

**By** the Committee on Criminal Justice; and Senator Martin

591-02056-26

2026890c1

A bill to be entitled

An act relating to felony battery; amending s. 784.031, F.S.; revising the elements of the offense of battery by strangulation to delete creating a risk of or causing great bodily harm to another; amending s. 784.041, F.S.; revising the elements of the offense of domestic battery by strangulation to delete creating a risk of or causing great bodily harm to another; amending s. 921.0022, F.S.; reclassifying the offense of battery by strangulation for the purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

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

784.031 Battery by strangulation.—

(1) A person commits battery by strangulation if he or she knowingly and intentionally, against the will of another person, impedes the normal breathing or circulation of the blood of that person ~~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 does not apply to any act of medical diagnosis, treatment, or prescription which is authorized under the laws of this state.

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

591-02056-26

2026890c1

30 775.083, or s. 775.084.

31       Section 2. Section 784.041, Florida Statutes, is amended to  
32 read:

33       784.041 Felony battery; domestic battery by strangulation.—

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

35           (a) Actually and intentionally touches or strikes another  
36 person against the will of the other; and37           (b) Causes great bodily harm, permanent disability, or  
38 permanent disfigurement.39       (2) (a) A person commits domestic battery by strangulation  
40 if the person knowingly and intentionally, against the will of  
41 another, impedes the normal breathing or circulation of the  
42 blood of a family or household member or of a person with whom  
43 he or she is in a dating relationship, ~~so as to create a risk of~~  
44 ~~or cause great bodily harm~~ by applying pressure on the throat or  
45 neck of the other person or by blocking the nose or mouth of the  
46 other person. This paragraph does not apply to any act of  
47 medical diagnosis, treatment, or prescription which is  
48 authorized under the laws of this state.

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

50           1. "Family or household member" has the same meaning as in  
51 s. 741.28.52           2. "Dating relationship" means a continuing and significant  
53 relationship of a romantic or intimate nature.54       (3) A person who commits felony battery or domestic battery  
55 by strangulation commits a felony of the third degree,  
56 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.57       Section 3. Paragraphs (d) and (f) of subsection (3) of  
58 section 921.0022, Florida Statutes, are amended to read:

591-02056-26

2026890c1

59        921.0022 Criminal Punishment Code; offense severity ranking  
60 chart.—

61        (3) OFFENSE SEVERITY RANKING CHART

62        (d) LEVEL 4

63        Florida Statute	63        Felony Degree	63        Description
64        104.155	64        3rd	64        Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
65        499.0051(1)	65        3rd	65        Failure to maintain or deliver transaction history, transaction information, or transaction statements.
66        499.0051(5)	66        2nd	66        Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
67        517.07(1)	67        3rd	67        Failure to register securities.
68        517.12(1)	68        3rd	68        Failure of dealer or

591-02056-26			2026890c1
69			associated person of a dealer of securities to register.
70	784.031	3rd	<del>Battery by strangulation.</del>
71	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
72	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
73	784.075	3rd	Battery on detention or commitment facility staff.
74	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
75	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
	784.081 (3)	3rd	Battery on specified

591-02056-26			2026890c1
76			official or employee.
76	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
77	784.083 (3)	3rd	Battery on code inspector.
78	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
79	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
80	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
81	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid

591-02056-26

2026890c1

producing child at  
custody hearing or  
delivering to designated  
person.

82

787.07 3rd Human smuggling.

83

790.115(1) 3rd Exhibiting firearm or  
weapon within 1,000 feet  
of a school.

84

790.115(2)(b) 3rd Possessing electric  
weapon or device,  
destructive device, or  
other weapon on school  
property.

85

790.115(2)(c) 3rd Possessing firearm on  
school property.

86

794.051(1) 3rd Indecent, lewd, or  
lascivious touching of  
certain minors.

87

800.04(7)(c) 3rd Lewd or lascivious  
exhibition; offender  
less than 18 years.

88

806.135 2nd Destroying or

591-02056-26			2026890c1
89			demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	
90			
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	
91			
810.06	3rd	Burglary; possession of tools.	
92			
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	
93			
810.145(3)(b)	3rd	Digital voyeurism dissemination.	
94			
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	
95			

591-02056-26			2026890c1
96	812.014 (2) (c) 4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
97	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
98	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.
99	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
100	817.505 (4) (a)	3rd	Patient brokering.
101	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

591-02056-26			2026890c1
102	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
103	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
104	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
105	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
106	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
107	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.

