

By Senator McClain

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A bill to be entitled
An act relating to sexual offenders and sexual
predators; amending s. 514.011, F.S.; revising the
definitions of the terms "public swimming pool" and
"public pool"; amending s. 775.215, F.S.; defining the
terms "public bathing place" and "public swimming
pool"; revising residency restrictions for persons
convicted of certain sexual offenses; amending s.
943.04351, F.S.; revising requirements for a search of
sexual predator or sexual offender registration
information by a state agency or governmental
subdivision before appointing or employing a person to
work; amending s. 947.005, F.S.; defining the terms
"public bathing place" and "public swimming pool";
amending s. 947.1405, F.S.; revising special
conditions for certain sexual offenders subject to
conditional release supervision; amending s. 948.001,
F.S.; defining the terms "public bathing place" and
"public swimming pool"; amending s. 948.30, F.S.;
revising standard conditions of probation or community
control for certain sexual offenders; providing an
effective date.

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

Section 1. Subsection (2) of section 514.011, Florida
Statutes, is amended to read:

514.011 Definitions.—As used in this chapter:

(2) "Public swimming pool" or "public pool" means a

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30 watertight structure of concrete, masonry, or other approved
31 materials which is located either indoors or outdoors, used for
32 bathing or swimming by humans, and filled with a filtered and
33 disinfected water supply, together with buildings,
34 appurtenances, and equipment used in connection therewith. A
35 public swimming pool or public pool shall mean a conventional
36 pool, spa-type pool, wading pool, special purpose pool, spray
37 pool, splash pad, or water recreation attraction, to which
38 admission may be gained with or without payment of a fee and
39 includes, but is not limited to, pools operated by or serving
40 camps, churches, cities, counties, child care facilities ~~day~~
41 ~~care centers,~~ group home facilities for eight or more clients,
42 health spas, institutions, parks, state agencies, schools,
43 subdivisions, or the cooperative living-type projects of five or
44 more living units, such as apartments, boardinghouses, hotels,
45 mobile home parks, motels, recreational vehicle parks, and
46 townhouses.

47 Section 2. Present paragraph (d) of subsection (1) of
48 section 775.215, Florida Statutes, is redesignated as paragraph
49 (f) of that subsection, a new paragraph (d) and paragraph (e)
50 are added to that subsection, and paragraph (a) of subsection
51 (2) and paragraph (a) of subsection (3) of that section are
52 amended, to read:

53 775.215 Residency restriction for persons convicted of
54 certain sex offenses.—

55 (1) As used in this section, the term:

56 (d) "Public bathing place" has the same meaning as provided
57 in s. 514.011(4).

58 (e) "Public swimming pool" has the same meaning as provided

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in s. 514.011(2).

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, public swimming pool, public bathing place, or playground is subsequently established within 1,000 feet of his or her residence.

(3)(a) A person who has been convicted of an offense in another jurisdiction that is similar to a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. However, a person does not violate this subsection and may not be forced to relocate if he or she is living in a residence that meets the requirements of this subsection and a school, child care facility, park, public swimming pool, public bathing place, or playground is subsequently established within 1,000 feet of his or her residence.

Section 3. Section 943.04351, Florida Statutes, is amended to read:

943.04351 Search of registration information regarding

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sexual predators and sexual offenders required before
appointment or employment.—A state agency or governmental
subdivision, before making any decision to appoint or employ a
person to work, whether for compensation or as a volunteer, at
any park, playground, public swimming pool, public bathing
place, child care facility ~~day care center~~, or other place where
children regularly congregate, must conduct a search of that
person's name or other identifying information against the
registration information regarding sexual predators and sexual
offenders through the Dru Sjodin National Sexual Offender Public
Website maintained by the United States Department of Justice.
If for any reason that site is not available, a search of the
registration information regarding sexual predators and sexual
offenders maintained by the Department of Law Enforcement under
s. 943.043 shall be performed. This section does not apply to
those positions or appointments within a state agency or
governmental subdivision for which a state and national criminal
history background check is conducted.

Section 4. Present subsections (10) through (15) of section
947.005, Florida Statutes, are redesignated as subsections (12)
through (17), respectively, and new subsections (10) and (11)
are added that section, to read:

947.005 Definitions.—As used in this chapter, unless the
context clearly indicates otherwise:

(10) "Public bathing place" has the same meaning as
provided in s. 514.011(4).

(11) "Public swimming pool" has the same meaning as
provided in s. 514.011(2).

Section 5. Paragraph (a) of subsection (7) and paragraph

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(a) of subsection (12) of section 947.1405, Florida Statutes, are amended to read:

947.1405 Conditional release program.—

(7)(a) Any inmate who is convicted of a crime committed on or after October 1, 1995, or who has been previously convicted of a crime committed on or after October 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, and is subject to conditional release supervision, shall have, in addition to any other conditions imposed, the following special conditions imposed by the commission:

1. A mandatory curfew from 10 p.m. to 6 a.m. The commission may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the commission determines that imposing a curfew would endanger the victim, the commission may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, designated public school bus stop, or other place where children regularly congregate. A releasee who is subject to this subparagraph may not relocate to a residence that is within 1,000 feet of a public school bus stop. Beginning October 1, 2004, the commission or the department may not approve a residence that is located within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, designated school bus stop, or other place where children regularly congregate for any releasee who is subject to this subparagraph. On October 1, 2004, the department shall

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146 notify each affected school district of the location of the
147 residence of a releasee 30 days prior to release and thereafter,
148 if the releasee relocates to a new residence, shall notify any
149 affected school district of the residence of the releasee within
150 30 days after relocation. If, on October 1, 2004, any public
151 school bus stop is located within 1,000 feet of the existing
152 residence of such releasee, the district school board shall
153 relocate that school bus stop. Beginning October 1, 2004, a
154 district school board may not establish or relocate a public
155 school bus stop within 1,000 feet of the residence of a releasee
156 who is subject to this subparagraph. The failure of the district
157 school board to comply with this subparagraph shall not result
158 in a violation of conditional release supervision. A releasee
159 who is subject to this subparagraph may not be forced to
160 relocate and does not violate his or her conditional release
161 supervision if he or she is living in a residence that meets the
162 requirements of this subparagraph and a school, child care
163 facility, park, playground, public swimming pool, public bathing
164 place, designated public school bus stop, or other place where
165 children regularly congregate is subsequently established within
166 1,000 feet of his or her residence.

