

By the Committee on Criminal Justice; and Senator Leek

591-01884-26

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1 A bill to be entitled
2 An act relating to felony battery; amending s.
3 775.082, F.S.; revising the definition of "prison
4 releasee reoffender" to include a defendant who
5 commits or attempts to commit felony battery that
6 results in bodily injury; amending s. 784.03, F.S.;
7 providing enhanced criminal penalties for persons who
8 commit a second or subsequent battery after having a
9 prior conviction for resisting an officer with
10 violence; reenacting ss. 775.261(2)(a), (4)(g), (8),
11 and (10), 900.05(2)(bb), 903.011(6), 907.041(5)(c),
12 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and
13 (b), F.S., relating to the Florida Career Offender
14 Registration Act, the definition of the term "prison
15 release reoffender flag," pretrial release, pretrial
16 detention, notification to the Department of Law
17 Enforcement of information on career offenders,
18 notification upon release of certain career offenders,
19 and inmate release documents, respectively, to
20 incorporate the amendment made to s. 775.082, F.S., in
21 references thereto; reenacting s. 943.0584(2), F.S.,
22 relating to criminal history records ineligible for
23 court-ordered expunction or court-ordered sealing, to
24 incorporate the amendment made to s. 784.03, F.S., in
25 a reference thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (a) of subsection (9) of section

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30 775.082, Florida Statutes, is amended to read:

31 775.082 Penalties; applicability of sentencing structures;
32 mandatory minimum sentences for certain reoffenders previously
33 released from prison.—

34 (9) (a)1. "Prison releasee reoffender" means any defendant
35 who commits, or attempts to commit:

36 a. Treason;

37 b. Murder;

38 c. Manslaughter;

39 d. Sexual battery;

40 e. Carjacking;

41 f. Home-invasion robbery;

42 g. Robbery;

43 h. Arson;

44 i. Kidnapping;

45 j. Aggravated assault with a deadly weapon;

46 k. Aggravated battery;

47 l. Aggravated stalking;

48 m. Aircraft piracy;

49 n. Unlawful throwing, placing, or discharging of a
50 destructive device or bomb;

51 o. Any felony that involves the use or threat of physical
52 force or violence against an individual;

53 p. Armed burglary;

54 q. Burglary of a dwelling or burglary of an occupied
55 structure; ~~or~~

56 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
57 s. 827.071, or s. 847.0135(5); or

58 s. Felony battery that results in bodily injury;

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within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in subparagraphs 1.a.-s. ~~(a)1.a.-r.~~ while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as

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88 follows:

89 a. For a felony punishable by life, by a term of
90 imprisonment for life;

91 b. For a felony of the first degree, by a term of
92 imprisonment of 30 years;

93 c. For a felony of the second degree, by a term of
94 imprisonment of 15 years; and

95 d. For a felony of the third degree, by a term of
96 imprisonment of 5 years.

97 Section 2. Subsection (2) of section 784.03, Florida
98 Statutes, is amended to read:

99 784.03 Battery; felony battery.—

100 (2) A person who has one prior conviction for battery,
101 aggravated battery, ~~or~~ felony battery, or resisting an officer
102 with violence under s. 843.01 and who commits any second or
103 subsequent battery commits a felony of the third degree,
104 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
105 For purposes of this subsection, the term "conviction" means a
106 determination of guilt that is the result of a plea or a trial,
107 regardless of whether adjudication is withheld or a plea of nolo
108 contendere is entered.

109 Section 3. For the purpose of incorporating the amendment
110 made by this act to section 775.082, Florida Statutes, in
111 references thereto, paragraph (a) of subsection (2), paragraph
112 (g) of subsection (4), and subsections (8) and (10) of section
113 775.261, Florida Statutes, are reenacted to read:

114 775.261 The Florida Career Offender Registration Act.—

115 (2) DEFINITIONS.—As used in this section, the term:

116 (a) "Career offender" means any person who is designated as

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117 a habitual violent felony offender, a violent career criminal,
118 or a three-time violent felony offender under s. 775.084 or as a
119 prison releasee reoffender under s. 775.082(9).

