

By the Committee on Criminal Justice; and Senator McClain

591-02046-26

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A bill to be entitled

An act relating to sexual offenders and sexual predators; 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; providing penalties; providing applicability; creating s. 775.216, F.S.; defining terms; prohibiting persons convicted of certain sexual offenses from visiting or otherwise being within 200 feet of specified locations; providing penalties; providing exceptions; amending s. 856.022, F.S.; requiring a sexual offender or sexual predator to notify a school or child care facility of his or her status in certain circumstances; amending s. 901.15, F.S.; authorizing the warrantless arrest of a person if a law enforcement officer has probable cause to believe the person visited or was within 200 feet of specified prohibited locations after he or she was previously convicted of committing specified sexual offenses against a victim younger than 16 years of age; 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 at specified locations; 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

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30 certain sexual offenders subject to conditional
31 release supervision for offenses committed on or after
32 a specified date; amending s. 948.001, F.S.; defining
33 the terms "public bathing place" and "public swimming
34 pool"; amending s. 948.30, F.S.; revising conditions
35 of probation or community control for certain sexual
36 offenders for offenses committed on or after a
37 specified date; providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

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41 Section 1. Present paragraph (d) of subsection (1) of
42 section 775.215, Florida Statutes, is redesignated as paragraph
43 (f), a new paragraph (d) and paragraph (e) are added to that
44 subsection, subsection (4) is added to that section, and
45 paragraph (c) of subsection (2) and paragraph (c) of subsection
46 (3) of that section are amended, to read:

47 775.215 Residency restriction for persons convicted of
48 certain sex offenses.—

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

50 (d) "Public bathing place" means a body of water, natural
51 or modified by humans, that is regularly used by the public for
52 swimming, diving, or recreational bathing with the consent of
53 the owner or owners and that is held out to the public by any
54 person or public body as being available for such use,
55 irrespective of whether a fee is charged for the use thereof.
56 The term includes the shoreline or land area immediately
57 adjacent to the public bathing place, as well as any buildings
58 on such property.

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59 (e) "Public swimming pool" means a watertight structure of
60 concrete, masonry, or other approved materials which is located
61 either indoors or outdoors, used for bathing or swimming by
62 humans, and filled with a filtered and disinfected water supply,
63 together with buildings, appurtenances, and equipment used in
64 connection therewith. A public swimming pool means a
65 conventional pool, spa-type pool, wading pool, special purpose
66 pool, spray pool, splash pad, or water recreation attraction, to
67 which admission may be gained with or without payment of a fee,
68 regardless of whether entry to the public swimming pool is
69 limited by a gate or other method of controlling access. The
70 term includes, but is not limited to, pools operated by or
71 serving camps, churches, cities, counties, day care centers,
72 parks, state agencies, schools, subdivisions, apartments,
73 hotels, motels, mobile home parks, recreational vehicle parks,
74 and townhouses. The term does not include a swimming pool at a
75 private single-family residence or a swimming pool at a facility
76 where the operator prohibits the use of such pool by persons
77 under 18 years of age.

78 (2)

79 (c) This subsection applies to any person convicted of a
80 violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5),
81 or s. 847.0145 for offenses that occurred ~~occur~~ on or after
82 October 1, 2004, and before July 1, 2026, excluding persons who
83 have been removed from the requirement to register as a sexual
84 offender or sexual predator pursuant to s. 943.04354.

85 (3)

86 (c) This subsection applies to any person convicted of an
87 offense in another jurisdiction that is similar to a violation

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88 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
89 847.0145 if such offense occurred on or after May 26, 2010, and
90 before July 1, 2026, excluding persons who have been removed
91 from the requirement to register as a sexual offender or sexual
92 predator pursuant to s. 943.04354.

