

By the Committee on Criminal Justice; and Senator Martin

591-02056-26

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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.

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775.083, or s. 775.084.

Section 2. 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 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 paragraph does not 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 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 3. Paragraphs (d) and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

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921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
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 with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or

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associated person of a
dealer of securities to
register.

69

~~784.031~~~~3rd~~

~~Battery by
strangulation.~~

70

784.07 (2) (b)

3rd

Battery of law
enforcement officer,
firefighter, etc.

71

784.074 (1) (c)

3rd

Battery of sexually
violent predators
facility staff.

72

784.075

3rd

Battery on detention or
commitment facility
staff.

73

784.078

3rd

Battery of facility
employee by throwing,
tossing, or expelling
certain fluids or
materials.

74

784.08 (2) (c)

3rd

Battery on a person 65
years of age or older.

75

784.081 (3)

3rd

Battery on specified

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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

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producing child at
custody hearing or
delivering to designated
person.

787.07

3rd

Human smuggling.

790.115 (1)

3rd

Exhibiting firearm or
weapon within 1,000 feet
of a school.

790.115 (2) (b)

3rd

Possessing electric
weapon or device,
destructive device, or
other weapon on school
property.

790.115 (2) (c)

3rd

Possessing firearm on
school property.

794.051 (1)

3rd

Indecent, lewd, or
lascivious touching of
certain minors.

800.04 (7) (c)

3rd

Lewd or lascivious
exhibition; offender
less than 18 years.

806.135

2nd

Destroying or

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demolishing a memorial
or historic property.

810.02 (4) (a)

3rd

Burglary, or attempted
burglary, of an
unoccupied structure;
unarmed; no assault or
battery.

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an
unoccupied conveyance;
unarmed; no assault or
battery.

810.06

3rd

Burglary; possession of
tools.

810.08 (2) (c)

3rd

Trespass on property,
armed with firearm or
dangerous weapon.

810.145 (3) (b)

3rd

Digital voyeurism
dissemination.

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree
\$10,000 or more but less
than \$20,000.

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812.014

3rd

Grand theft, 3rd degree;
specified items.(2) (c) 4. &
6.-10.

96

812.014 (2) (d) 2.

3rd

Grand theft, 3rd degree;
\$750 or more taken from
dwelling or its
unenclosed curtilage.

97

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.

98

812.0195 (2)

3rd

Dealing in stolen
property by use of the
Internet; property
stolen \$300 or more.

99

817.505 (4) (a)

3rd

Patient brokering.

100

817.563 (1)

3rd

Sell or deliver
substance other than
controlled substance
agreed upon, excluding
s. 893.03(5) drugs.

101

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817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

817.5695 (3) (c)

3rd

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

817.625 (2) (a)

3rd

Fraudulent use of
scanning device,
skimming device, or
reencoder.

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
registered horse or
cattle.

836.14 (2)

3rd

Person who commits theft
of a sexually explicit
image with intent to
promote it.

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836.14 (3)

3rd

Person who willfully
possesses a sexually
explicit image with
certain knowledge,
intent, and purpose.

108

837.02 (1)

3rd

Perjury in official
proceedings.

109

837.021 (1)

3rd

Make contradictory
statements in official
proceedings.

110

838.022

3rd

Official misconduct.

111

839.13 (2) (a)

3rd

Falsifying records of an
individual in the care
and custody of a state
agency.

112

839.13 (2) (c)

3rd

Falsifying records of
the Department of
Children and Families.

113

843.021

3rd

Possession of a
concealed handcuff key
by a person in custody.

114

843.025

3rd

Deprive law enforcement,

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correctional, or
correctional probation
officer of means of
protection or
communication.

115

843.15 (1) (a)

3rd

Failure to appear while
on bail for felony (bond
estreature or bond
jumping).

116

843.19 (2)

2nd

Injure, disable, or kill
police, fire, or SAR
canine or police horse.

117

847.0135 (5) (c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

118

870.01 (3)

2nd

Aggravated rioting.

119

870.01 (5)

2nd

Aggravated inciting a
riot.

120

874.05 (1) (a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

121

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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).

122

914.14 (2)

3rd

Witnesses accepting
bribes.

123

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

124

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

125

916.1085
(2) (c) 1.

3rd

Introduction of
specified contraband
into certain DCF
facilities.

126

934.215

3rd

Use of two-way
communications device to
facilitate commission of
a crime.

127

944.47 (1) (a) 6.

3rd

Introduction of

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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

133

316.027 (2) (b)

2nd

Leaving the scene of a
crash involving serious
bodily injury.

134

316.193 (2) (b)

3rd

Felony DUI, 4th or
subsequent conviction.

135

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316.1935 (4) (a)

2nd

Aggravated fleeing or
eluding.

327.30 (5) (a) 3.

2nd

Vessel accidents
involving serious bodily
injury; leaving scene.

400.9935 (4) (c)

2nd

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

499.0051 (2)

2nd

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

499.0051 (3)

2nd

Knowing purchase or
receipt of prescription
drug from unauthorized
person.

499.0051 (4)

2nd

Knowing sale or transfer
of prescription drug to
unauthorized person.

775.0875 (1)

3rd

Taking firearm from law
enforcement officer.

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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

784.0313rd

Battery by
strangulation.

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

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

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destructive device with
intent to do bodily harm
or damage property.

158

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

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of age; offender less
than 18 years.

800.04 (6) (b)

2nd

Lewd or lascivious
conduct; offender 18
years of age or older.

806.031 (2)

2nd

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

810.02 (3) (c)

2nd

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

810.145 (8) (b)

2nd

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

812.014 (2) (b) 1.

2nd

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

812.014 (2) (c) 5.

3rd

Grand theft; third
degree; firearm.

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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

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paraphernalia with
intent to create cloned
cellular telephones.

176

817.49(2)(b)2.

2nd

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

177

817.505(4)(b)

2nd

Patient brokering; 10 or
more patients.

178

817.5695(3)(b)

2nd

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

179

825.102(1)

3rd

Abuse of an elderly
person or disabled
adult.

180

825.102(3)(c)

3rd

Neglect of an elderly
person or disabled
adult.

181

825.1025(3)

3rd

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

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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

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to escape.

190

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.

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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

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detention facility.

201

202

203

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