla. 1st DCA 1987).

“Willfully” means intentionally, knowingly and purposely.

Give if applicable. Felony criminal investigation.

The court instructs you that (name of crime) **is a felony.**

Lesser Included Offenses

FALSE INFORMATION TO LAW ENFORCEMENT — 837.055(1)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

If there is a dispute about whether the law enforcement officer was investigating a felony as opposed to a misdemeanor, the court might consider instructing jurors on the elements of the felony.

As of November 2016, there was no case law regarding the definition of “law enforcement officer.”

This instruction was adopted in 2008 [995 So. 2d 489] and amended in 2013 [131 So. 3d 755] and 2017.