

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 212

INTRODUCER: Criminal Justice Committee and Senator McClain

SUBJECT: Sexual Offenders and Sexual Predators

DATE: February 9, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 212 amends ss. 775.215, F.S., 947.1405, F.S., and 948.30, F.S., relating to persons convicted of committing sexual offenses committed on or after July 1, 2026, or who change their residence on or after that date to:

Prohibit a person who was convicted of specified sexual offenses in which the victim was younger than 16 years of age from residing within 1,000 feet of a public swimming pool or public bathing place. The bill creates criminal penalties for violating this prohibition.

Prohibit a person who is on probation,¹ community control,² or conditional release³ for committing a specified sexual offense in which the victim was under 18 from:

- Living within 1,000 feet of a public swimming pool or public bathing place;
- Working or volunteering at a public swimming pool or public bathing place; or
- Visiting a public swimming pool or public bathing place.

The bill creates s. 775.216, F.S., which establishes a 200-foot restricted zone around schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, and prohibits certain offenders from visiting or being within these areas, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

¹ Section 948.001(8), F.S.

² Section 948.001(3), F.S.

³ Section 947.1405, F.S.

The bill amends s. 901.15, F.S., to authorize a law enforcement officer to arrest a person without a warrant if there is probable cause to believe the person violated s. 775.216, F.S., by being within 200 feet of a prohibited location after being convicted of specified sexual offenses against a victim younger than 16 years of age.

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision to conduct a search of a person's name or other identifying information against the registration information for sexual predators and sexual offenders on a national or state website prior to a person's employment, regardless of compensation, at a public swimming pool or public bathing place.

Definitions for "public swimming pool" and "public bathing place" are added to ss. 947.005 and 948.001, F.S.

The bill may have a positive indeterminate prison bed impact (unquantifiable increase in Prison Beds) on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect on July 1, 2026.

II. Present Situation:

Sexual Predators and Offenders

The Florida Department of Law Enforcement (FDLE) is the state agency responsible for Florida's sex offender registry. The information contained in the sex offender registry is reported directly to the FDLE by the Florida Department of Corrections (DOC), the Florida Department of Highway Safety and Motor Vehicles, and law enforcement officials.⁴ Florida's sexual offender and sexual predator registration laws were implemented in 1993 and 1997.⁵ The sex offender registry database is a statewide system that collects and disseminates sex offender information to the public and law enforcement agencies through the Sexual Offender Predator System (SOPS). The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.⁶

Florida's Sexual Predator and Sexual Offender Registration Laws

Florida law requires registration of any person who has been convicted or adjudicated delinquent of a specified sex offense or offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.⁷ The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. The laws span several different chapters and numerous statutes,⁸ and are implemented through the combined efforts of the

⁴ Florida Department of Law Enforcement, *Sexual Offender and Predator System*, available at <https://offender.fdle.state.fl.us/offender/sops/search.jsf>, (last visited on January 14, 2026).

⁵ Sections 775.21, and 943.0435, F.S.

⁶ *State v. McKenzie*, 331 So.3d 666 (Fla. 2021).

⁷ Sections 775.21 and 943.0435, F.S.

⁸ Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

FDLE, all Florida sheriffs, the DOC, the Department of Juvenile Justice, the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:⁹

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;¹⁰
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.¹¹

A person is classified as a sexual offender if the person:¹²

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration, community or public notification in another state or jurisdiction, or is in the custody, control, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.¹³

Sex Offender Recidivism

Sex crimes have historically been difficult to measure due to the nature of the crimes, underreporting, and timeframes surrounding the crimes. These factors contribute to the complex nature of measuring offenses and rates of recidivism. Sexual recidivism rates vary widely, ranging from 5% after 3 years to 24% after 15 years.¹⁴

The DOC defines recidivism “as a return to prison, as the result of either a new conviction or a violation of post-prison supervision, within three years of their prison release date.” The 2025 Recidivism Report reflects a 23.3% recidivism rate for inmates incarcerated with the primary offense of a sexual/lewd behavior as follows:

- 8.4% of inmates reoffend within 12 months after release.
- 8.8% of inmates reoffend 13 to 24 months after release.

⁹ Section 775.21(4), F.S.

¹⁰ Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

¹¹ Sections 775.21(4) and (5), F.S., The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

¹² Section 943.0435, F.S.

¹³ Sections 943.0435(1)(h) and 985.4815(1)(h), F.S.; Sections 944.606(1)(f) and 944.607(1)(f), F.S., which address sexual offenders in the custody of or under the DOC’s supervision, also define the term “sexual offender.”

¹⁴ U.S. Department of Justice, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, *Chapter 5: Adult Sex Offender Recidivism*, available at <https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism> (last visited Feb. 7, 2026).

- 6.1% of inmates reoffend 25 to 36 months after release.¹⁵

Residency Restrictions for Persons Convicted of Certain Sexual Offenses

A person who has been convicted in Florida of committing a specified sexual offense that occurred on or after October 1, 2004, or who was convicted of committing an offense in another jurisdiction that is similar to a specified sexual offense that occurred on or after May 26, 2010, regardless of whether adjudication has been withheld, in which the victim of the offense was younger than 16 years of age may not reside within 1,000 feet of any:

- School;¹⁶
- Child-care facility;¹⁷
- Park;¹⁸ or
- Playground.¹⁹

A person does not violate these residency restrictions and may not be forced to relocate if he or she is living in a residence that meets the restrictions and a school, child care facility, park, or playground is subsequently established within 1,000 feet of his or her residence.²⁰

Specified sexual offenses that subject a person to residency restrictions include the following, provided the victim of the offense was younger than 16 years old:

- Sexual battery under s. 794.011, F.S.
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.
- Lewd or lascivious exhibition using a computer under s. 847.0135(5), F.S.

