



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/20/2026	.	
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The Committee on Criminal Justice (Martin) recommended the following:

1                   **Senate Amendment (with title amendment)**

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3                   Delete everything after the enacting clause  
4 and insert:

5                   Section 1. Section 784.031, Florida Statutes, is amended to  
6 read:

7                   784.031 Battery by strangulation.—

8                   (1) A person commits battery by strangulation if he or she  
9 knowingly and intentionally, against the will of another person,  
10 impedes the normal breathing or circulation of the blood of that



11 person ~~so as to create a risk of or cause great bodily harm~~ by  
12 applying pressure on the throat or neck of the other person or  
13 by blocking the nose or mouth of the other person. This  
14 subsection does not apply to any act of medical diagnosis,  
15 treatment, or prescription which is authorized under the laws of  
16 this state.

17 (2) A person who violates subsection (1) commits a felony  
18 of the third degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084.

20 Section 2. Section 784.041, Florida Statutes, is amended to  
21 read:

22 784.041 Felony battery; domestic battery by strangulation.—

23 (1) A person commits felony battery if he or she:

24 (a) Actually and intentionally touches or strikes another  
25 person against the will of the other; and

26 (b) Causes great bodily harm, permanent disability, or  
27 permanent disfigurement.

28 (2) (a) A person commits domestic battery by strangulation  
29 if the person knowingly and intentionally, against the will of  
30 another, impedes the normal breathing or circulation of the  
31 blood of a family or household member or of a person with whom  
32 he or she is in a dating relationship, ~~so as to create a risk of~~  
33 ~~or cause great bodily harm~~ by applying pressure on the throat or  
34 neck of the other person or by blocking the nose or mouth of the  
35 other person. This paragraph does not apply to any act of  
36 medical diagnosis, treatment, or prescription which is  
37 authorized under the laws of this state.

38 (b) As used in this subsection, the term:

39 1. "Family or household member" has the same meaning as in



40	s. 741.28.		
41	2. "Dating relationship" means a continuing and significant relationship of a romantic or intimate nature.		
42			
43	(3) A person who commits felony battery or domestic battery by strangulation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.		
44			
45			
46	Section 3. Paragraphs (d) and (f) of subsection (3) of		
47	section 921.0022, Florida Statutes, are amended to read:		
48	921.0022 Criminal Punishment Code; offense severity ranking		
49	chart.—		
50	(3) OFFENSE SEVERITY RANKING CHART		
51	(d) LEVEL 4		
52			
53	Florida Statute	Felony Degree	Description
54	104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
55	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
	499.0051 (5)	2nd	Knowing sale or delivery, or possession



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56			with intent to sell, contraband prescription drugs.
57	517.07(1)	3rd	Failure to register securities.
58	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
59	784.031	3rd	<del>Battery by strangulation.</del>
60	784.07(2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
61	784.074(1) (c)	3rd	Battery of sexually violent predators facility staff.
62	784.075	3rd	Battery on detention or commitment facility staff.
	784.078	3rd	Battery of facility employee by throwing,



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63			tossing, or expelling certain fluids or materials.
64	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
65	784.081 (3)	3rd	Battery on specified official or employee.
66	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
67	784.083 (3)	3rd	Battery on code inspector.
68	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
69	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
	787.04 (2)	3rd	Take, entice, or remove



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			child beyond state limits with criminal intent pending custody proceedings.
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	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
71			
	787.07	3rd	Human smuggling.
72			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
73			
	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
74			
	790.115 (2) (c)	3rd	Possessing firearm on school property.
75			
	794.051 (1)	3rd	Indecent, lewd, or



76				lascivious touching of certain minors.
77	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	
78	806.135	2nd	Destroying or demolishing a memorial or historic property.	
79	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	
80	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	
81	810.06	3rd	Burglary; possession of tools.	
	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	



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82	810.145 (3) (b)	3rd	Digital voyeurism dissemination.
83	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
84	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
85	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
86	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
87	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
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89	817.505 (4) (a)	3rd	Patient brokering.
90	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
91	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
92	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
93	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
94	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any



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95			registered horse or cattle.
95	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
96	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
97	837.02 (1)	3rd	Perjury in official proceedings.
98	837.021 (1)	3rd	Make contradictory statements in official proceedings.
99	838.022	3rd	Official misconduct.
100	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
101	839.13 (2) (c)	3rd	Falsifying records of



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102			the Department of Children and Families.
	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
103	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
104	843.15(1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
105	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
106	847.0135(5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
107	870.01(3)	2nd	Aggravated rioting.



