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 occurring on or after a specified date; providing penalties; providing applicability; amending s. 856.022, F.S.; revising the number of feet required for a specified offender to commit a specified offense of loitering or prowling; prohibiting certain persons from contacting, communicating with, or knowingly approaching with the intent to contact or communicate with certain children at certain locations; providing an exception; requiring a person who has been convicted of specified offenses to provide notice to a school or child care facility under certain circumstances; providing definitions; amending s. 901.15, F.S.; authorizing the warrantless arrest of a person if a law enforcement officer has probable cause to believe that a person committed specified offenses; amending s. 943.04351, F.S.; revising requirements for searching 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. 947.1405, F.S.; revising special conditions for certain sexual offenders subject to conditional release supervision for offenses committed on or after a specified date; 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; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) of section 775.215, Florida Statutes, is redesignated as paragraph (e), paragraph (c) of subsection (2) and paragraph (c) of subsection (3) are amended, and a new paragraph (d) is added to subsection (1) and subsection (4) is added to that section, to 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 structure which is located either indoors or outdoors and used for recreational bathing or swimming by humans. The term includes a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or other water recreation attraction, to which admission may be gained with or without payment of a fee,

regardless of whether entry to the swimming pool is limited by a gate or other method of controlling access. The term includes swimming pools operated by or serving subdivisions, apartments, condominiums, mobile home parks, or townhouses, or any pool operated by a governmental entity which is held open to the public. The term does not include a swimming pool at a private single-family residence, hotel, motel, recreational vehicle park, or a swimming pool where the operator prohibits the use of such pool by persons younger than 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 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 less 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 less 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, playground, or public swimming pool. 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, playground, or public swimming pool 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, 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 subsection (2) or subsection (3) who changes his or her permanent residence, as that term is defined in s. 775.21(2), on or after July 1, 2026.

Section 2. Section 856.022, Florida Statutes, is amended to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; prohibition on contact or communication with children in certain locations; penalty.—

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction against a victim who was under 18 years of age at the time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor; s.

787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, if the person has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection and 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.

(2) This section does not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3) A person described in subsection (1) commits loitering and prowling by a person convicted of a sexual offense against a minor if, in committing loitering and prowling, he or she was within 500 ~~300~~ feet of a place where children were congregating.

(4)(a) It is unlawful for a person described in subsection (1) to knowingly ~~approach,~~ contact, ~~or~~ communicate with, or approach with the intent to contact or communicate with, a child under 18 years of age in any ~~public~~ park building or on real property comprising any ~~public~~ park, ~~or~~ playground, or public swimming pool. This subsection does not prohibit a person from

contacting, communicating with, or approaching with the intent to contact or communicate with, a child under 18 years of age if the child is his or her family or household member as defined in s. 741.28 ~~with the intent to engage in conduct of a sexual nature or to make a communication of any type with any content of a sexual nature. This paragraph applies only to a person described in subsection (1) whose offense was committed on or after May 26, 2010~~.

(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 ~~of his or her intent to be present~~ to the school board, superintendent, principal, or child care facility owner that he or she has a conviction specified in subsection (1) 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; and ~~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.

(c) A person is not in violation of paragraph (b) if:

1. The child care facility or school is a voting location and the person is present for the purpose of voting during the hours designated for voting; ~~or~~

2. The person is a parent, grandparent, or legal guardian who is only dropping off or picking up his or her child or grandchild ~~own children or grandchildren~~ at the child care facility or school; or~~.~~

3. The person is attending a religious service as defined in s. 775.0861.

(5) Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

(b) "Park," "playground," and "school" have the same meanings as in s. 775.215(1).

(c) "Public swimming pool" means a structure which is located either indoors or outdoors and used for recreational

bathing or swimming by humans, including the area immediately surrounding the structure. The term includes a conventional pool, spa-type pool, wading pool, special purpose pool, spray pool, splash pad, or other water recreation attraction, to which admission may be gained with or without payment of a fee, regardless of whether entry to the swimming pool is limited by a gate or other method of controlling access. The term also includes, but is not limited to, pools operated by or serving camps, churches, governmental entities, day care centers, parks, schools, subdivisions, apartments, condominiums, 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 where the operator prohibits the use of such pool by persons younger than 18 years of age.

Section 3. 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. 856.022(4)(a) by knowingly contacting, communicating with, or approaching with the intent to contact or communicate with, a child under 18 years of age in

any park building or on real property comprising any park, playground, or public swimming pool.

(i) A violation of s. 856.022(4)(b) by knowingly being present in any child care facility or school containing students in prekindergarten through grade 12 or on real property comprising a child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation.

Section 4. 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 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 5. 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 under 18 years of age at the time of the offense, in addition to any other provision of this section, the commission must impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool, as defined in s. 775.215. 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

CODING: Words stricken are deletions; words underlined are additions.

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 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 a condition prohibiting the releasee from visiting a public swimming pool, as defined in s. 856.022(6), without prior approval from his or her supervising officer.

Section 6. Subsections (6) and (7) are added to section 948.30, Florida Statutes, 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.

(6) In addition to all other conditions imposed, for a probationer or community controllee whose crime was committed on or after July 1, 2026, and who is placed on supervision for committing, or 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 against a victim who was under 18 years of age at the time of the offense, the court must impose the following conditions:

(a) A prohibition on living within 1,000 feet of any public swimming pool, as defined in s. 775.215. 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 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 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 controlee from visiting a public swimming pool, as defined in s. 856.022(6), without prior approval from his or her supervising officer.

Section 7. This act shall take effect July 1, 2026.