

By the Appropriations Committee on Criminal and Civil Justice;  
the Committee on Criminal Justice; and Senator Leek

604-02979-26

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

27  
28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraph (a) of subsection (9) of section  
31 775.082, Florida Statutes, is amended to read:

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

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

- 37 a. Treason;
- 38 b. Murder;
- 39 c. Manslaughter;
- 40 d. Sexual battery;
- 41 e. Carjacking;
- 42 f. Home-invasion robbery;
- 43 g. Robbery;
- 44 h. Arson;
- 45 i. Kidnapping;
- 46 j. Aggravated assault with a deadly weapon;
- 47 k. Aggravated battery;
- 48 l. Aggravated stalking;
- 49 m. Aircraft piracy;
- 50 n. Unlawful throwing, placing, or discharging of a  
51 destructive device or bomb;
- 52 o. Any felony that involves the use or threat of physical  
53 force or violence against an individual;
- 54 p. Armed burglary;
- 55 q. Burglary of a dwelling or burglary of an occupied  
56 structure; ~~or~~
- 57 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,  
58 s. 827.071, or s. 847.0135(5); or

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59 s. Battery on a law enforcement officer which results in  
60 bodily injury;

61  
62 within 3 years after being released from a state correctional  
63 facility operated by the Department of Corrections or a private  
64 vendor, a county detention facility following incarceration for  
65 an offense for which the sentence pronounced was a prison  
66 sentence, or a correctional institution of another state, the  
67 District of Columbia, the United States, any possession or  
68 territory of the United States, or any foreign jurisdiction,  
69 following incarceration for an offense for which the sentence is  
70 punishable by more than 1 year in this state.

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

82 3. If the state attorney determines that a defendant is a  
83 prison releasee reoffender as defined in subparagraph 1., the  
84 state attorney may seek to have the court sentence the defendant  
85 as a prison releasee reoffender. Upon proof from the state  
86 attorney that establishes by a preponderance of the evidence  
87 that a defendant is a prison releasee reoffender as defined in

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88 this section, such defendant is not eligible for sentencing  
89 under the sentencing guidelines and must be sentenced as  
90 follows:

91 a. For a felony punishable by life, by a term of  
92 imprisonment for life;

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

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

97 d. For a felony of the third degree, by a term of  
98 imprisonment of 5 years.

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

101 784.03 Battery; felony battery.—

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

111 Section 3. For the purpose of incorporating the amendment  
112 made by this act to section 775.082, Florida Statutes, in  
113 references thereto, paragraph (a) of subsection (2), paragraph  
114 (g) of subsection (4), and subsections (8) and (10) of section  
115 775.261, Florida Statutes, are reenacted to read:

116 775.261 The Florida Career Offender Registration Act.—

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

118 (a) "Career offender" means any person who is designated as  
119 a habitual violent felony offender, a violent career criminal,  
120 or a three-time violent felony offender under s. 775.084 or as a  
121 prison releasee reoffender under s. 775.082(9).

122 (4) REGISTRATION.—

123 (g) A career offender who indicates his or her intent to  
124 reside in a state or jurisdiction other than the State of  
125 Florida and later decides to remain in this state shall, within  
126 2 working days after the date upon which the career offender  
127 indicated he or she would leave this state, report in person to  
128 the sheriff or the department, whichever agency is the agency to  
129 which the career offender reported the intended change of  
130 residence, of his or her intent to remain in this state. If the  
131 sheriff is notified by the career offender that he or she  
132 intends to remain in this state, the sheriff shall promptly  
133 report this information to the department. A career offender who  
134 reports his or her intent to reside in a state or jurisdiction  
135 other than the State of Florida, but who remains in this state  
136 without reporting to the sheriff or the department in the manner  
137 required by this paragraph, commits a felony of the second  
138 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
139 775.084.

140 (8) PENALTIES.—

141 (a) Except as otherwise specifically provided, a career  
142 offender who fails to register; who fails, after registration,  
143 to maintain, acquire, or renew a driver license or  
144 identification card; who fails to provide required location  
145 information or change-of-name information; or who otherwise

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146 fails, by act or omission, to comply with the requirements of  
147 this section, commits a felony of the third degree, punishable  
148 as provided in s. 775.082, s. 775.083, or s. 775.084.