591-02056-26			2026890c1
108	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
109	837.02 (1)	3rd	Perjury in official proceedings.
110	837.021 (1)	3rd	Make contradictory statements in official proceedings.
111	838.022	3rd	Official misconduct.
112	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
113	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
114	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
	843.025	3rd	Deprive law enforcement,

591-02056-26			2026890c1
115			correctional, or correctional probation officer or means of protection or communication.
116	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
117	843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
118	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
119	870.01(3)	2nd	Aggravated rioting.
120	870.01(5)	2nd	Aggravated inciting a riot.
121	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.

591-02056-26			2026890c1
122	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).
123	914.14(2)	3rd	Witnesses accepting bribes.
124	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
125	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
126	916.1085(2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
127	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
	944.47(1)(a)6.	3rd	Introduction of

591-02056-26

2026890c1

contraband (cellular telephone or other portable communication device) into correctional institution.

128

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.

129

130

131

(f) LEVEL 6

132

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.

134

135

591-02056-26			2026890c1
136	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
137	327.30 (5) (a) 3.	2nd	Vessel accidents involving serious bodily injury; leaving scene.
138	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
139	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
140	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
141	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.

	591-02056-26		2026890c1
142	784.021(1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
143	784.021(1) (b)	3rd	Aggravated assault; intent to commit felony.
144	<u>784.031</u>	<u>3rd</u>	<u>Battery by</u> <u>strangulation.</u>
145	784.041	3rd	Felony battery; domestic battery by strangulation.
146	784.048(3)	3rd	Aggravated stalking; credible threat.
147	784.048(5)	3rd	Aggravated stalking of person under 16.
148	784.07(2) (c)	2nd	Aggravated assault on law enforcement officer.
149	784.074(1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
150			

	591-02056-26		2026890c1
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
151	784.081 (2)	2nd	Aggravated assault on specified official or employee.
152	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
153	784.083 (2)	2nd	Aggravated assault on code inspector.
154	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
155	787.025 (2) (a)	3rd	Luring or enticing a child.
156	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
157	790.161 (2)	2nd	Make, possess, or throw

	591-02056-26		2026890c1
158			destructive device with intent to do bodily harm or damage property.
	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.
159	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
160	794.011(8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
161	794.05(1)	2nd	Unlawful sexual activity with specified minor.
162	800.04(5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years

591-02056-26			2026890c1
163			of age; offender less than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
164			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
165			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
166			
	810.145 (8) (b)	2nd	Digital voyeurism; certain minor victims; 2nd or subsequent offense.
167			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
168			
	812.014 (2) (c) 5.	3rd	Grand theft; third degree; firearm.
169			

591-02056-26			2026890c1
170	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
171	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
172	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 120 days is \$3,000 or more; coordination of others.
173	812.015 (9) (d)	2nd	Retail theft; multiple thefts within specified period.
174	812.015 (9) (e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
175	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning

	591-02056-26		2026890c1
176			paraphernalia with intent to create cloned cellular telephones.
	817.49(2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
177			Patient brokering; 10 or more patients.
178			Exploitation of person 65 years of age or older, value \$10,000 or more, but less than \$50,000.
179			Abuse of an elderly person or disabled adult.
180			Neglect of an elderly person or disabled adult.
181			Lewd or lascivious molestation of an elderly person or disabled adult.

	591-02056-26		2026890c1
182	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
183	827.03 (2) (c)	3rd	Abuse of a child.
184	827.03 (2) (d)	3rd	Neglect of a child.
185	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
186	828.126 (3)	3rd	Sexual activities involving animals.
187	836.05	2nd	Threats; extortion.
188	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
189	843.12	3rd	Aids or assists person

	591-02056-26		2026890c1
190			to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
191	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
192	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
193	893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
194	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

	591-02056-26		2026890c1
195	918.13(2) (b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
196	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.
197	944.40	2nd	Escapes.
198	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
199	944.47(1) (a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
200	951.22(1) (i)	3rd	Firearm or weapon introduced into county

591-02056-26

2026890c1

detention facility.

201

202

203

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