

By Senator Leek

7-00342-26

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A bill to be entitled
An act relating to felony battery; amending s. 784.03,
F.S.; providing enhanced criminal penalties for
persons who commit a second or subsequent battery
after having a prior conviction for resisting an
officer with violence; reenacting s. 943.0584(2),
F.S., relating to criminal history records ineligible
for court-ordered expunction or court-ordered sealing,
to incorporate the amendment made to s. 784.03, F.S.,
in a reference thereto; providing an effective date.

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

Section 1. Subsection (2) of section 784.03, Florida
Statutes, is amended to read:

784.03 Battery; felony battery.—

(2) A person who has one prior conviction for battery,
aggravated battery, ~~or~~ felony battery, or resisting an officer
with violence under s. 843.01 and who commits any second or
subsequent battery commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
For purposes of this subsection, the term "conviction" means a
determination of guilt that is the result of a plea or a trial,
regardless of whether adjudication is withheld or a plea of nolo
contendere is entered.

Section 2. For the purpose of incorporating the amendment
made by this act to section 784.03, Florida Statutes, in a
reference thereto, subsection (2) of section 943.0584, Florida
Statutes, is reenacted 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 3. This act shall take effect July 1, 2026.