

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 45 (2026)

Amendment No. AA1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

Committee/Subcommittee hearing bill: Criminal Justice  
Subcommittee

Representative Bartleman offered the following:

**Amendment to Amendment (439963) by Representative Plakon**

Remove lines 16-155 of the amendment and insert:

(d) "Public bathing place" means a body of water, natural or modified by humans, that is regularly used by the public for swimming, diving, and recreational bathing with the consent of the owner or owners, and that is held out to the public by any person or public body as being available for such use, irrespective of whether a fee is charged for the use thereof.

(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,

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17 together with buildings, appurtenances, and equipment used in  
18 connection therewith. A public swimming pool means a  
19 conventional pool, spa-type pool, wading pool, special purpose  
20 pool, spray pool, splash pad, or water recreation attraction, to  
21 which admission may be gained with or without payment of a fee  
22 and includes, but is not limited to, pools operated by or  
23 serving camps, churches, cities, counties, child care  
24 facilities, group home facilities for eight or more clients,  
25 parks, state agencies, and schools. The term does not include  
26 pools operated by or serving subdivisions, apartments,  
27 boardinghouses, hotels, mobile home parks, motels, recreational  
28 vehicle parks, and townhouses.

29 (2)

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

36 (3)

37 (c) This subsection applies to any person convicted of an  
38 offense in another jurisdiction that is similar to a violation  
39 of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
40 847.0145 if such offense occurred on or after May 26, 2010 and  
41 before July 1, 2026, excluding persons who have been removed

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42 from the requirement to register as a sexual offender or sexual  
43 predator pursuant to s. 943.04354.

44 (4) (a) A person who has been convicted of a violation of  
45 s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s.  
46 847.0145, regardless of whether adjudication has been withheld,  
47 in which the victim was less than 16 years of age at the time of  
48 the offense, or who has been convicted of a similar offense in  
49 another jurisdiction, regardless of whether adjudication has  
50 been withheld, in which the victim was less than 16 years of age  
51 at the time of the offense, may not reside within 1,000 feet of  
52 any school, child care facility, park, public swimming pool,  
53 public bathing place, or playground. However, a person does not  
54 violate this subsection and may not be forced to relocate if he  
55 or she is living in a residence that meets the requirements of  
56 this subsection and a school, child care facility, park, public  
57 swimming pool, public bathing place, or playground is  
58 subsequently established within 1,000 feet of his or her  
59 residence.

60 (b) A person who violates this subsection and whose  
61 conviction under s. 794.011, s. 800.04, s. 827.071, s.  
62 847.0135(5), or s. 847.0145 was classified as a felony of the  
63 first degree or higher or whose conviction in another  
64 jurisdiction resulted in a penalty that is substantially similar  
65 to a felony of the first degree or higher commits a felony of  
66 the third degree, punishable as provided in s. 775.082, s.

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

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

**Section 2. 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

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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 3. Subsections (10) through (15) of section 947.005, Florida Statutes, are renumbered 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(1) (d).

(11) "Public swimming pool" has the same meaning as provided in s. 775.215(1) (e).

**Section 4. Subsections (15) and (16) are added to section 947.1405, Florida Statutes, to read:**

947.1405 Conditional release program.—

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

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

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

135       (16) In addition to all other conditions imposed, for a  
136 releasee who is subject to conditional release for a crime that  
137 was committed on or after July 1, 2026, and who has been  
138 convicted at any time of committing, or attempting, soliciting,  
139 or conspiring to commit, any of the criminal offenses listed in  
140 s. 943.0435(1)(h)1.a.(I), or a similar offense in another  
141 jurisdiction against a victim who was under 18 years of age at

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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 or public bathing place without prior  
approval from his or her supervising officer.

**Section 5. Subsections (9) through (13) of section**  
**948.001, Florida Statutes, are renumbered 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(1) (d).

(10) "Public swimming pool" has the same meaning as  
provided in s. 775.215(1) (e).