93 (4) (a) A person who has been convicted of a violation of s.
94 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
95 regardless of whether adjudication has been withheld, in which
96 the victim was younger than 16 years of age at the time of the
97 offense, or who has been convicted of a similar offense in
98 another jurisdiction, regardless of whether adjudication has
99 been withheld, in which the victim was younger than 16 years of
100 age at the time of the offense, may not reside within 1,000 feet
101 of any school, child care facility, park, public swimming pool,
102 public bathing place, or playground. However, a person does not
103 violate this subsection and may not be forced to relocate if he
104 or she is living in a residence that meets the requirements of
105 this subsection and a school, child care facility, park, public
106 swimming pool, public bathing place, or playground is
107 subsequently established within 1,000 feet of his or her
108 residence.

109 (b) A person who violates this subsection and whose
110 conviction under s. 794.011, s. 800.04, s. 827.071, s.
111 847.0135(5), or s. 847.0145 was classified as a felony of the
112 first degree or higher, or whose conviction in another
113 jurisdiction resulted in a penalty that is substantially similar
114 to a felony of the first degree or higher, commits a felony of
115 the third degree, punishable as provided in s. 775.082, s.
116 775.083, or s. 775.084. A person who violates this subsection

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117 and whose conviction under s. 794.011, s. 800.04, s. 827.071, s.
118 847.0135(5), or s. 847.0145 was classified as a felony of the
119 second or third degree, or whose conviction in another
120 jurisdiction was substantially similar to a felony of the second
121 or third degree, commits a misdemeanor of the first degree,
122 punishable as provided in s. 775.082 or s. 775.083.

123 (c) This subsection applies to:

124 1. A person convicted of a violation described in paragraph

125 (a) for offenses that occurred on or after July 1, 2026,
126 excluding persons who have been removed from the requirement to
127 register as a sexual offender or sexual predator pursuant to s.
128 943.04354.

129 2. A person who is subject to the residency restrictions in
130 subsection (2) or subsection (3) who changes his or her place of
131 residence on or after July 1, 2026.

132 Section 2. Section 775.216, Florida Statutes, is created to
133 read:

134 775.216 Restricted locations for persons convicted of
135 certain sex offenses.—

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

137 (a) "Child care facility" has the same meaning as in s.
138 402.302.

139 (b) "Park," "playground," "public bathing place," "public
140 swimming pool," and "school" have the same meanings as in s.
141 775.215.

142 (2) A person who has been convicted of a violation of s.
143 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
144 regardless of whether adjudication has been withheld, in which
145 the victim was younger than 16 years of age at the time of the

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146 offense, or who has been convicted of a similar offense in
147 another jurisdiction, regardless of whether adjudication has
148 been withheld, in which the victim was younger than 16 years of
149 age at the time of the offense, may not visit or otherwise be
150 within 200 feet of any school, child care facility, park, public
151 swimming pool, public bathing place, or playground.

152 (3) A person who violates this section commits a
153 misdemeanor of the first degree, punishable as provided in s.
154 775.082 or s. 775.083.

155 (4) This section does not apply to a person who:
156 (a) Has been removed from the requirement to register as a
157 sexual offender or sexual predator under s. 943.04354.
158 (b) Is actively traveling past a location described in
159 subsection (1) while in transit to another destination.

160 (c) Is dropping off or picking up his or her child or
161 grandchild from a child care facility or school, or is visiting
162 his or her child's or grandchild's child care facility or
163 school, subject to the requirements in s. 856.022(4) (b).

164 (d) Is visiting or otherwise within 200 feet of a location
165 described in subsection (1) for the sole purpose of:
166 1. Attending a religious service as defined in s. 775.0861.
167 2. Voting, if such person is present during the hours
168 designated for voting.

169 3. Conducting official business at a local, state, or
170 federal government building.