120 (4) REGISTRATION.—

121 (g) A career offender who indicates his or her intent to
122 reside in a state or jurisdiction other than the State of
123 Florida and later decides to remain in this state shall, within
124 2 working days after the date upon which the career offender
125 indicated he or she would leave this state, report in person to
126 the sheriff or the department, whichever agency is the agency to
127 which the career offender reported the intended change of
128 residence, of his or her intent to remain in this state. If the
129 sheriff is notified by the career offender that he or she
130 intends to remain in this state, the sheriff shall promptly
131 report this information to the department. A career offender who
132 reports his or her intent to reside in a state or jurisdiction
133 other than the State of Florida, but who remains in this state
134 without reporting to the sheriff or the department in the manner
135 required by this paragraph, commits a felony of the second
136 degree, punishable as provided in s. 775.082, s. 775.083, or s.
137 775.084.

138 (8) PENALTIES.—

139 (a) Except as otherwise specifically provided, a career
140 offender who fails to register; who fails, after registration,
141 to maintain, acquire, or renew a driver license or
142 identification card; who fails to provide required location
143 information or change-of-name information; or who otherwise
144 fails, by act or omission, to comply with the requirements of
145 this section, commits a felony of the third degree, punishable

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146 as provided in s. 775.082, s. 775.083, or s. 775.084.

147 (b) Any person who misuses public records information
148 concerning a career offender, as defined in this section, or a
149 career offender, as defined in s. 944.608 or s. 944.609, to
150 secure a payment from such career offender; who knowingly
151 distributes or publishes false information concerning such a
152 career offender which the person misrepresents as being public
153 records information; or who materially alters public records
154 information with the intent to misrepresent the information,
155 including documents, summaries of public records information
156 provided by law enforcement agencies, or public records
157 information displayed by law enforcement agencies on websites or
158 provided through other means of communication, commits a
159 misdemeanor of the first degree, punishable as provided in s.
160 775.082 or s. 775.083.

161 (10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the
162 first degree, punishable as provided in s. 775.082 or s.
163 775.083, for a person who has reason to believe that a career
164 offender is not complying, or has not complied, with the
165 requirements of this section and who, with the intent to assist
166 the career offender in eluding a law enforcement agency that is
167 seeking to find the career offender to question the career
168 offender about, or to arrest the career offender for, his or her
169 noncompliance with the requirements of this section, to:

170 (a) Withhold information from, or fail to notify, the law
171 enforcement agency about the career offender's noncompliance
172 with the requirements of this section and, if known, the
173 whereabouts of the career offender;

174 (b) Harbor or attempt to harbor, or assist another in

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175 harboring or attempting to harbor, the career offender;

176 (c) Conceal or attempt to conceal, or assist another in
177 concealing or attempting to conceal, the career offender; or

178 (d) Provide information to the law enforcement agency
179 regarding the career offender which the person knows to be
180 false.

181 Section 4. For the purpose of incorporating the amendment
182 made by this act to section 775.082, Florida Statutes, in a
183 reference thereto, paragraph (bb) of subsection (2) of section
184 900.05, Florida Statutes, is reenacted to read:

185 900.05 Criminal justice data collection.—

186 (2) DEFINITIONS.—As used in this section, the term:

187 (bb) "Prison releasee reoffender flag" means an indication
188 that the defendant is a prison releasee reoffender as defined in
189 s. 775.082 or any other statute.

190 Section 5. For the purpose of incorporating the amendment
191 made by this act to section 775.082, Florida Statutes, in a
192 reference thereto, subsection (6) of section 903.011, Florida
193 Statutes, is reenacted to read:

194 903.011 Pretrial release; general terms; statewide uniform
195 bond schedule.—

196 (6) A person may not be released before his or her first
197 appearance hearing or bail determination and a judge must
198 determine the appropriate bail, if any, based on an
199 individualized consideration of the criteria in s. 903.046(2),
200 if the person meets any of the following criteria:

201 (a) The person was, at the time of arrest for any felony,
202 on pretrial release, probation, or community control in this
203 state or any other state;

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204 (b) The person was, at the time of arrest, designated as a
205 sexual offender or sexual predator in this state or any other
206 state;

207 (c) The person was arrested for violating a protective
208 injunction;

209 (d) The person was, at the time of arrest, on release from
210 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
211 944.4731;