149 (b) Any person who misuses public records information  
150 concerning a career offender, as defined in this section, or a  
151 career offender, as defined in s. 944.608 or s. 944.609, to  
152 secure a payment from such career offender; who knowingly  
153 distributes or publishes false information concerning such a  
154 career offender which the person misrepresents as being public  
155 records information; or who materially alters public records  
156 information with the intent to misrepresent the information,  
157 including documents, summaries of public records information  
158 provided by law enforcement agencies, or public records  
159 information displayed by law enforcement agencies on websites or  
160 provided through other means of communication, commits a  
161 misdemeanor of the first degree, punishable as provided in s.  
162 775.082 or s. 775.083.

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

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

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175 whereabouts of the career offender;

176 (b) Harbor or attempt to harbor, or assist another in  
177 harboring or attempting to harbor, the career offender;

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

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

183 Section 4. For the purpose of incorporating the amendment  
184 made by this act to section 775.082, Florida Statutes, in a  
185 reference thereto, paragraph (bb) of subsection (2) of section  
186 900.05, Florida Statutes, is reenacted to read:

187 900.05 Criminal justice data collection.—

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

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

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

196 903.011 Pretrial release; general terms; statewide uniform  
197 bond schedule.—

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

203 (a) The person was, at the time of arrest for any felony,

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204 on pretrial release, probation, or community control in this  
205 state or any other state;

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

209 (c) The person was arrested for violating a protective  
210 injunction;

211 (d) The person was, at the time of arrest, on release from  
212 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.  
213 944.4731;

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

218 (f) The person has been arrested three or more times in the  
219 6 months immediately preceding his or her arrest for the current  
220 offense; or

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

223 1. A capital felony, life felony, felony of the first  
224 degree, or felony of the second degree;

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

227 3. Assault in furtherance of a riot or an aggravated riot;  
228 felony battery; domestic battery by strangulation; domestic  
229 violence, as defined in s. 741.28; stalking; mob intimidation;  
230 assault or battery on a law enforcement officer; assault or  
231 battery on juvenile probation officer, or other staff of a  
232 detention center or commitment facility, or a staff member of a

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233 commitment facility, or health services personnel; assault or  
234 battery on a person 65 years of age or older; robbery; burglary;  
235 carjacking; or resisting an officer with violence;

236 4. Kidnapping, false imprisonment, human trafficking, or  
237 human smuggling;

238 5. Possession of a firearm or ammunition by a felon,  
239 violent career criminal, or person subject to an injunction  
240 against committing acts of domestic violence, stalking, or  
241 cyberstalking;

242 6. Sexual battery; indecent, lewd, or lascivious touching;  
243 exposure of sexual organs; incest; luring or enticing a child;  
244 or child pornography;

245 7. Abuse, neglect, or exploitation of an elderly person or  
246 disabled adult;

247 8. Child abuse or aggravated child abuse;

248 9. Arson; riot, aggravated riot, inciting a riot, or  
249 aggravated inciting a riot; or a burglary or theft during a  
250 riot;

251 10. Escape; tampering or retaliating against a witness,  
252 victim, or informant; destruction of evidence; or tampering with  
253 a jury;

254 11. Any offense committed for the purpose of benefiting,  
255 promoting, or furthering the interests of a criminal gang;

256 12. Trafficking in a controlled substance, including  
257 conspiracy to engage in trafficking in a controlled substance;

258 13. Racketeering; or

259 14. Failure to appear at required court proceedings while  
260 on bail.

261 Section 6. For the purpose of incorporating the amendment

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262 made by this act to section 775.082, Florida Statutes, in a  
263 reference thereto, paragraph (c) of subsection (5) of section  
264 907.041, Florida Statutes, is reenacted to read:

265 907.041 Pretrial detention and release.—

266 (5) PRETRIAL DETENTION.—

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

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

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

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

286 4. The defendant is charged with DUI manslaughter, as  
287 defined by s. 316.193, and that there is a substantial  
288 probability that the defendant committed the crime and that the  
289 defendant poses a threat of harm to the community; conditions  
290 that would support a finding by the court pursuant to this

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291 subparagraph that the defendant poses a threat of harm to the  
292 community include, but are not limited to, any of the following:

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

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

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

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

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

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

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

328 b. There is a substantial probability that the defendant  
329 committed the offense; and

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

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

337 944.608 Notification to Department of Law Enforcement of  
338 information on career offenders.—

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

347 (8) The failure of a career offender to submit to the  
348 taking of a digitized photograph, or to otherwise comply with

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349 the requirements of this section, is a felony of the third  
350 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
351 775.084.

