

2026436er

1
2 An act relating to felony battery; amending s.
3 775.082, F.S.; revising the definition of "prison
4 releasee reoffender" to include a defendant who
5 commits or attempts to commit battery on a law
6 enforcement officer which results in bodily injury;
7 amending s. 784.03, F.S.; providing enhanced criminal
8 penalties for persons who commit a second or
9 subsequent battery after having a prior conviction for
10 resisting an officer with violence; reenacting ss.
11 775.261(2)(a), (4)(g), (8), and (10), 900.05(2)(bb),
12 903.011(6), 907.041(5)(c), 944.608(1) and (8),
13 944.609(1), and 944.705(7)(a) and (b), F.S., relating
14 to the Florida Career Offender Registration Act, the
15 definition of the term "prison release reoffender
16 flag," pretrial release, pretrial detention,
17 notification to the Department of Law Enforcement of
18 information on career offenders, notification upon
19 release of certain career offenders, and inmate
20 release documents, respectively, to incorporate the
21 amendment made to s. 775.082, F.S., in references
22 thereto; reenacting s. 943.0584(2), F.S., relating to
23 criminal history records ineligible for court-ordered
24 expunction or court-ordered sealing, to incorporate
25 the amendment made to s. 784.03, F.S., in a reference
26 thereto; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29

2026436er

30 Section 1. Paragraph (a) of subsection (9) of section
31 775.082, Florida Statutes, is amended to read:

32 775.082 Penalties; applicability of sentencing structures;
33 mandatory minimum sentences for certain reoffenders previously
34 released from prison.—

35 (9) (a) 1. "Prison releasee reoffender" means any defendant
36 who commits, or attempts to commit:

37 a. Treason;

38 b. Murder;

39 c. Manslaughter;

40 d. Sexual battery;

41 e. Carjacking;

42 f. Home-invasion robbery;

43 g. Robbery;

44 h. Arson;

45 i. Kidnapping;

46 j. Aggravated assault with a deadly weapon;

47 k. Aggravated battery;

48 l. Aggravated stalking;

49 m. Aircraft piracy;

50 n. Unlawful throwing, placing, or discharging of a
51 destructive device or bomb;

52 o. Any felony that involves the use or threat of physical
53 force or violence against an individual;

54 p. Armed burglary;

55 q. Burglary of a dwelling or burglary of an occupied
56 structure; ~~or~~

57 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
58 s. 827.071, or s. 847.0135(5); or

2026436er

59 s. Battery on a law enforcement officer which results in
60 bodily injury;

61
62 within 3 years after being released from a state correctional
63 facility operated by the Department of Corrections or a private
64 vendor, a county detention facility following incarceration for
65 an offense for which the sentence pronounced was a prison
66 sentence, or a correctional institution of another state, the
67 District of Columbia, the United States, any possession or
68 territory of the United States, or any foreign jurisdiction,
69 following incarceration for an offense for which the sentence is
70 punishable by more than 1 year in this state.

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

82 3. If the state attorney determines that a defendant is a
83 prison releasee reoffender as defined in subparagraph 1., the
84 state attorney may seek to have the court sentence the defendant
85 as a prison releasee reoffender. Upon proof from the state
86 attorney that establishes by a preponderance of the evidence
87 that a defendant is a prison releasee reoffender as defined in

2026436er

88 this section, such defendant is not eligible for sentencing
89 under the sentencing guidelines and must be sentenced as
90 follows:

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

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

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

97 d. For a felony of the third degree, by a term of
98 imprisonment of 5 years.

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

101 784.03 Battery; felony battery.—

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

111 Section 3. For the purpose of incorporating the amendment
112 made by this act to section 775.082, Florida Statutes, in
113 references thereto, paragraph (a) of subsection (2), paragraph
114 (g) of subsection (4), and subsections (8) and (10) of section
115 775.261, Florida Statutes, are reenacted to read:

116 775.261 The Florida Career Offender Registration Act.—

2026436er

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

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

122 (4) REGISTRATION.—

123 (g) A career offender who indicates his or her intent to
124 reside in a state or jurisdiction other than the State of
125 Florida and later decides to remain in this state shall, within
126 2 working days after the date upon which the career offender
127 indicated he or she would leave this state, report in person to
128 the sheriff or the department, whichever agency is the agency to
129 which the career offender reported the intended change of
130 residence, of his or her intent to remain in this state. If the
131 sheriff is notified by the career offender that he or she
132 intends to remain in this state, the sheriff shall promptly
133 report this information to the department. A career offender who
134 reports his or her intent to reside in a state or jurisdiction
135 other than the State of Florida, but who remains in this state
136 without reporting to the sheriff or the department in the manner
137 required by this paragraph, commits a felony of the second
138 degree, punishable as provided in s. 775.082, s. 775.083, or s.
139 775.084.

140 (8) PENALTIES.—

141 (a) Except as otherwise specifically provided, a career
142 offender who fails to register; who fails, after registration,
143 to maintain, acquire, or renew a driver license or
144 identification card; who fails to provide required location
145 information or change-of-name information; or who otherwise

2026436er

146 fails, by act or omission, to comply with the requirements of
147 this section, commits a felony of the third degree, punishable
148 as provided in s. 775.082, s. 775.083, or s. 775.084.