171 Section 3. Paragraph (b) of subsection (4) of section
172 856.022, Florida Statutes, is amended to read:

173 856.022 Loitering or prowling by certain offenders in close
174 proximity to children; penalty.—

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175 (4)

176 (b) It is unlawful for a person described in subsection (1)
177 to knowingly be present in any child care facility or school
178 containing any students in prekindergarten through grade 12 or
179 on real property comprising any child care facility or school
180 containing any students in prekindergarten through grade 12 when
181 the child care facility or school is in operation, if such
182 person fails to:

183 1. Provide written notification that he or she is a sexual
184 offender or sexual predator ~~of his or her intent to be present~~
185 to the school board, superintendent, principal, or child care
186 facility owner and that he or she intends to be present at the
187 school or child care facility;

188 2. Notify the child care facility owner or the school
189 principal's office when he or she arrives and departs the child
190 care facility or school; or

191 3. Remain under direct supervision of a school official or
192 designated chaperone when present in the vicinity of children.
193 As used in this paragraph, the term "school official" means a
194 principal, a school resource officer, a teacher or any other
195 employee of the school, the superintendent of schools, a member
196 of the school board, a child care facility owner, or a child
197 care provider.

198 Section 4. Paragraph (h) is added to subsection (9) of
199 section 901.15, Florida Statutes, to read:

200 901.15 When arrest by officer without warrant is lawful.—A
201 law enforcement officer may arrest a person without a warrant
202 when:

203 (9) There is probable cause to believe that the person has

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204 committed:

205 (h) A violation of s. 775.216 by visiting or otherwise
206 being within 200 feet of a school, child care facility, park,
207 public swimming pool, public bathing place, or playground after
208 he or she was convicted of committing specified sexual offenses
209 against a victim who was younger than 16 years of age at the
210 time of the offense.

211 Section 5. Section 943.04351, Florida Statutes, is amended
212 to read:

213 943.04351 Search of registration information regarding
214 sexual predators and sexual offenders required before
215 appointment or employment.—A state agency or governmental
216 subdivision, before making any decision to appoint or employ a
217 person to work, whether for compensation or as a volunteer, at
218 any park, playground, public swimming pool, public bathing
219 place, child care facility day care center, or other place where
220 children regularly congregate, must conduct a search of that
221 person's name or other identifying information against the
222 registration information regarding sexual predators and sexual
223 offenders through the Dru Sjodin National Sexual Offender Public
224 Website maintained by the United States Department of Justice.
225 If for any reason that site is not available, a search of the
226 registration information regarding sexual predators and sexual
227 offenders maintained by the Department of Law Enforcement under
228 s. 943.043 shall be performed. This section does not apply to
229 those positions or appointments within a state agency or
230 governmental subdivision for which a state and national criminal
231 history background check is conducted.

232 Section 6. Present subsections (10) through (15) of section

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233 947.005, Florida Statutes, are redesignated as subsections (12)
234 through (17), respectively, and new subsections (10) and (11)
235 are added to that section, to read:

236 947.005 Definitions.—As used in this chapter, unless the
237 context clearly indicates otherwise:

238 (10) "Public bathing place" has the same meaning as
239 provided in s. 775.215.

240 (11) "Public swimming pool" has the same meaning as
241 provided in s. 775.215.

242 Section 7. Subsections (15) and (16) are added to section
243 947.1405, Florida Statutes, to read:

244 947.1405 Conditional release program.—

245 (15) Effective for a releasee who is convicted of a crime
246 committed on or after July 1, 2026, or who has been previously
247 convicted of a crime committed on or after July 1, 2026, in
248 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
249 or s. 847.0145, against a victim who was younger than 18 years
250 of age at the time of the offense, in addition to any other
251 provision of this section, the commission shall impose the
252 following conditions:

253 (a) A prohibition against living within 1,000 feet of any
254 public swimming pool or public bathing place. A releasee who is
255 subject to this paragraph may not be forced to relocate and does
256 not violate his or her conditional release supervision if he or
257 she is living in a residence that meets the requirements of this
258 paragraph and a public swimming pool or public bathing place is
259 subsequently established within 1,000 feet of his or her
260 residence.

