

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

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 **Section 1. Subsections (6) through (9) of section 784.048,**
18 **Florida Statutes, are renumbered as subsections (8) through**
19 **(11), respectively, new subsections (6) and (7) are added to**
20 **that section, and subsection (2) is republished, to read:**

21 784.048 Stalking; definitions; penalties.—

22 (2) A person who willfully, maliciously, and repeatedly
23 follows, harasses, or cyberstalks another person commits the
24 offense of stalking, a misdemeanor of the first degree,
25 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**

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section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity
ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(f) LEVEL 6

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.

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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.

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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.

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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

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			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

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			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.
96			

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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

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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

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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

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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.

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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

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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.

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

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

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

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

456.065 (2) 3rd Practicing a health care

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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

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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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153	484.053	3rd	Dispensing hearing aids without a license.
154	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.
155	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.
156	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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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).

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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			

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

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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.
182			

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183	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
184	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
185	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
186	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	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.

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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.

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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.

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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

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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

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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.

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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.
231			

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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	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.
	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver

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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.

893.13(4)(a) 1st Use or hire of minor; deliver
to minor other controlled
substance.

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000
lbs.

893.135 1st Trafficking in cocaine, more
(1)(b)1.a. than 28 grams, less than 200
grams.

893.135 1st Trafficking in illegal drugs,
(1)(c)1.a. more than 4 grams, less than 14
grams.

893.135 1st Trafficking in hydrocodone, 28

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241	(1) (c) 2.a.		grams or more, less than 50 grams.
	893.135	1st	Trafficking in hydrocodone, 50
	(1) (c) 2.b.		grams or more, less than 100 grams.
242			
	893.135	1st	Trafficking in oxycodone, 7
	(1) (c) 3.a.		grams or more, less than 14 grams.
243			
	893.135	1st	Trafficking in oxycodone, 14
	(1) (c) 3.b.		grams or more, less than 25 grams.
244			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
245			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.a.		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

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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

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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

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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

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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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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conceal a sexual offender.

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

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

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

(1)

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

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

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

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

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

(8)

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

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

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

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

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

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

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

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

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

or (c).

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

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

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

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

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

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

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

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

or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.

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

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

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

14. Aggravated assault under s. 784.021.

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

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

~~17.16.~~ Aircraft piracy under s. 860.16.

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

~~19.18.~~ Treason under s. 876.32.

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

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

1. A violent felony offender of special concern, as 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.