149 (b) Any person who misuses public records information
150 concerning a career offender, as defined in this section, or a
151 career offender, as defined in s. 944.608 or s. 944.609, to
152 secure a payment from such career offender; who knowingly
153 distributes or publishes false information concerning such a
154 career offender which the person misrepresents as being public
155 records information; or who materially alters public records
156 information with the intent to misrepresent the information,
157 including documents, summaries of public records information
158 provided by law enforcement agencies, or public records
159 information displayed by law enforcement agencies on websites or
160 provided through other means of communication, commits a
161 misdemeanor of the first degree, punishable as provided in s.
162 775.082 or s. 775.083.

163 (10) ASSISTING IN NONCOMPLIANCE.—It is a misdemeanor of the
164 first degree, punishable as provided in s. 775.082 or s.
165 775.083, for a person who has reason to believe that a career
166 offender is not complying, or has not complied, with the
167 requirements of this section and who, with the intent to assist
168 the career offender in eluding a law enforcement agency that is
169 seeking to find the career offender to question the career
170 offender about, or to arrest the career offender for, his or her
171 noncompliance with the requirements of this section, to:

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

2026436er

175 whereabouts of the career offender;

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

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

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

183 Section 4. For the purpose of incorporating the amendment
184 made by this act to section 775.082, Florida Statutes, in a
185 reference thereto, paragraph (bb) of subsection (2) of section
186 900.05, Florida Statutes, is reenacted to read:

187 900.05 Criminal justice data collection.—

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

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

192 Section 5. For the purpose of incorporating the amendment
193 made by this act to section 775.082, Florida Statutes, in a
194 reference thereto, subsection (6) of section 903.011, Florida
195 Statutes, is reenacted to read:

196 903.011 Pretrial release; general terms; statewide uniform
197 bond schedule.—

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

203 (a) The person was, at the time of arrest for any felony,

2026436er

204 on pretrial release, probation, or community control in this
205 state or any other state;

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

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

211 (d) The person was, at the time of arrest, on release from
212 supervision under s. 947.1405, s. 947.146, s. 947.149, or s.
213 944.4731;

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

218 (f) The person has been arrested three or more times in the
219 6 months immediately preceding his or her arrest for the current
220 offense; or

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

223 1. A capital felony, life felony, felony of the first
224 degree, or felony of the second degree;

225 2. A homicide under chapter 782; or any attempt,
226 solicitation, or conspiracy to commit a homicide;

227 3. Assault in furtherance of a riot or an aggravated riot;
228 felony battery; domestic battery by strangulation; domestic
229 violence, as defined in s. 741.28; stalking; mob intimidation;
230 assault or battery on a law enforcement officer; assault or
231 battery on juvenile probation officer, or other staff of a
232 detention center or commitment facility, or a staff member of a

2026436er

233 commitment facility, or health services personnel; assault or
234 battery on a person 65 years of age or older; robbery; burglary;
235 carjacking; or resisting an officer with violence;

236 4. Kidnapping, false imprisonment, human trafficking, or
237 human smuggling;

238 5. Possession of a firearm or ammunition by a felon,
239 violent career criminal, or person subject to an injunction
240 against committing acts of domestic violence, stalking, or
241 cyberstalking;

242 6. Sexual battery; indecent, lewd, or lascivious touching;
243 exposure of sexual organs; incest; luring or enticing a child;
244 or child pornography;

245 7. Abuse, neglect, or exploitation of an elderly person or
246 disabled adult;

247 8. Child abuse or aggravated child abuse;

248 9. Arson; riot, aggravated riot, inciting a riot, or
249 aggravated inciting a riot; or a burglary or theft during a
250 riot;

251 10. Escape; tampering or retaliating against a witness,
252 victim, or informant; destruction of evidence; or tampering with
253 a jury;

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

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

258 13. Racketeering; or

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

261 Section 6. For the purpose of incorporating the amendment

2026436er

262 made by this act to section 775.082, Florida Statutes, in a
263 reference thereto, paragraph (c) of subsection (5) of section
264 907.041, Florida Statutes, is reenacted to read:

265 907.041 Pretrial detention and release.—

266 (5) PRETRIAL DETENTION.—

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

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

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

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

286 4. The defendant is charged with DUI manslaughter, as
287 defined by s. 316.193, and that there is a substantial
288 probability that the defendant committed the crime and that the
289 defendant poses a threat of harm to the community; conditions
290 that would support a finding by the court pursuant to this

2026436er

291 subparagraph that the defendant poses a threat of harm to the
292 community include, but are not limited to, any of the following:

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

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

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

303 5. The defendant poses the threat of harm to the community.
304 The court may so conclude, if it finds that the defendant is
305 presently charged with a dangerous crime, that there is a
306 substantial probability that the defendant committed such crime,
307 that the factual circumstances of the crime indicate a disregard
308 for the safety of the community, and that there are no
309 conditions of release reasonably sufficient to protect the
310 community from the risk of physical harm to persons;