261 (b) A prohibition on working for pay or as a volunteer at

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262 any public swimming pool or public bathing place.

263 (16) In addition to all other conditions imposed, for a
264 releasee who is subject to conditional release for a crime that
265 is committed on or after July 1, 2026, and who has been
266 convicted at any time of committing, or attempting, soliciting,
267 or conspiring to commit, any of the criminal offenses listed in
268 s. 943.0435(1)(h)1.a.(I), or a similar offense in another
269 jurisdiction, against a victim who was younger than 18 years of
270 age at the time of the offense, if the releasee has not received
271 a pardon for any felony or similar violation of law of another
272 jurisdiction necessary for the operation of this subsection, if
273 a conviction of a felony or similar violation of law of another
274 jurisdiction necessary for the operation of this subsection has
275 not been set aside in any postconviction proceeding, or if the
276 releasee has not been removed from the requirement to register
277 as a sexual offender or sexual predator pursuant to s.
278 943.04354, the commission must impose a condition prohibiting
279 the releasee from visiting a public swimming pool or public
280 bathing place without prior approval from his or her supervising
281 officer.

282 Section 8. Present subsections (9) through (13) of section
283 948.001, Florida Statutes, are redesignated as subsections (11)
284 through (15), respectively, and new subsections (9) and (10) are
285 added to that section, to read:

286 948.001 Definitions.—As used in this chapter, the term:

287 (9) "Public bathing place" has the same meaning as provided
288 in s. 775.215.

289 (10) "Public swimming pool" has the same meaning as
290 provided in s. 775.215.

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291 Section 9. Subsections (6) and (7) are added to section
292 948.30, Florida Statutes, to read:

293 948.30 Additional terms and conditions of probation or
294 community control for certain sex offenses.—Conditions imposed
295 pursuant to this section do not require oral pronouncement at
296 the time of sentencing and shall be considered standard
297 conditions of probation or community control for offenders
298 specified in this section.

299 (6) In addition to all other conditions imposed, for a
300 probationer or community controllee whose crime is committed on
301 or after July 1, 2026, and who is placed on supervision for
302 committing, or attempting, soliciting, or conspiring to commit,
303 a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794;
304 s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a
305 victim who was younger than 18 years of age at the time of the
306 offense, the court shall impose the following conditions:

307 (a) A prohibition against living within 1,000 feet of any
308 public swimming pool or public bathing place. A probationer or
309 community controllee who is subject to this paragraph may not be
310 forced to relocate and does not violate his or her probation or
311 community control if he or she is living in a residence that
312 meets the requirements of this paragraph and a public swimming
313 pool or public bathing place is subsequently established within
314 1,000 feet of his or her residence.

315 (b) A prohibition on working for pay or as a volunteer at
316 any public swimming pool or public bathing place.

317 (7) In addition to all other conditions imposed, for a
318 probationer or community controllee who is subject to
319 supervision for a crime that is committed on or after July 1,

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320 2026, and who has been convicted at any time of committing, or
321 attempting, soliciting, or conspiring to commit, any of the
322 criminal offenses listed in s. 943.0435(1) (h)1.a.(I), or a
323 similar offense in another jurisdiction, against a victim who
324 was younger than 18 years of age at the time of the offense, if
325 the offender has not received a pardon for any felony or similar
326 violation of law of another jurisdiction necessary for the
327 operation of this subsection, if a conviction of a felony or
328 similar violation of law of another jurisdiction necessary for
329 the operation of this subsection has not been set aside in any
330 postconviction proceeding, or if the offender has not been
331 removed from the requirement to register as a sexual offender or
332 sexual predator pursuant to s. 943.04354, the court must impose
333 a condition prohibiting the probationer or community controllee
334 from visiting a public swimming pool or public bathing place
335 without prior approval from his or her supervising officer.

336 Section 10. This act shall take effect July 1, 2026.