

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 623](#)

TITLE: Felony Battery

SPONSOR(S): Gentry

COMPANION BILL: [CS/SB 436](#) (Leek)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS

[Justice Budget](#)

[Judiciary](#)

SUMMARY

Effect of the Bill:

This bill adds resisting an officer with violence to the list of predicate offenses that elevates a subsequent battery conviction from a first degree misdemeanor to a third degree felony. Under the bill, a person who has a prior conviction for resisting an officer with violence and who is later convicted of a subsequent battery is subject to a third degree felony for the battery conviction.

Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on the jail and prison bed population by creating a new predicate offense that qualifies a subsequent battery as a third degree felony, rather than a first degree misdemeanor, which may result in more offenders being sentenced to jail or prison and result in longer incarcerative sentences.

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ANALYSIS

EFFECT OF THE BILL:

The bill adds [resisting an officer with violence](#) to the list of predicate offenses, which currently includes battery, aggravated battery, and felony battery, that elevates a subsequent [battery](#) conviction from a first-degree misdemeanor¹ to a third degree felony.² Thus, a person who has a conviction for resisting an officer with violence and who is later convicted of committing a subsequent battery would be subject to a third degree felony for the battery conviction. (Section [1](#))

The effective date of this bill is July 1, 2026. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive impact on the prison bed population by creating a new predicate offense that qualifies a subsequent battery as a third-degree felony when the offender has a prior conviction for resisting an officer with violence, which may result in more offenders being sentenced to prison and result in longer incarcerative sentences.

LOCAL GOVERNMENT:

The bill may have an indeterminate positive impact on the jail bed population by creating a new predicate offense that qualifies a subsequent battery as a third-degree felony when the offender has a prior conviction for resisting

¹ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

² A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

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an officer with violence, which may result in more offenders being sentenced to jail and result in longer incarcerative sentences.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Battery](#)

Simple Battery

The offense of battery occurs when a person actually and intentionally touches or strikes another person against his or her will; or when a person intentionally causes bodily harm to another person.³ Generally, battery is punishable as a first degree misdemeanor.⁴

Felony Battery by Prior Conviction

The penalty for a battery may be increased, and is punishable as felony battery, if a person commits battery and he or she has a prior conviction^{5, 6} for:

- Battery;
- Aggravated battery;⁷ or
- Felony battery.⁸

Felony battery is punishable as a third degree felony.⁹

Battery of a Law Enforcement Officer

The offense of battery is reclassified from a first degree misdemeanor to a third degree felony when knowingly committed on a law enforcement officer¹⁰ or other specified personnel if he or she was engaged in the lawful performance of his or her duties.¹¹

[Resisting an Officer with Violence](#)

³ [S. 784.03, F.S.](#)

⁴ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082](#) or [775.083, F.S.](#)

⁵ "Conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered. [S. 784.03\(2\), F.S.](#)

⁶ [S. 784.03\(2\), F.S.](#)

⁷ A person commits aggravated battery if he or she commits a battery and:

- Such person intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement to the victim or uses a deadly weapon; or
- The person who was the victim of the battery was pregnant at the time of the offense and the person knew or should have known that the victim was pregnant. [S. 784.045, F.S.](#)

⁸ A person commits felony battery if he or she actually and intentionally touches or strikes another person against his or her will and causes great bodily harm, permanent disability, or permanent disfigurement to the other person. [S. 784.041, F.S.](#)

⁹ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083,](#) or [775.084, F.S.](#)

¹⁰ "Law enforcement officer" includes a law enforcement officer, a correctional officer, a correctional probation officer, a part-time law enforcement officer, a part-time correctional officer, an auxiliary law enforcement officer, and an auxiliary correctional officer, as those terms are respectively defined in s. [943.10](#), and any county probation officer; an employee or agent of the Department of Corrections who supervises or provides services to inmates; an officer of the Florida Commission on Offender Review; a federal law enforcement officer as defined in s. [901.1505](#); and law enforcement personnel of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, or the Department of Law Enforcement. [S. 784.07\(1\)\(e\), F.S.](#)

