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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2026	.	
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The Committee on Criminal Justice (Martin) recommended the following:

Senate Amendment (with title amendment)

Between lines 99 and 100
insert:

Section 3. Paragraph (a) of subsection (9) of section
775.082, Florida Statutes, is amended to read:

775.082 Penalties; applicability of sentencing structures;
mandatory minimum sentences for certain reoffenders previously
released from prison.—

(9)(a)1. "Prison releasee reoffender" means any defendant



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who commits, or attempts to commit:

- a. Treason;
 - b. Murder;
 - c. Manslaughter;
 - d. Sexual battery;
 - e. Carjacking;
 - f. Home-invasion robbery;
 - g. Robbery;
 - h. Arson;
 - i. Kidnapping;
 - j. Aggravated assault with a deadly weapon;
 - k. Aggravated battery;
 - l. Aggravated stalking;
 - m. Aircraft piracy;
 - n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
 - o. Any felony that involves the use or threat of physical force or violence against an individual;
 - p. Armed burglary;
 - q. Burglary of a dwelling or burglary of an occupied structure; ~~or~~
 - r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, s. 827.071, or s. 847.0135(5); or
 - s. Felony battery that results in bodily injury;
- within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor, a county detention facility following incarceration for an offense for which the sentence pronounced was a prison



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sentence, or a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in subparagraphs 1.a.-s. ~~(a)1.a.-r.~~ while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;

b. For a felony of the first degree, by a term of imprisonment of 30 years;



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69 c. For a felony of the second degree, by a term of
70 imprisonment of 15 years; and

71 d. For a felony of the third degree, by a term of
72 imprisonment of 5 years.

73 Section 4. For the purpose of incorporating the amendment
74 made by this act to section 775.082, Florida Statutes, in
75 references thereto, paragraph (a) of subsection (2), paragraph
76 (g) of subsection (4), and subsections (8) and (10) of section
77 775.261, Florida Statutes, are reenacted to read:

78 775.261 The Florida Career Offender Registration Act.—

79 (2) DEFINITIONS.—As used in this section, the term:

80 (a) “Career offender” means any person who is designated as
81 a habitual violent felony offender, a violent career criminal,
82 or a three-time violent felony offender under s. 775.084 or as a
83 prison releasee reoffender under s. 775.082(9).

84 (4) REGISTRATION.—

85 (g) A career offender who indicates his or her intent to
86 reside in a state or jurisdiction other than the State of
87 Florida and later decides to remain in this state shall, within
88 2 working days after the date upon which the career offender
89 indicated he or she would leave this state, report in person to
90 the sheriff or the department, whichever agency is the agency to
91 which the career offender reported the intended change of
92 residence, of his or her intent to remain in this state. If the
93 sheriff is notified by the career offender that he or she
94 intends to remain in this state, the sheriff shall promptly
95 report this information to the department. A career offender who
96 reports his or her intent to reside in a state or jurisdiction
97 other than the State of Florida, but who remains in this state



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without reporting to the sheriff or the department in the manner required by this paragraph, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) PENALTIES.—

(a) Except as otherwise specifically provided, a career offender who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or identification card; who fails to provide required location information or change-of-name information; or who otherwise fails, by act or omission, to comply with the requirements of this section, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who misuses public records information concerning a career offender, as defined in this section, or a career offender, as defined in s. 944.608 or s. 944.609, to secure a payment from such career offender; who knowingly distributes or publishes false information concerning such a career offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s.



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775.083, for a person who has reason to believe that a career offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the career offender in eluding a law enforcement agency that is seeking to find the career offender to question the career offender about, or to arrest the career offender for, his or her noncompliance with the requirements of this section, to:

(a) Withhold information from, or fail to notify, the law enforcement agency about the career offender's noncompliance with the requirements of this section and, if known, the whereabouts of the career offender;

(b) Harbor or attempt to harbor, or assist another in harboring or attempting to harbor, the career offender;

(c) Conceal or attempt to conceal, or assist another in concealing or attempting to conceal, the career offender; or

(d) Provide information to the law enforcement agency regarding the career offender which the person knows to be false.

Section 5. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (bb) of subsection (2) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(2) DEFINITIONS.—As used in this section, the term:

(bb) "Prison releasee reoffender flag" means an indication that the defendant is a prison releasee reoffender as defined in s. 775.082 or any other statute.

