

HB 1101

2026

A bill to be entitled
An act relating to stalking; amending s. 784.048, F.S.; creating an offense of aggravated stalking based on nonconsensual entry upon the victim's property or interference with the victim's property in the course of committing the offense of stalking; creating the offense of sexually aggravated stalking based on certain sexual conduct in the course of committing the offense of stalking; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; amending s. 948.06, F.S.; revising the definition of the term "qualifying offense"; providing an effective date.

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

Section 1. Subsections (6) through (9) of section 784.048, Florida Statutes, are renumbered as subsections (8) through (11), respectively, new subsections (6) and (7) are added to that section, and subsection (2) is republished, to read:

784.048 Stalking; definitions; penalties.—

(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

26 (6) A person who commits the offense of stalking and who,
27 in the course of committing the offense:

28 (a) Enters upon the property of the victim without
29 consent; or

30 (b) Interferes with the victim's property, including, but
31 not limited to, tampering with or disabling security or
32 surveillance devices,

33

34 commits the offense of aggravated stalking, a felony of the
35 third degree, punishable as provided in s. 775.082, s. 775.083,
36 or s. 775.084.

37 (7) A person who commits the offense of stalking and who,
38 in the course of committing the offense:

39 (a) Commits a lewd or lascivious act, including the
40 exposure of genitals, masturbation, or other sexually explicit
41 conduct, in the presence of or directed toward the victim or
42 upon the property of the victim; or

43 (b) Mails, delivers, causes to be delivered, or otherwise
44 transmits to the victim unsolicited sexually explicit materials
45 with the intent to harass, degrade, or intimidate the victim,

46

47 commits the offense of sexually aggravated stalking, a felony of
48 the third degree, punishable as provided in s. 775.082, s.
49 775.083, or s. 775.084.

50 **Section 2. Paragraphs (f) and (g) of subsection (3) of**

51 **section 921.0022, Florida Statutes, are amended to read:**

52 921.0022 Criminal Punishment Code; offense severity
53 ranking chart.—

54 (3) OFFENSE SEVERITY RANKING CHART

55 (f) LEVEL 6

56

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
327.30(5)(a)3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.

62	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
63	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
64	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
65	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
66	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
67	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
68	784.041	3rd	Felony battery; domestic battery by strangulation.

69	784.048 (3)	3rd	Aggravated stalking; credible threat.
70	784.048 (5)	3rd	Aggravated stalking of person under 16.
71	<u>784.048 (6)</u>	<u>3rd</u>	<u>Aggravated stalking; entering upon or interfering with victim's property.</u>
72	<u>784.048 (7)</u>	<u>3rd</u>	<u>Sexually aggravated stalking.</u>
73	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
74	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
75	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
76	784.081 (2)	2nd	Aggravated assault on specified official or employee.

77	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
78	784.083 (2)	2nd	Aggravated assault on code inspector.
79	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
80	787.025 (2) (a)	3rd	Luring or enticing a child.
81	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
82	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
83	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.
84			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
85			
	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
86			
	794.05(1)	2nd	Unlawful sexual activity with specified minor.
87			
	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.
88			
	800.04(6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
89			
	806.031(2)	2nd	Arson resulting in great bodily

			harm to firefighter or any other person.
90			
	810.02(3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
91			
	810.145(8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
92			
	812.014(2) (b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
93			
	812.014(2) (c)5.	3rd	Grand theft; third degree; firearm.
94			
	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
95			
	812.015(9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
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97	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
98	812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
99	812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
100	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
101	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
102	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
	817.505(4)(b)	2nd	Patient brokering; 10 or more

			patients.
103	817.5695 (3) (b)	2nd	Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
104	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
105	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
106	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
107	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
108	827.03(2) (c)	3rd	Abuse of a child.
109	827.03(2) (d)	3rd	Neglect of a child.
110	827.071(5)	3rd	Possess, control, or

			intentionally view any photographic material, motion picture, etc., which includes child pornography.
111			
	828.126(3)	3rd	Sexual activities involving animals.
112			
	836.05	2nd	Threats; extortion.
113			
	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
114			
	843.12	3rd	Aids or assists person to escape.
115			
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
116			
	847.012	3rd	Knowingly using a minor in the production of materials harmful

			to minors.
117			
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
118			
	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
119			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
120			
	918.13 (2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
121			
	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.

122	944.40	2nd	Escapes.
123	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
124	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
125	951.22 (1) (i)	3rd	Firearm or weapon introduced into county detention facility.
126	(g) LEVEL 7		
127	Florida	Felony	
128	Statute	Degree	Description
129	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
130	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
131	316.1935 (3) (b)	1st	Causing serious bodily injury

or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

132

327.35(3)(a)3.b. 3rd Vessel BUI resulting in serious bodily injury.