212 (e) The person has, at any time before the current arrest,
213 been sentenced pursuant to s. 775.082(9) or s. 775.084 as a
214 prison releasee reoffender, habitual violent felony offender,
215 three-time violent felony offender, or violent career criminal;

216 (f) The person has been arrested three or more times in the
217 6 months immediately preceding his or her arrest for the current
218 offense; or

219 (g) The person's current offense of arrest is for one or
220 more of the following crimes:

221 1. A capital felony, life felony, felony of the first
222 degree, or felony of the second degree;

223 2. A homicide under chapter 782; or any attempt,
224 solicitation, or conspiracy to commit a homicide;

225 3. Assault in furtherance of a riot or an aggravated riot;
226 felony battery; domestic battery by strangulation; domestic
227 violence, as defined in s. 741.28; stalking; mob intimidation;
228 assault or battery on a law enforcement officer; assault or
229 battery on juvenile probation officer, or other staff of a
230 detention center or commitment facility, or a staff member of a
231 commitment facility, or health services personnel; assault or
232 battery on a person 65 years of age or older; robbery; burglary;

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233 carjacking; or resisting an officer with violence;

234 4. Kidnapping, false imprisonment, human trafficking, or

235 human smuggling;

236 5. Possession of a firearm or ammunition by a felon,

237 violent career criminal, or person subject to an injunction

238 against committing acts of domestic violence, stalking, or

239 cyberstalking;

240 6. Sexual battery; indecent, lewd, or lascivious touching;

241 exposure of sexual organs; incest; luring or enticing a child;

242 or child pornography;

243 7. Abuse, neglect, or exploitation of an elderly person or

244 disabled adult;

245 8. Child abuse or aggravated child abuse;

246 9. Arson; riot, aggravated riot, inciting a riot, or

247 aggravated inciting a riot; or a burglary or theft during a

248 riot;

249 10. Escape; tampering or retaliating against a witness,

250 victim, or informant; destruction of evidence; or tampering with

251 a jury;

252 11. Any offense committed for the purpose of benefiting,

253 promoting, or furthering the interests of a criminal gang;

254 12. Trafficking in a controlled substance, including

255 conspiracy to engage in trafficking in a controlled substance;

256 13. Racketeering; or

257 14. Failure to appear at required court proceedings while

258 on bail.

259 Section 6. For the purpose of incorporating the amendment

260 made by this act to section 775.082, Florida Statutes, in a

261 reference thereto, paragraph (c) of subsection (5) of section

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262 907.041, Florida Statutes, is reenacted to read:

263 907.041 Pretrial detention and release.—

264 (5) PRETRIAL DETENTION.—

265 (c) Upon motion by the state attorney, the court may order
266 pretrial detention if it finds a substantial probability, based
267 on a defendant's past and present patterns of behavior, the
268 criteria in s. 903.046, and any other relevant facts, that any
269 of the following circumstances exist:

270 1. The defendant has previously violated conditions of
271 release and that no further conditions of release are reasonably
272 likely to assure the defendant's appearance at subsequent
273 proceedings;

274 2. The defendant, with the intent to obstruct the judicial
275 process, has threatened, intimidated, or injured any victim,
276 potential witness, juror, or judicial officer, or has attempted
277 or conspired to do so, and that no condition of release will
278 reasonably prevent the obstruction of the judicial process;

279 3. The defendant is charged with trafficking in controlled
280 substances as defined by s. 893.135, that there is a substantial
281 probability that the defendant has committed the offense, and
282 that no conditions of release will reasonably assure the
283 defendant's appearance at subsequent criminal proceedings;

284 4. The defendant is charged with DUI manslaughter, as
285 defined by s. 316.193, and that there is a substantial
286 probability that the defendant committed the crime and that the
287 defendant poses a threat of harm to the community; conditions
288 that would support a finding by the court pursuant to this
289 subparagraph that the defendant poses a threat of harm to the
290 community include, but are not limited to, any of the following:

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291 a. The defendant has previously been convicted of any crime
292 under s. 316.193, or of any crime in any other state or
293 territory of the United States that is substantially similar to
294 any crime under s. 316.193;