¹¹ [S. 784.07\(2\), F.S.](#)

A person commits resisting an officer with violence if he or she willfully resists, obstructs, or opposes any of the following persons in the execution of legal process or in the lawful execution of any legal duty by offering or doing violence to such person, including any:¹²

- Law enforcement officer;¹³
- Correctional officer;¹⁴
- Correctional probation officer;¹⁵
- Part-time law enforcement officer;¹⁶
- Part-time correctional officer;¹⁷
- Auxiliary law enforcement officer;¹⁸
- Auxiliary correctional officer;¹⁹
- Member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- Parole or probation supervisor;
- County probation officer;
- Personnel or representative of the Department of Law Enforcement; or
- Any other person legally authorized to execute process.

¹² [S. 843.01, F.S.](#)

¹³“Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to [s. 354.01, F.S.](#) [S. 943.10\(1\), F.S.](#)

¹⁴“Correctional officer” means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel. [S. 943.10\(2\), F.S.](#)

¹⁵“Correctional probation officer” means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. [S. 943.10\(3\), F.S.](#)

¹⁶“Part-time law enforcement officer” means any person employed or appointed less than full time, as defined by an employing agency, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. [S. 943.10\(6\), F.S.](#)

¹⁷“Part-time correctional officer” means any person who is employed or appointed less than full time, as defined by the employing or appointing agency, with or without compensation, whose responsibilities include the supervision, protection, care, custody, and control of inmates within a correctional institution. [S. 943.10\(7\), F.S.](#)

¹⁸“Auxiliary law enforcement officer” means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement officer and who, while under the direct supervision of a full-time or part-time law enforcement officer, has the authority to arrest and perform law enforcement functions. [S. 943.10\(8\), F.S.](#)

¹⁹“Auxiliary correctional officer” means any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time correctional officer and who, while under the supervision of a full-time or part-time correctional officer, has the same authority as a full-time or part-time correctional officer for the purpose of providing supervision, protection, care, custody, and control of inmates within a correctional institution or a county or municipal detention facility. [S. 943.10\(9\), F.S.](#)

Further, a person commits the offense of resisting an officer with violence if he or she knowingly and willfully resists, obstructs, or opposes a police canine²⁰ or police horse²¹ working at the direction of or in tandem with any officer or other specified person, by offering or doing violence to the police canine or police horse.²²

Resisting an officer with violence is punishable as a third degree felony.²³

Offense Severity Ranking Chart

Felony offenses which are subject to the Criminal Punishment Code²⁴ are listed in a single offense severity ranking chart (OSRC),²⁵ which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.^{26, 27} A person’s primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.^{28, 29} The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.³⁰

Battery on a law enforcement officer is a Level 4 offense on the OSRC, while resisting an officer with violence is a Level 5 offense.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 0 N, As CS	1/14/2026	Hall	Fronczak
THE CHANGES ADOPTED BY THE COMMITTEE:	Made a technical change to improve clarity.			
Justice Budget Subcommittee				
Judiciary Committee				

²⁰ “Police canine” means any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders. [S. 843.19\(1\)\(a\), F.S.](#)

²¹ “Police horse” means any horse that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders. [S. 843.19\(1\)\(a\), F.S.](#)

²² [S. 843.01\(2\), F.S.](#)

²³ *Id.*

²⁴ All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. [S. 921.002, F.S.](#)

²⁵ [S. 921.0022, F.S.](#)

²⁶ [S. 921.0022\(2\), F.S.](#)

²⁷ Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. [S. 921.0023, F.S.](#)

²⁸ [Ss. 921.0022, F.S. and 921.0024, F.S.](#)

²⁹ A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. [S. 921.0024\(1\), F.S.](#)

³⁰ If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. [S. 921.0024\(2\), F.S.](#)

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