133

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

134

409.920 3rd Medicaid provider fraud; (2)(b)1.a. \$10,000 or less.

135

409.920 2nd Medicaid provider fraud; more (2)(b)1.b. than \$10,000, but less than \$50,000.

136

456.065(2) 3rd Practicing a health care

			profession without a license.
137	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
138	458.327 (1)	3rd	Practicing medicine without a license.
139	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
140	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
141	461.012 (1)	3rd	Practicing podiatric medicine without a license.
142	462.17	3rd	Practicing naturopathy without a license.
143	463.015 (1)	3rd	Practicing optometry without a license.
144			

145	464.016(1)	3rd	Practicing nursing without a license.
146	465.015(2)	3rd	Practicing pharmacy without a license.
147	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
148	467.201	3rd	Practicing midwifery without a license.
149	468.366	3rd	Delivering respiratory care services without a license.
150	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
151	483.901(7)	3rd	Practicing medical physics without a license.
152	484.013(1) (c)	3rd	Preparing or dispensing optical devices without a prescription.

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	484.053	3rd	Dispensing hearing aids without a license.
153	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
154	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
155	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
156	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

157	775.21(10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
158	775.21(10) (b)	3rd	Sexual predator working where children regularly congregate.
159	775.21(10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
160	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
161	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

162	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
163	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
164	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
165	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
166	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
167	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
168			

	<u>784.048(9)</u>	3rd	Aggravated stalking; violation of court order.
169	<u>784.048(7)</u>		
	784.07(2) (d)	1st	Aggravated battery on law enforcement officer.
170			
	784.074(1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
171			
	784.08(2) (a)	1st	Aggravated battery on a person 65 years of age or older.
172			
	784.081(1)	1st	Aggravated battery on specified official or employee.
173			
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
174			
	784.083(1)	1st	Aggravated battery on code inspector.
175			
	787.025(2) (b)	2nd	Luring or enticing a child; second or subsequent offense.

176	787.025 (2) (c)	2nd	Luring or enticing a child with a specified prior conviction.
177	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
178	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
179	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
180	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
181	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
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	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
183	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
184	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
185	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
186	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

187	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
188	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
189	800.04(5) (c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
190	800.04(5) (c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
191	800.04(5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

192	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
193	810.02(3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
194	810.02(3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
195	810.02(3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
196	810.02(3) (e)	2nd	Burglary of authorized emergency vehicle.
197	812.014(2) (a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

198	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
199	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
200	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
201	812.014 (2) (g)	2nd	Grand theft; second degree; firearm with previous conviction of s.
			812.014 (2) (c) 5.
202	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
203	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

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204	812.131(2) (a)	2nd	Robbery by sudden snatching.
205	812.133(2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
206	817.034(4) (a)1.	1st	Communications fraud, value greater than \$50,000.
207	817.234(8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
208	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
209	817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.
210	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are

			a significant cause of the insolvency of that entity.
211	817.418 (2) (a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
212	817.504 (1) (a)	3rd	Offering or advertising a vaccine with intent to defraud.
213	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
214	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
215	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
216	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is

			valued at \$10,000 or more, but less than \$50,000.
217	827.03(2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
218	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
219	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
220	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
221	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
222	838.015	2nd	Bribery.

223	838.016	2nd	Unlawful compensation or reward for official behavior.
224	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
225	838.22	2nd	Bid tampering.
226	843.0855 (2)	3rd	Impersonation of a public officer or employee.
227	843.0855 (3)	3rd	Unlawful simulation of legal process.
228	843.0855 (4)	3rd	Intimidation of a public officer or employee.
229	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
230	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
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232	872.06	2nd	Abuse of a dead human body.
233	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
234	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
235	893.13 (1) (c) 1.	1st	<p>Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p> <p>Sell, manufacture, or deliver</p>

			cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
236	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
237	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
238	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
239	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
240	893.135	1st	Trafficking in hydrocodone, 28

	(1) (c) 2.a.		grams or more, less than 50 grams.
241	893.135	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
242	893.135	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
243	893.135	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
244	893.135	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
245	893.135	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
246	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5

			kilograms.
247	893.135 (1) (f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
248	893.135 (1) (g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
249	893.135 (1) (h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
250	893.135 (1) (j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
251	893.135 (1) (k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
252	893.135 (1) (m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or

			more, less than 500 grams.
253	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
254	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
255	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
256	896.101(5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
257	896.104(4) (a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
258	943.0435(4) (c)	2nd	Sexual offender vacating

			permanent residence; failure to comply with reporting requirements.
259			
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
260			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
261			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
262			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
263			
	944.607 (9)	3rd	Sexual offender; failure to

			comply with reporting requirements.
264	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
265	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
266	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
267	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
268	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

conceal a sexual offender.

