

By the Committees on Judiciary; and Criminal Justice; and
Senator McClain

590-02694-26

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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
term "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 on the
premises of specified locations; providing criminal
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 conviction of specific offenses and that he or she
intends to be present at the school or child care
facility under 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 was on the premises 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 term "public
swimming pool"; amending s. 947.1405, F.S.; revising

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special conditions for certain sexual offenders
subject to conditional release supervision for
offenses committed on or after a specified date;
conforming provisions to changes made by the act;
amending s. 948.001, F.S.; defining the term "public
swimming pool"; amending s. 948.30, F.S.; revising
conditions of probation or community control for
certain sexual offenders for offenses committed on or
after a specified date; conforming provisions to
changes made by the act; providing an effective date.

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

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

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

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

(d) "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. The term includes a conventional pool,
spa-type pool, wading pool, special purpose pool, spray pool,

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59 splash pad, or water recreation attraction, to which admission
60 may be gained with or without payment of a fee, regardless of
61 whether entry to the public swimming pool is limited by a gate
62 or other method of controlling access. The term also includes
63 pools operated by or serving subdivisions, apartments, mobile
64 home parks, or townhouses or any pool operated by a county,
65 city, or municipality which is held open to the public. The term
66 does not include a swimming pool at a private single-family
67 residence, hotels, motels, or recreational vehicle parks or a
68 swimming pool at a facility where the operator prohibits the use
69 of such pool by persons younger than 18 years of age.

70 (2)

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

77 (3)

78 (c) This subsection applies to any person convicted of an
79 offense in another jurisdiction that is similar to a violation
80 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.
81 847.0145 if such offense occurred on or after May 26, 2010, and
82 before July 1, 2026, excluding persons who have been removed
83 from the requirement to register as a sexual offender or sexual
84 predator pursuant to s. 943.04354.

85 (4) (a) A person who has been convicted of a violation of s.
86 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
87 regardless of whether adjudication has been withheld, in which

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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, 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, 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 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. Any person convicted of a violation described in paragraph (a) for offenses that occur on or after July 1, 2026,

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117 excluding persons who have been removed from the requirement to
118 register as a sexual offender or sexual predator pursuant to s.
119 943.04354.

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

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

125 775.216 Restricted locations for persons convicted of
126 certain sex offenses.—

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

128 (a) "Child care facility" has the same meaning as in s.
129 402.302.

130 (b) "Park," "playground," and "school" have the same
131 meanings as in s. 775.215.

132 (c) "Public swimming pool" means a watertight structure of
133 concrete, masonry, or other approved materials which is located
134 either indoors or outdoors, used for bathing or swimming by
135 humans, and filled with a filtered and disinfected water supply,
136 together with buildings, appurtenances, and equipment used in
137 connection therewith. The term includes a conventional pool,
138 spa-type pool, wading pool, special purpose pool, spray pool,
139 splash pad, or water recreation attraction, to which admission
140 may be gained with or without payment of a fee, regardless of
141 whether entry to the public swimming pool is limited by a gate
142 or other method of controlling access. The term only includes
143 the water feature and the immediate surrounding area of such
144 water feature. The term also includes, but is not limited to,
145 pools operated by or serving camps, churches, cities, counties,

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146 municipalities, day care centers, parks, state agencies,
147 schools, subdivisions, apartments, hotels, motels, mobile home
148 parks, recreational vehicle parks, and townhouses. The term does
149 not include a swimming pool at a private single-family residence
150 or a swimming pool at a facility where the operator prohibits
151 the use of such pool by persons younger than 18 years of age.

152 (2) A person who has been convicted of a violation of s.
153 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145,
154 regardless of whether adjudication has been withheld, in which
155 the victim was younger than 16 years of age at the time of the
156 offense, or who has been convicted of a similar offense in
157 another jurisdiction, regardless of whether adjudication has
158 been withheld, in which the victim was younger than 16 years of
159 age at the time of the offense, may not be on the premises of
160 any school, child care facility, park, public swimming pool, or
161 playground.