295 b. The defendant was driving with a suspended driver
296 license when the charged crime was committed; or

297 c. The defendant has previously been found guilty of, or
298 has had adjudication of guilt withheld for, driving while the
299 defendant's driver license was suspended or revoked in violation
300 of s. 322.34;

301 5. The defendant poses the threat of harm to the community.
302 The court may so conclude, if it finds that the defendant is
303 presently charged with a dangerous crime, that there is a
304 substantial probability that the defendant committed such crime,
305 that the factual circumstances of the crime indicate a disregard
306 for the safety of the community, and that there are no
307 conditions of release reasonably sufficient to protect the
308 community from the risk of physical harm to persons;

309 6. The defendant was on probation, parole, or other release
310 pending completion of sentence or on pretrial release for a
311 dangerous crime at the time the current offense was committed;

312 7. The defendant has violated one or more conditions of
313 pretrial release or bond for the offense currently before the
314 court and the violation, in the discretion of the court,
315 supports a finding that no conditions of release can reasonably
316 protect the community from risk of physical harm to persons or
317 assure the presence of the accused at trial; or

318 8.a. The defendant has ever been sentenced pursuant to s.
319 775.082(9) or s. 775.084 as a prison releasee reoffender,

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320 habitual violent felony offender, three-time violent felony
321 offender, or violent career criminal, or the state attorney
322 files a notice seeking that the defendant be sentenced pursuant
323 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
324 habitual violent felony offender, three-time violent felony
325 offender, or violent career criminal;

326 b. There is a substantial probability that the defendant
327 committed the offense; and

328 c. There are no conditions of release that can reasonably
329 protect the community from risk of physical harm or ensure the
330 presence of the accused at trial.

331 Section 7. For the purpose of incorporating the amendment
332 made by this act to section 775.082, Florida Statutes, in
333 references thereto, subsections (1) and (8) of section 944.608,
334 Florida Statutes, are reenacted to read:

335 944.608 Notification to Department of Law Enforcement of
336 information on career offenders.-

337 (1) As used in this section, the term "career offender"
338 means a person who is in the custody or control of, or under the
339 supervision of, the department or is in the custody or control
340 of, or under the supervision of, a contractor-operated
341 correctional facility, and who is designated as a habitual
342 violent felony offender, a violent career criminal, or a three-
343 time violent felony offender under s. 775.084 or as a prison
344 releasee reoffender under s. 775.082(9).

345 (8) The failure of a career offender to submit to the
346 taking of a digitized photograph, or to otherwise comply with
347 the requirements of this section, is a felony of the third
348 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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349 775.084.

350 Section 8. For the purpose of incorporating the amendment
351 made by this act to section 775.082, Florida Statutes, in a
352 reference thereto, subsection (1) of section 944.609, Florida
353 Statutes, is reenacted to read:

354 944.609 Career offenders; notification upon release.—

355 (1) As used in this section, the term "career offender"
356 means a person who is in the custody or control of, or under the
357 supervision of, the department or is in the custody or control
358 of, or under the supervision of a contractor-operated
359 correctional facility, who is designated as a habitual violent
360 felony offender, a violent career criminal, or a three-time
361 violent felony offender under s. 775.084 or as a prison releasee
362 reoffender under s. 775.082(9).

363 Section 9. For the purpose of incorporating the amendment
364 made by this act to section 775.082, Florida Statutes, in a
365 reference thereto, paragraphs (a) and (b) of subsection (7) of
366 section 944.705, Florida Statutes, are reenacted to read:

367 944.705 Release orientation program.—

368 (7)(a) The department shall notify every inmate in the
369 inmate's release documents:

370 1. Of all outstanding terms of the inmate's sentence at the
371 time of release to assist the inmate in determining his or her
372 status with regard to the completion of all terms of sentence,
373 as that term is defined in s. 98.0751. This subparagraph does
374 not apply to inmates who are being released from the custody of
375 the department to any type of supervision monitored by the
376 department; and

377 2. In not less than 18-point type, that the inmate may be

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378 sentenced pursuant to s. 775.082(9) if the inmate commits any
379 felony offense described in s. 775.082(9) within 3 years after
380 the inmate's release. This notice must be prefaced by the word
381 "WARNING" in boldfaced type.

