

By the Committee on Criminal Justice; and Senator McClain

591-02046-26

2026212c1

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

591-02046-26

2026212c1

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:  
40

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.

591-02046-26

2026212c1

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

(2)

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

(3)

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

591-02046-26

2026212c1

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

(4) (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 was younger than 16 years of age at the time of the offense, or who has been convicted of a similar offense in another jurisdiction, regardless of whether adjudication has been withheld, in which the victim was younger than 16 years of age at the time of the offense, 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.

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

591-02046-26

2026212c1

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

(c) This subsection applies to:

1. A person convicted of a violation described in paragraph (a) for offenses that occurred on or after July 1, 2026, excluding persons who have been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

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

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

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

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

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

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

(2) 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 was younger than 16 years of age at the time of the

591-02046-26

2026212c1

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.-

591-02046-26

2026212c1

(4)

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

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

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

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

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

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

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

591-02046-26

2026212c1

committed:

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

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

943.04351 Search of registration information regarding 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 6. Present subsections (10) through (15) of section



591-02046-26

2026212c1

947.005, Florida Statutes, are redesignated as subsections (12) through (17), respectively, and new subsections (10) and (11) are added to 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. 775.215.

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

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

947.1405 Conditional release program.—

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

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

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

591-02046-26

2026212c1

any public swimming pool or public bathing place.

(16) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that is committed on or after July 1, 2026, 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 younger than 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar violation of law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar violation of 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 a condition prohibiting the releasee from visiting a public swimming pool or public bathing place without prior approval from his or her supervising officer.

Section 8. 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. 775.215.

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

591-02046-26

2026212c1

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,

591-02046-26

2026212c1

2026, 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 younger than 18 years of age at the time of the offense, if the offender has not received a pardon for any felony or similar violation of law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar violation of law of 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 a condition prohibiting the probationer or community controllee from visiting a public swimming pool or public bathing place without prior approval from his or her supervising officer.

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