162 (3) A person who violates this section commits a
163 misdemeanor of the first degree, punishable as provided in s.
164 775.082 or s. 775.083.

165 (4) This section does not apply to a person who:

166 (a) Has been removed from the requirement to register as a
167 sexual offender or sexual predator under s. 943.04354.

168 (b) Is actively traveling past a location described in
169 subsection (1) while in transit to another destination.

170 (c) A parent, grandparent, or legal guardian who is
171 dropping off or picking up his or her child or grandchild from a
172 child care facility or school or who is visiting his or her
173 child's or grandchild's child care facility or school, subject
174 to the requirements in s. 856.022(4)(b).

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(d) A parent, grandparent, or legal guardian who is only dropping off or picking up his or her child or grandchild from a park, playground, or public swimming pool.

(e) A person who is on the premises of a location described in subsection (1) for the sole purpose of:

1. Attending a religious service as defined in s. 775.0861.

2. Voting, if such person is present during the hours designated for voting.

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

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

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

(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 has a conviction specified in subsection (1) ~~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

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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 committed:

(h) A violation of s. 775.216 by being on the premises of a school, child care facility, park, public swimming pool, or playground after he or she was convicted of committing a specified sexual offense 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, child care facility ~~day care center~~, or other place where children regularly

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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 must ~~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 947.005, Florida Statutes, are redesignated as subsections (11) through (16), respectively, and a new subsection (10) is added to that section, to read:

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

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

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provision of this section, the commission shall impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool. 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 is subsequently established within 1,000 feet of his or her residence.

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

(16) 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 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 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 a condition prohibiting the releasee from visiting a public swimming pool without prior approval from his or her supervising officer.

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291 (a) Except as provided in paragraph (b), a supervising
292 officer must deny a releasee's request to visit a public
293 swimming pool if the releasee is prohibited from visiting such a
294 public swimming pool under s. 775.216.

295 (b) A supervising officer may authorize a releasee who is
296 prohibited from visiting a public swimming pool under s. 775.216
297 if it is for any purpose listed in s. 775.216(4).

298 Section 8. Present subsections (9) through (13) of section
299 948.001, Florida Statutes, are redesignated as subsections (10)
300 through (14), respectively, and a new subsection (9) is added to
301 that section, to read:

302 948.001 Definitions.—As used in this chapter, the term:
303 (9) "Public swimming pool" has the same meaning as in s.
304 775.215.

305 Section 9. Subsections (6) and (7) are added to section
306 948.30, Florida Statutes, to read:

307 948.30 Additional terms and conditions of probation or
308 community control for certain sex offenses.—Conditions imposed
309 pursuant to this section do not require oral pronouncement at
310 the time of sentencing and shall be considered standard
311 conditions of probation or community control for offenders
312 specified in this section.

313 (6) In addition to all other conditions imposed, for a
314 probationer or community controllee whose crime was committed on
315 or after July 1, 2026, and who is placed on supervision for
316 committing, or attempting, soliciting, or conspiring to commit,
317 a violation of s. 787.06(3)(b), (d), (f), or (g); chapter 794;
318 s. 800.04; s. 827.071; s. 847.0135(5); or s. 847.0145 against a
319 victim who was younger than 18 years of age at the time of the

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offense, the court must impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool. 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 public swimming pool is subsequently established within 1,000 feet of his or her residence.

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

(7) 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 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 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 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 without prior approval from his or her supervising officer.

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349 (a) Except as provided in paragraph (b), a supervising
350 officer must deny a probationer's request to visit a public
351 swimming pool if the probationer is prohibited from visiting
352 such a public swimming pool under s. 775.216.

353 (b) A supervising officer may authorize a probationer who
354 is prohibited from visiting a public swimming pool under s.
355 775.216 if it is for any purpose listed in s. 775.216(4).

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