

By Senator Martin

33-00888-26

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A bill to be entitled

An act relating to battery by strangulation; amending s. 784.041, F.S.; revising the elements of the offense of domestic battery by strangulation; creating the offense of battery by strangulation; providing criminal penalties; deleting the definitions of the terms "family or household member" and "dating relationship"; making technical changes; amending ss. 921.0022 and 943.0584, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 784.041, Florida Statutes, is amended to read:

784.041 Felony battery; ~~domestic~~ battery by strangulation.-

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

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

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

(2) ~~(a)~~ A person commits ~~domestic~~ battery by strangulation if the person knowingly and intentionally, against the will of another, impedes the normal breathing or circulation of another ~~the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm~~ by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. This subsection ~~paragraph~~ does not

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apply to any act of medical diagnosis, treatment, or
prescription which is authorized under the laws of this state.

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

~~1. "Family or household member" has the same meaning as in
s. 741.28.~~

~~2. "Dating relationship" means a continuing and significant
relationship of a romantic or intimate nature.~~

(3) A person who violates this section ~~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.

Section 2. Paragraph (f) of subsection (3) of section
921.0022, Florida Statutes, is 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

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eluding.

51

327.30 (5) (a) 3.

2nd

Vessel accidents
involving serious bodily
injury; leaving scene.

52

400.9935 (4) (c)

2nd

Operating a clinic, or
offering services
requiring licensure,
without a license.

53

499.0051 (2)

2nd

Knowing forgery of
transaction history,
transaction information,
or transaction
statement.

54

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

55

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

56

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

57

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784.021 (1) (a)

3rd

Aggravated assault;
deadly weapon without
intent to kill.

784.021 (1) (b)

3rd

Aggravated assault;
intent to commit felony.

784.041

3rd

Felony battery; ~~domestic~~
battery by
strangulation.

784.048 (3)

3rd

Aggravated stalking;
credible threat.

784.048 (5)

3rd

Aggravated stalking of
person under 16.

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

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66	784.081 (2)	2nd	Aggravated assault on specified official or employee.
67	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
68	784.083 (2)	2nd	Aggravated assault on code inspector.
69	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
70	787.025 (2) (a)	3rd	Luring or enticing a child.
71	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
72	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.

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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.

73

790.19

2nd

Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

74

794.011 (8) (a)

3rd

Solicitation of minor to participate in sexual activity by custodial adult.

75

794.05 (1)

2nd

Unlawful sexual activity with specified minor.

76

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.

77

800.04 (6) (b)

2nd

Lewd or lascivious

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conduct; offender 18
years of age or older.

78

806.031 (2)

2nd

Arson resulting in great
bodily harm to
firefighter or any other
person.

79

810.02 (3) (c)

2nd

Burglary of occupied
structure; unarmed; no
assault or battery.

80

810.145 (8) (b)

2nd

Digital voyeurism;
certain minor victims;
2nd or subsequent
offense.

81

812.014 (2) (b) 1.

2nd

Property stolen \$20,000
or more, but less than
\$100,000, grand theft in
2nd degree.

82

812.014 (2) (c) 5.

3rd

Grand theft; third
degree; firearm.

83

812.014 (6)

2nd

Theft; property stolen
\$3,000 or more;
coordination of others.

84

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812.015 (9) (a)

2nd

Retail theft; property
stolen \$750 or more;
second or subsequent
conviction.

85

812.015 (9) (b)

2nd

Retail theft; aggregated
property stolen within
120 days is \$3,000 or
more; coordination of
others.

86

812.015 (9) (d)

2nd

Retail theft; multiple
thefts within specified
period.

87

812.015 (9) (e)

2nd

Retail theft; committed
with specified number of
other persons and use of
social media platform.

88

812.13 (2) (c)

2nd

Robbery, no firearm or
other weapon (strong-arm
robbery).

89

817.4821 (5)

2nd

Possess cloning
paraphernalia with
intent to create cloned
cellular telephones.

90

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817.49(2)(b)2.

2nd

Willful making of a
false report of a crime
resulting in death.

91

817.505(4)(b)

2nd

Patient brokering; 10 or
more patients.

92

817.5695(3)(b)

2nd

Exploitation of person
65 years of age or
older, value \$10,000 or
more, but less than
\$50,000.

93

825.102(1)

3rd

Abuse of an elderly
person or disabled
adult.

94

825.102(3)(c)

3rd

Neglect of an elderly
person or disabled
adult.

95

825.1025(3)

3rd

Lewd or lascivious
molestation of an
elderly person or
disabled adult.

96

825.103(3)(c)

3rd

Exploiting an elderly
person or disabled adult
and property is valued

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at less than \$10,000.

97

827.03 (2) (c)

3rd

Abuse of a child.

98

827.03 (2) (d)

3rd

Neglect of a child.

99

827.071 (5)

3rd

Possess, control, or
intentionally view any
photographic material,
motion picture, etc.,
which includes child
pornography.

100

828.126 (3)

3rd

Sexual activities
involving animals.

101

836.05

2nd

Threats; extortion.

102

836.10

2nd

Written or electronic
threats to kill, do
bodily injury, or
conduct a mass shooting
or an act of terrorism.

103

843.12

3rd

Aids or assists person
to escape.

104

847.011

3rd

Distributing, offering
to distribute, or

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possessing with intent
to distribute obscene
materials depicting
minors.

105

847.012

3rd

Knowingly using a minor
in the production of
materials harmful to
minors.

106

847.0135 (2)

3rd

Facilitates sexual
conduct of or with a
minor or the visual
depiction of such
conduct.

107

893.131

2nd

Distribution of
controlled substances
resulting in overdose or
serious bodily injury.

108

914.23

2nd

Retaliation against a
witness, victim, or
informant, with bodily
injury.

109

918.13 (2) (b)

2nd

Tampering with or
fabricating physical
evidence relating to a

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capital felony.

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.

944.40

2nd

Escapes.

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

944.47 (1) (a) 5.

2nd

Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

951.22 (1) (i)

3rd

Firearm or weapon
introduced into county
detention facility.

Section 3. Subsection (2) of section 943.0584, Florida
Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(m) Any offense defined in chapter 794;

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

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

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

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

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

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

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

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

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

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

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

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

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

(aa) Any offense defined in chapter 839;

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

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(cc) Any offense defined in s. 847.0135;

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

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

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

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

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

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