Section 6. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a



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reference thereto, subsection (6) of section 903.011, Florida Statutes, is reenacted to read:

903.011 Pretrial release; general terms; statewide uniform bond schedule.—

(6) A person may not be released before his or her first appearance hearing or bail determination and a judge must determine the appropriate bail, if any, based on an individualized consideration of the criteria in s. 903.046(2), if the person meets any of the following criteria:

(a) The person was, at the time of arrest for any felony, on pretrial release, probation, or community control in this state or any other state;

(b) The person was, at the time of arrest, designated as a sexual offender or sexual predator in this state or any other state;

(c) The person was arrested for violating a protective injunction;

(d) The person was, at the time of arrest, on release from supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731;

(e) The person has, at any time before the current arrest, been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

(f) The person has been arrested three or more times in the 6 months immediately preceding his or her arrest for the current offense; or

(g) The person's current offense of arrest is for one or more of the following crimes:



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- 185 1. A capital felony, life felony, felony of the first
186 degree, or felony of the second degree;
- 187 2. A homicide under chapter 782; or any attempt,
188 solicitation, or conspiracy to commit a homicide;
- 189 3. Assault in furtherance of a riot or an aggravated riot;
190 felony battery; domestic battery by strangulation; domestic
191 violence, as defined in s. 741.28; stalking; mob intimidation;
192 assault or battery on a law enforcement officer; assault or
193 battery on juvenile probation officer, or other staff of a
194 detention center or commitment facility, or a staff member of a
195 commitment facility, or health services personnel; assault or
196 battery on a person 65 years of age or older; robbery; burglary;
197 carjacking; or resisting an officer with violence;
- 198 4. Kidnapping, false imprisonment, human trafficking, or
199 human smuggling;
- 200 5. Possession of a firearm or ammunition by a felon,
201 violent career criminal, or person subject to an injunction
202 against committing acts of domestic violence, stalking, or
203 cyberstalking;
- 204 6. Sexual battery; indecent, lewd, or lascivious touching;
205 exposure of sexual organs; incest; luring or enticing a child;
206 or child pornography;
- 207 7. Abuse, neglect, or exploitation of an elderly person or
208 disabled adult;
- 209 8. Child abuse or aggravated child abuse;
- 210 9. Arson; riot, aggravated riot, inciting a riot, or
211 aggravated inciting a riot; or a burglary or theft during a
212 riot;
- 213 10. Escape; tampering or retaliating against a witness,



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victim, or informant; destruction of evidence; or tampering with a jury;

11. Any offense committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang;

12. Trafficking in a controlled substance, including conspiracy to engage in trafficking in a controlled substance;

13. Racketeering; or

14. Failure to appear at required court proceedings while on bail.

Section 7. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(5) PRETRIAL DETENTION.—

(c) Upon motion by the state attorney, the court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;



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3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant's driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the



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community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 8. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in references thereto, subsections (1) and (8) of section 944.608, Florida Statutes, are reenacted to read:

944.608 Notification to Department of Law Enforcement of information on career offenders.—



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(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of, a contractor-operated correctional facility, and who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

(8) The failure of a career offender to submit to the taking of a digitized photograph, or to otherwise comply with the requirements of this section, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, subsection (1) of section 944.609, Florida Statutes, is reenacted to read:

944.609 Career offenders; notification upon release.—

(1) As used in this section, the term "career offender" means a person who is in the custody or control of, or under the supervision of, the department or is in the custody or control of, or under the supervision of a contractor-operated correctional facility, who is designated as a habitual violent felony offender, a violent career criminal, or a three-time violent felony offender under s. 775.084 or as a prison releasee reoffender under s. 775.082(9).

Section 10. For the purpose of incorporating the amendment made by this act to section 775.082, Florida Statutes, in a reference thereto, paragraphs (a) and (b) of subsection (7) of



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section 944.705, Florida Statutes, are reenacted to read:

944.705 Release orientation program.—

(7)(a) The department shall notify every inmate in the inmate's release documents:

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and

2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) This section does not preclude the sentencing of a person pursuant to s. 775.082(9), and evidence that the department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is not required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

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

And the title is amended as follows:

Delete line 10

and insert:

in a reference thereto; amending s. 775.082, F.S.;



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revising the definition of "prison releasee reoffender" to include a defendant who commits or attempts to commit felony battery that results in bodily injury; reenacting ss. 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb), 903.011(6), 907.041 (5)(c), 944.608(1) and (8), 944.609(1), and 944.705(7)(a) and (b), F.S., relating to the Florida Career Offender Registration Act, the definition of the term "prison release reoffender flag," pretrial release, pretrial detention, notification to the Department of Law Enforcement of information on career offenders, notification upon release of certain career offenders, and inmate release documents, respectively, to incorporate the amendment made to s. 775.082, F.S., in references thereto; providing an effective date.