108	870.01(5)	2nd	Aggravated inciting a riot.
109	874.05(1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
110	893.13(2) (a)1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c)5. drugs).
111	914.14(2)	3rd	Witnesses accepting bribes.
112	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
113	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
114	916.1085 (2) (c)1.	3rd	Introduction of specified contraband into certain DCF



115			facilities.
	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
116	944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
117	951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.
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120	(f) LEVEL 6		
121			
	Florida	Felony	
	Statute	Degree	Description



122	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
123	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
124	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
125	327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
126	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
127	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
128	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized



129			person.
130	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
131	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
132	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
133	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
134	<u>784.031</u>	<u>3rd</u>	<u>Battery by strangulation.</u>
135	784.041	3rd	Felony battery; domestic battery by strangulation.
136	784.048 (3)	3rd	Aggravated stalking; credible threat.
137	784.048 (5)	3rd	Aggravated stalking of person under 16.



	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
138	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
139	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
140	784.081(2)	2nd	Aggravated assault on specified official or employee.
141	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
142	784.083(2)	2nd	Aggravated assault on code inspector.
143	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
144			



	787.025 (2) (a)	3rd	Luring or enticing a child.
145	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
146	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
147	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
148	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
149	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.



150	794.05(1)	2nd	Unlawful sexual activity with specified minor.
151	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.
152	800.04(6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
153	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
154	810.02(3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
155	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
156			



157	812.014 (2) (b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
158	812.014 (2) (c)5.	3rd	Grand theft; third degree; firearm.
159	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
160	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
161	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
162	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
	812.015 (9) (e)	2nd	Retail theft; committed with specified number of



163			other persons and use of social media platform.
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
164			Possess cloning paraphernalia with intent to create cloned cellular telephones.
165			Willful making of a false report of a crime resulting in death.
166			Patient brokering; 10 or more patients.
167			Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
168		3rd	Abuse of an elderly person or disabled adult.
169			



	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
170	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
171	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
172	827.03 (2) (c)	3rd	Abuse of a child.
173	827.03 (2) (d)	3rd	Neglect of a child.
174	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
175	828.126 (3)	3rd	Sexual activities involving animals.
176	836.05	2nd	Threats; extortion.



177	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
178	843.12	3rd	Aids or assists person to escape.
179	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
180	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
181	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
182	893.131	2nd	Distribution of



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183			controlled substances resulting in overdose or serious bodily injury.
184	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
185	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
186	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.
187	944.40	2nd	Escapes.
188	944.46	3rd	Harboring, concealing, aiding escaped prisoners.



944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.	
189	951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

190  
191  
192       Section 4. This act shall take effect July 1, 2026.

193  
194 ===== T I T L E    A M E N D M E N T =====

195 And the title is amended as follows:

196       Delete everything before the enacting clause  
197 and insert:

198                   A bill to be entitled  
199                   An act relating to felony battery; amending s.  
200                   784.031, F.S.; revising the elements of the offense of  
201                   battery by strangulation to delete creating a risk of  
202                   or causing great bodily harm to another; amending s.  
203                   784.041, F.S.; revising the elements of the offense of  
204                   domestic battery by strangulation to delete creating a  
205                   risk of or causing great bodily harm to another;  
206                   amending s. 921.0022, F.S.; reclassifying the offense  
207                   of battery by strangulation for the purposes of the  
208                   offense severity ranking chart of the Criminal  
209                   Punishment Code; providing an effective date.