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

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

2026436er

320 8.a. The defendant has ever been sentenced pursuant to s.
321 775.082(9) or s. 775.084 as a prison releasee reoffender,
322 habitual violent felony offender, three-time violent felony
323 offender, or violent career criminal, or the state attorney
324 files a notice seeking that the defendant be sentenced pursuant
325 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
326 habitual violent felony offender, three-time violent felony
327 offender, or violent career criminal;

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

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

333 Section 7. For the purpose of incorporating the amendment
334 made by this act to section 775.082, Florida Statutes, in
335 references thereto, subsections (1) and (8) of section 944.608,
336 Florida Statutes, are reenacted to read:

337 944.608 Notification to Department of Law Enforcement of
338 information on career offenders.—

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

347 (8) The failure of a career offender to submit to the
348 taking of a digitized photograph, or to otherwise comply with

2026436er

349 the requirements of this section, is a felony of the third
350 degree, punishable as provided in s. 775.082, s. 775.083, or s.
351 775.084.

352 Section 8. For the purpose of incorporating the amendment
353 made by this act to section 775.082, Florida Statutes, in a
354 reference thereto, subsection (1) of section 944.609, Florida
355 Statutes, is reenacted to read:

356 944.609 Career offenders; notification upon release.—

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

365 Section 9. For the purpose of incorporating the amendment
366 made by this act to section 775.082, Florida Statutes, in a
367 reference thereto, paragraphs (a) and (b) of subsection (7) of
368 section 944.705, Florida Statutes, are reenacted to read:

369 944.705 Release orientation program.—

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

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

2026436er

378 department; and

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

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

391 Section 10. For the purpose of incorporating the amendment
392 made by this act to section 784.03, Florida Statutes, in a
393 reference thereto, subsection (2) of section 943.0584, Florida
394 Statutes, is reenacted to read:

395 943.0584 Criminal history records ineligible for court-
396 ordered expunction or court-ordered sealing.—

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

403 (a) Sexual misconduct, as defined in s. 393.135, s.
404 394.4593, or s. 916.1075;

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

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

2026436er

- 407 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
408 782.09;
- 409 (e) Manslaughter or homicide, as defined in s. 782.07, s.
410 782.071, or s. 782.072;
- 411 (f) Assault or battery, as defined in ss. 784.011 and
412 784.03, respectively, of one family or household member by
413 another family or household member, as defined in s. 741.28(3);
- 414 (g) Aggravated assault, as defined in s. 784.021;
- 415 (h) Felony battery, domestic battery by strangulation, or
416 aggravated battery, as defined in ss. 784.03, 784.041, and
417 784.045, respectively;
- 418 (i) Stalking or aggravated stalking, as defined in s.
419 784.048;
- 420 (j) Luring or enticing a child, as defined in s. 787.025;
- 421 (k) Human trafficking, as defined in s. 787.06;
- 422 (l) Kidnapping or false imprisonment, as defined in s.
423 787.01 or s. 787.02;
- 424 (m) Any offense defined in chapter 794;
- 425 (n) Procuring a person less than 18 years of age for
426 prostitution, as defined in former s. 796.03;
- 427 (o) Lewd or lascivious offenses committed upon or in the
428 presence of persons less than 16 years of age, as defined in s.
429 800.04;
- 430 (p) Arson, as defined in s. 806.01;
- 431 (q) Burglary of a dwelling, as defined in s. 810.02;
- 432 (r) Voyeurism or digital voyeurism, as defined in ss.
433 810.14 and 810.145, respectively;
- 434 (s) Robbery or robbery by sudden snatching, as defined in
435 ss. 812.13 and 812.131, respectively;

2026436er

436 (t) Carjacking, as defined in s. 812.133;
437 (u) Home-invasion robbery, as defined in s. 812.135;
438 (v) A violation of the Florida Communications Fraud Act, as
439 provided in s. 817.034;
440 (w) Abuse of an elderly person or disabled adult, or
441 aggravated abuse of an elderly person or disabled adult, as
442 defined in s. 825.102;
443 (x) Lewd or lascivious offenses committed upon or in the
444 presence of an elderly person or disabled person, as defined in
445 s. 825.1025;
446 (y) Child abuse or aggravated child abuse, as defined in s.
447 827.03;
448 (z) Sexual performance by a child, as defined in s.
449 827.071;
450 (aa) Any offense defined in chapter 839;
451 (bb) Certain acts in connection with obscenity, as defined
452 in s. 847.0133;
453 (cc) Any offense defined in s. 847.0135;
454 (dd) Selling or buying of minors, as defined in s.
455 847.0145;
456 (ee) Aircraft piracy, as defined in s. 860.16;
457 (ff) Manufacturing a controlled substance in violation of
458 chapter 893;
459 (gg) Drug trafficking, as defined in s. 893.135; or
460 (hh) Any violation specified as a predicate offense for
461 registration as a sexual predator pursuant to s. 775.21, or
462 sexual offender pursuant to s. 943.0435, without regard to
463 whether that offense alone is sufficient to require such
464 registration.

2026436er

465

Section 11. This act shall take effect July 1, 2026.