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

356 944.609 Career offenders; notification upon release.—

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

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

369 944.705 Release orientation program.—

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

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

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378 department; and

379 2. In not less than 18-point type, that the inmate may be  
380 sentenced pursuant to s. 775.082(9) if the inmate commits any  
381 felony offense described in s. 775.082(9) within 3 years after  
382 the inmate's release. This notice must be prefaced by the word  
383 "WARNING" in boldfaced type.

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

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

395 943.0584 Criminal history records ineligible for court-  
396 ordered expunction or court-ordered sealing.—

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

403 (a) Sexual misconduct, as defined in s. 393.135, s.  
404 394.4593, or s. 916.1075;

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

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

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- 407 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
408 782.09;
- 409 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
410 782.071, or s. 782.072;
- 411 (f) Assault or battery, as defined in ss. 784.011 and  
412 784.03, respectively, of one family or household member by  
413 another family or household member, as defined in s. 741.28(3);
- 414 (g) Aggravated assault, as defined in s. 784.021;
- 415 (h) Felony battery, domestic battery by strangulation, or  
416 aggravated battery, as defined in ss. 784.03, 784.041, and  
417 784.045, respectively;
- 418 (i) Stalking or aggravated stalking, as defined in s.  
419 784.048;
- 420 (j) Luring or enticing a child, as defined in s. 787.025;
- 421 (k) Human trafficking, as defined in s. 787.06;
- 422 (l) Kidnapping or false imprisonment, as defined in s.  
423 787.01 or s. 787.02;
- 424 (m) Any offense defined in chapter 794;
- 425 (n) Procuring a person less than 18 years of age for  
426 prostitution, as defined in former s. 796.03;
- 427 (o) Lewd or lascivious offenses committed upon or in the  
428 presence of persons less than 16 years of age, as defined in s.  
429 800.04;
- 430 (p) Arson, as defined in s. 806.01;
- 431 (q) Burglary of a dwelling, as defined in s. 810.02;
- 432 (r) Voyeurism or digital voyeurism, as defined in ss.  
433 810.14 and 810.145, respectively;
- 434 (s) Robbery or robbery by sudden snatching, as defined in  
435 ss. 812.13 and 812.131, respectively;

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- 436 (t) Carjacking, as defined in s. 812.133;
- 437 (u) Home-invasion robbery, as defined in s. 812.135;
- 438 (v) A violation of the Florida Communications Fraud Act, as  
439 provided in s. 817.034;
- 440 (w) Abuse of an elderly person or disabled adult, or  
441 aggravated abuse of an elderly person or disabled adult, as  
442 defined in s. 825.102;
- 443 (x) Lewd or lascivious offenses committed upon or in the  
444 presence of an elderly person or disabled person, as defined in  
445 s. 825.1025;
- 446 (y) Child abuse or aggravated child abuse, as defined in s.  
447 827.03;
- 448 (z) Sexual performance by a child, as defined in s.  
449 827.071;
- 450 (aa) Any offense defined in chapter 839;
- 451 (bb) Certain acts in connection with obscenity, as defined  
452 in s. 847.0133;
- 453 (cc) Any offense defined in s. 847.0135;
- 454 (dd) Selling or buying of minors, as defined in s.  
455 847.0145;
- 456 (ee) Aircraft piracy, as defined in s. 860.16;
- 457 (ff) Manufacturing a controlled substance in violation of  
458 chapter 893;
- 459 (gg) Drug trafficking, as defined in s. 893.135; or
- 460 (hh) Any violation specified as a predicate offense for  
461 registration as a sexual predator pursuant to s. 775.21, or  
462 sexual offender pursuant to s. 943.0435, without regard to  
463 whether that offense alone is sufficient to require such  
464 registration.

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