269

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

270

271 **Section 3. Paragraph (c) of subsection (8) of section**
272 **948.06, Florida Statutes, is amended, and paragraph (b) of**
273 **subsection (1), paragraphs (b) and (c) of subsection (4), and**
274 **paragraphs (b) and (d) of subsection (8) of that section are**
275 **republished, to read:**

276 948.06 Violation of probation or community control;
277 revocation; modification; continuance; failure to pay
278 restitution or cost of supervision.—

279 (1)

280 (b) Any committing trial court judge may issue a warrant,
281 upon the facts being made known to him or her by affidavit of
282 one having knowledge of such facts, for the arrest of the
283 probationer or offender, returnable forthwith before the court
284 granting such probation or community control. In lieu of issuing
285 a warrant for arrest, the committing trial court judge may issue
286 a notice to appear if the probationer or offender in community
287 control has never been convicted of committing, and is not

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288 currently alleged to have committed, a qualifying offense as
289 defined in this section.

290 (4) Notwithstanding any other provision of this section, a
291 felony probationer or an offender in community control who is
292 arrested for violating his or her probation or community control
293 in a material respect may be taken before the court in the
294 county or circuit in which the probationer or offender was
295 arrested. That court shall advise him or her of the charge of a
296 violation and, if such charge is admitted, shall cause him or
297 her to be brought before the court that granted the probation or
298 community control. If the violation is not admitted by the
299 probationer or offender, the court may commit him or her or
300 release him or her with or without bail to await further
301 hearing. However, if the probationer or offender is under
302 supervision for any criminal offense proscribed in chapter 794,
303 s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a
304 registered sexual predator or a registered sexual offender, or
305 is under supervision for a criminal offense for which he or she
306 would meet the registration criteria in s. 775.21, s. 943.0435,
307 or s. 944.607 but for the effective date of those sections, the
308 court must make a finding that the probationer or offender is
309 not a danger to the public prior to release with or without
310 bail. In determining the danger posed by the offender's or
311 probationer's release, the court may consider the nature and
312 circumstances of the violation and any new offenses charged; the

313 offender's or probationer's past and present conduct, including
314 convictions of crimes; any record of arrests without conviction
315 for crimes involving violence or sexual crimes; any other
316 evidence of allegations of unlawful sexual conduct or the use of
317 violence by the offender or probationer; the offender's or
318 probationer's family ties, length of residence in the community,
319 employment history, and mental condition; his or her history and
320 conduct during the probation or community control supervision
321 from which the violation arises and any other previous
322 supervisions, including disciplinary records of previous
323 incarcerations; the likelihood that the offender or probationer
324 will engage again in a criminal course of conduct; the weight of
325 the evidence against the offender or probationer; and any other
326 facts the court considers relevant. The court, as soon as is
327 practicable, shall give the probationer or offender an
328 opportunity to be fully heard on his or her behalf in person or
329 by counsel. After the hearing, the court shall make findings of
330 fact and forward the findings to the court that granted the
331 probation or community control and to the probationer or
332 offender or his or her attorney. The findings of fact by the
333 hearing court are binding on the court that granted the
334 probation or community control. Upon the probationer or offender
335 being brought before it, the court that granted the probation or
336 community control may revoke, modify, or continue the probation
337 or community control or may place the probationer into community

338 control as provided in this section. However, the probationer or
339 offender shall not be released and shall not be admitted to
340 bail, but shall be brought before the court that granted the
341 probation or community control if any violation of felony
342 probation or community control other than a failure to pay costs
343 or fines or make restitution payments is alleged to have been
344 committed by:

345 (b) A person who is on felony probation or community
346 control for any offense committed on or after the effective date
347 of this act and who is arrested for a qualifying offense as
348 defined in this section; or

349 (c) A person who is on felony probation or community
350 control and has previously been found by a court to be a
351 habitual violent felony offender as defined in s. 775.084(1)(b),
352 a three-time violent felony offender as defined in s.
353 775.084(1)(c), or a sexual predator under s. 775.21, and who is
354 arrested for committing a qualifying offense as defined in this
355 section on or after the effective date of this act.