167 3. Active participation in and successful completion of a
168 sex offender treatment program with qualified practitioners
169 specifically trained to treat sex offenders, at the releasee's
170 own expense. If a qualified practitioner is not available within
171 a 50-mile radius of the releasee's residence, the offender shall
172 participate in other appropriate therapy.

173 4. A prohibition on any contact with the victim, directly
174 or indirectly, including through a third person, unless approved

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by the victim, a qualified practitioner in the sexual offender treatment program, and the sentencing court.

5. If the victim was under the age of 18, a prohibition against contact with children under the age of 18 without review and approval by the commission. The commission may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The commission may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time. When considering whether to approve supervised contact with a child, the commission must review and consider the following:

a. A risk assessment completed by a qualified practitioner. The qualified practitioner must prepare a written report that must include the findings of the assessment and address each of the following components:

(I) The sex offender's current legal status;

(II) The sex offender's history of adult charges with apparent sexual motivation;

(III) The sex offender's history of adult charges without apparent sexual motivation;

(IV) The sex offender's history of juvenile charges, whenever available;

(V) The sex offender's offender treatment history, including a consultation from the sex offender's treating, or

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most recent treating, therapist;

(VI) The sex offender's current mental status;

(VII) The sex offender's mental health and substance abuse history as provided by the Department of Corrections;

(VIII) The sex offender's personal, social, educational, and work history;

(IX) The results of current psychological testing of the sex offender if determined necessary by the qualified practitioner;

(X) A description of the proposed contact, including the location, frequency, duration, and supervisory arrangement;

(XI) The child's preference and relative comfort level with the proposed contact, when age-appropriate;

(XII) The parent's or legal guardian's preference regarding the proposed contact; and

(XIII) The qualified practitioner's opinion, along with the basis for that opinion, as to whether the proposed contact would likely pose significant risk of emotional or physical harm to the child.

The written report of the assessment must be given to the commission.

b. A recommendation made as a part of the risk-assessment report as to whether supervised contact with the child should be approved;

c. A written consent signed by the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, agreeing to the sex offender having supervised contact with the child after receiving full disclosure of the sex

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offender's present legal status, past criminal history, and the results of the risk assessment. The commission may not approve contact with the child if the parent or legal guardian refuses to give written consent for supervised contact;

d. A safety plan prepared by the qualified practitioner, who provides treatment to the offender, in collaboration with the sex offender, the child's parent or legal guardian, and the child, when age appropriate, which details the acceptable conditions of contact between the sex offender and the child. The safety plan must be reviewed and approved by the Department of Corrections before being submitted to the commission; and

e. Evidence that the child's parent or legal guardian, if the parent or legal guardian is not the sex offender, understands the need for and agrees to the safety plan and has agreed to provide, or to designate another adult to provide, constant supervision any time the child is in contact with the offender.

The commission may not appoint a person to conduct a risk assessment and may not accept a risk assessment from a person who has not demonstrated to the commission that he or she has met the requirements of a qualified practitioner as defined in this section.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate, as prescribed by the commission.

7. Unless otherwise indicated in the treatment plan

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provided by a qualified practitioner in the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8. Effective for a releasee whose crime is committed on or after July 1, 2005, a prohibition on accessing the Internet or other computer services until a qualified practitioner in the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.

9. A requirement that the releasee must submit two specimens of blood to the Department of Law Enforcement to be registered with the DNA database.

10. A requirement that the releasee make restitution to the victim, as determined by the sentencing court or the commission, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

11. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another

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jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, public swimming pool, public bathing place, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care facility or school.

Section 6. Present subsections (9) through (13) of section 948.001, Florida Statutes, are redesignated as subsections (11) through (15), respectively, and new subsections (9) and (10) are added to that section, to read:

948.001 Definitions.—As used in this chapter, the term:

(9) "Public bathing place" has the same meaning as provided in s. 514.011(4).

(10) "Public swimming pool" has the same meaning as

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provided in s. 514.011(2)

Section 7. Paragraphs (b) and (f) of subsection (1) and paragraph (a) of subsection (4) of section 948.30, Florida Statutes, are amended to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(1) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for a violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose crime was committed on or after July 1, 2021, and who are placed under supervision for a violation of s. 787.06(3)(b), (d), (f), or (g), or whose crime was committed on or after July 1, 2023, and who are placed under supervision for attempting, soliciting, or conspiring to commit a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794; s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

(b) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest

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boundary line of the school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route. A probationer or community controllee who is subject to this paragraph may not be forced to relocate and does not violate his or her probation or community control if he or she is living in a residence that meets the requirements of this paragraph and a school, child care facility, park, playground, public swimming pool, public bathing place, or other place where children regularly congregate is subsequently established within 1,000 feet of his or her residence.

(f) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, public swimming pools, public bathing places, pet stores, libraries, zoos, theme parks, and malls.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of

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another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, public swimming pool, public bathing place, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

Section 8. This act shall take effect July 1, 2026.