382 (b) This section does not preclude the sentencing of a
383 person pursuant to s. 775.082(9), and evidence that the
384 department failed to provide this notice does not prohibit a
385 person from being sentenced pursuant to s. 775.082(9). The state
386 is not required to demonstrate that a person received any notice
387 from the department in order for the court to impose a sentence
388 pursuant to s. 775.082(9).

389 Section 10. For the purpose of incorporating the amendment
390 made by this act to section 784.03, Florida Statutes, in a
391 reference thereto, subsection (2) of section 943.0584, Florida
392 Statutes, is reenacted to read:

393 943.0584 Criminal history records ineligible for court-
394 ordered expunction or court-ordered sealing.-

395 (2) A criminal history record is ineligible for a
396 certificate of eligibility for expunction or a court-ordered
397 expunction pursuant to s. 943.0585 or a certificate of
398 eligibility for sealing or a court-ordered sealing pursuant to
399 s. 943.059 if the record is a conviction for any of the
400 following offenses:

401 (a) Sexual misconduct, as defined in s. 393.135, s.
402 394.4593, or s. 916.1075;

403 (b) Illegal use of explosives, as defined in chapter 552;

404 (c) Terrorism, as defined in s. 775.30;

405 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
406 782.09;

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407 (e) Manslaughter or homicide, as defined in s. 782.07, s.
408 782.071, or s. 782.072;

409 (f) Assault or battery, as defined in ss. 784.011 and
410 784.03, respectively, of one family or household member by
411 another family or household member, as defined in s. 741.28(3);

412 (g) Aggravated assault, as defined in s. 784.021;

413 (h) Felony battery, domestic battery by strangulation, or
414 aggravated battery, as defined in ss. 784.03, 784.041, and
415 784.045, respectively;

416 (i) Stalking or aggravated stalking, as defined in s.
417 784.048;

418 (j) Luring or enticing a child, as defined in s. 787.025;

419 (k) Human trafficking, as defined in s. 787.06;

420 (l) Kidnapping or false imprisonment, as defined in s.
421 787.01 or s. 787.02;

422 (m) Any offense defined in chapter 794;

423 (n) Procuring a person less than 18 years of age for
424 prostitution, as defined in former s. 796.03;

425 (o) Lewd or lascivious offenses committed upon or in the
426 presence of persons less than 16 years of age, as defined in s.
427 800.04;

428 (p) Arson, as defined in s. 806.01;

429 (q) Burglary of a dwelling, as defined in s. 810.02;

430 (r) Voyeurism or digital voyeurism, as defined in ss.
431 810.14 and 810.145, respectively;

432 (s) Robbery or robbery by sudden snatching, as defined in
433 ss. 812.13 and 812.131, respectively;

434 (t) Carjacking, as defined in s. 812.133;

435 (u) Home-invasion robbery, as defined in s. 812.135;

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436 (v) A violation of the Florida Communications Fraud Act, as
437 provided in s. 817.034;

438 (w) Abuse of an elderly person or disabled adult, or
439 aggravated abuse of an elderly person or disabled adult, as
440 defined in s. 825.102;

441 (x) Lewd or lascivious offenses committed upon or in the
442 presence of an elderly person or disabled person, as defined in
443 s. 825.1025;

444 (y) Child abuse or aggravated child abuse, as defined in s.
445 827.03;

446 (z) Sexual performance by a child, as defined in s.
447 827.071;

448 (aa) Any offense defined in chapter 839;

449 (bb) Certain acts in connection with obscenity, as defined
450 in s. 847.0133;

451 (cc) Any offense defined in s. 847.0135;

452 (dd) Selling or buying of minors, as defined in s.
453 847.0145;

454 (ee) Aircraft piracy, as defined in s. 860.16;

455 (ff) Manufacturing a controlled substance in violation of
456 chapter 893;

457 (gg) Drug trafficking, as defined in s. 893.135; or

458 (hh) Any violation specified as a predicate offense for
459 registration as a sexual predator pursuant to s. 775.21, or
460 sexual offender pursuant to s. 943.0435, without regard to
461 whether that offense alone is sufficient to require such
462 registration.

463 Section 11. This act shall take effect July 1, 2026.