356 (8)

357 (b) For purposes of this section and ss. 903.0351,
358 948.064, and 921.0024, the term "violent felony offender of
359 special concern" means a person who is on:

360 1. Felony probation or community control related to the
361 commission of a qualifying offense committed on or after the
362 effective date of this act;

363 2. Felony probation or community control for any offense
364 committed on or after the effective date of this act, and has
365 previously been convicted of a qualifying offense;

366 3. Felony probation or community control for any offense
367 committed on or after the effective date of this act, and is
368 found to have violated that probation or community control by
369 committing a qualifying offense;

370 4. Felony probation or community control and has
371 previously been found by a court to be a habitual violent felony
372 offender as defined in s. 775.084(1)(b) and has committed a
373 qualifying offense on or after the effective date of this act;

374 5. Felony probation or community control and has
375 previously been found by a court to be a three-time violent
376 felony offender as defined in s. 775.084(1)(c) and has committed
377 a qualifying offense on or after the effective date of this act;
378 or

379 6. Felony probation or community control and has
380 previously been found by a court to be a sexual predator under
381 s. 775.21 and has committed a qualifying offense on or after the
382 effective date of this act.

383 (c) For purposes of this section, the term "qualifying
384 offense" means any of the following:

385 1. Kidnapping or attempted kidnapping under s. 787.01,
386 false imprisonment of a child under the age of 13 under s.
387 787.02(3), or luring or enticing a child under s. 787.025(2)(b)

388 or (c).

389 2. Murder or attempted murder under s. 782.04, attempted
390 felony murder under s. 782.051, or manslaughter under s. 782.07.

391 3. Aggravated battery or attempted aggravated battery
392 under s. 784.045.

393 4. Sexual battery or attempted sexual battery under s.
394 794.011(2), (3), (4), or (8)(b) or (c).

395 5. Lewd or lascivious battery or attempted lewd or
396 lascivious battery under s. 800.04(4), lewd or lascivious
397 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
398 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
399 under s. 800.04(7)(b), or lewd or lascivious exhibition on
400 computer under s. 847.0135(5)(b).

401 6. Robbery or attempted robbery under s. 812.13,
402 carjacking or attempted carjacking under s. 812.133, or home
403 invasion robbery or attempted home invasion robbery under s.
404 812.135.

405 7. Lewd or lascivious offense upon or in the presence of
406 an elderly or disabled person or attempted lewd or lascivious
407 offense upon or in the presence of an elderly or disabled person
408 under s. 825.1025.

409 8. Sexual performance by a child or attempted sexual
410 performance by a child under s. 827.071.

411 9. Computer pornography under s. 847.0135(2) or (3),
412 transmission of child pornography under s. 847.0137, or selling

413 or buying of minors under s. 847.0145.

414 10. Poisoning food or water under s. 859.01.

415 11. Abuse of a dead human body under s. 872.06.

416 12. Any burglary offense or attempted burglary offense
417 that is either a first degree felony or second degree felony
418 under s. 810.02(2) or (3).

419 13. Arson or attempted arson under s. 806.01(1).

420 14. Aggravated assault under s. 784.021.

421 15. Aggravated stalking under s. 784.048(3), (4), (5),
422 (6), or (9)~~(7)~~.

423 16. Sexually aggravated stalking under s. 784.048(7).

424 17.16. Aircraft piracy under s. 860.16.

425 18.17. Unlawful throwing, placing, or discharging of a
426 destructive device or bomb under s. 790.161(2), (3), or (4).

427 19.18. Treason under s. 876.32.

428 20.19. Any offense committed in another jurisdiction which
429 would be an offense listed in this paragraph if that offense had
430 been committed in this state.

431 (d) In the case of an alleged violation of probation or
432 community control other than a failure to pay costs, fines, or
433 restitution, the following individuals shall remain in custody
434 pending the resolution of the probation or community control
435 violation:

436 1. A violent felony offender of special concern, as
437 defined in this section;

438 2. A person who is on felony probation or community
439 control for any offense committed on or after the effective date
440 of this act and who is arrested for a qualifying offense as
441 defined in this section; or

442 3. A person who is on felony probation or community
443 control and has previously been found by a court to be a
444 habitual violent felony offender as defined in s. 775.084(1)(b),
445 a three-time violent felony offender as defined in s.
446 775.084(1)(c), or a sexual predator under s. 775.21, and who is
447 arrested for committing a qualifying offense as defined in this
448 section on or after the effective date of this act.

449
450 The court shall not dismiss the probation or community control
451 violation warrant pending against an offender enumerated in this
452 paragraph without holding a recorded violation-of-probation
453 hearing at which both the state and the offender are
454 represented.

455 **Section 4.** This act shall take effect October 1, 2026.