¹⁵ Florida Department of Corrections, *Florida Prison Recidivism Report: Releases from 2010 to 2022*, available at <https://fdc-media.ccplatform.net/content/download/42673/file/Recidivism%20Report%202020%20Cohort.pdf>, 8 (last visited Feb. 7, 2026).

¹⁶ Section 775.215(2)(c), F.S. “School” means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education, and includes a private school as defined in s. 1002.01, F.S., a voluntary prekindergarten program as described in s. 1002.53(3), F.S., a public school as described in s. 402.3025(1), F.S., the Florida School for the Deaf and the Blind, and the Florida Virtual School established under s. s. 1002.37, F.S., but does not includes facilities designated exclusively to the education of adults. s. 775.215(1)(d), F.S.

¹⁷ “Child care facility” means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025, F.S.;
- Summer camps having children in full-time residence;
- Summer day camps;
- Bible schools normally conducted during vacation periods; and
- Operators of transient establishments, as defined in ch. 509, F.S., which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of ch. 435, F.S. and s. 775.215(1)(a), F.S.

¹⁸ “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate. s. 775.215(1)(b), F.S.

¹⁹ “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures. s. 775.215(1)(c), F.S.

²⁰ Section 775.215(3)(a), F.S.

- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.²¹

A violation is punishable as a:

- Third degree felony²² if the underlying sexual offense was classified as a first degree felony²³ or higher; or
- First degree misdemeanor²⁴ if the underlying sexual offense was classified as a second²⁵ or third degree felony.²⁶

A large number of cities and counties have passed local ordinances designed to restrict where people who have been convicted of a sexual offense may live. Generally, the ordinances extend the distance from 1,000 feet to 2,500 feet. Many of the ordinances also prohibit an offender from living within 2,500 feet of places such as libraries, churches, and bus stops which are not included in the state statute.

The Lauren Book Child Safety Ordinance, deems it unlawful for any person that has established residency on or after November 25, 2005, and has been convicted of a sexual battery, lewd and lascivious act on/in the presence of persons under age 16, sexual performance by a child, sexual acts transmitted over computer, or selling or buying of minors for portrayal in sexually explicit conduct, in which the victim of the offense was less than sixteen (16) years of age, or similar law of another jurisdiction, to reside within 2,500 feet of any school within Miami-Dade County.²⁷

In April 2025, Clewiston city council passed an ordinance requiring sex offenders to live at least 2,500 feet from schools, parks, and playgrounds.²⁸

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with a probation officer and other terms and conditions.²⁹ Community control is a form of intensive supervised custody of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement, and includes specific sanctions and monitoring by probation officers with restricted caseloads.³⁰

²¹ Section 775.215(2)(a), F.S.

²² A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

²³ A first degree felony is generally punishable by not more than 30 years in state prison and a fine not exceeding \$10,000. When specifically provided by statute, a first degree felony may be punished by imprisonment for a term of years not exceeding life imprisonment. Sections 775.082 and 775.083, F.S.

²⁴ A first degree misdemeanor is punishable by not more than one year in a county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

²⁵ A second degree felony is punishable by a term of imprisonment not exceeding 30 years and a \$10,000 fine. Sections 775.082 and 775.083, F.S.

²⁶ Section 775.215(3)(b).

²⁷ Miami-Dade Sheriff's Office, *Sexual Predator and Offender Registration*, available at https://www.miamidade.gov/global/service.page?Mduid_service=ser1522959874956151 (last visited Feb. 7, 2026).

²⁸ Fox 4 Southwest Florida, *'Not welcome here': Clewiston passes law to keep sex offenders farther away from schools*, available at https://www.fox4now.com/clewiston/not-welcome-here-clewiston-passes-law-to-keep-sex-offenders-farther-away-from-schools#google_vignette (last visited Feb. 7, 2026).

²⁹ Section 948.001(8), F.S.

³⁰ Section 948.001(3), F.S.

Several standard conditions of probation or community control apply automatically, including requirements to report to a probation officer as directed and to live without violating any law.³¹ The court may also impose special conditions, such as community service hours, regular drug or alcohol testing, no contact orders, and treatment programs.³² Failure to meet any condition of supervision is a violation of probation or community control (VOP).

Generally, upon a finding that an offender violated probation or community control, the court may revoke, modify, or continue supervision.³³ If the court revokes supervision, it may impose any sentence that was permissible at the offender's initial sentencing.³⁴

If a violent felony offender of special concern (VFOSC)³⁵ commits a VOP and the court finds the VFOSC poses a danger to the community, the court must revoke probation and sentence the offender up to the statutory maximum, or longer if permitted by law.³⁶

When a person is arrested for committing a crime, he or she is generally entitled to pretrial release on reasonable conditions under the Florida Constitution.³⁷ However, a person taken into custody for a VOP does not have a constitutional right to release pending the disposition of the VOP.³⁸ If the offender qualifies as a VFOSC, the court is prohibited from granting pretrial release.³⁹

Probation

The court determines the terms and conditions of probation.⁴⁰ Section 948.03, F.S., provides standard conditions of probation;⁴¹ however, a court may sentence an offender to special terms and conditions at the time of sentencing. Standard conditions of probation include:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.

³¹ Section 948.03(1), F.S.

³² Section 948.03(2), F.S.

³³ Section 948.06(2)(a), F.S.

³⁴ Section 948.06(2)(b), F.S.

³⁵ A VFOSC is an offender who commits a specified qualifying offense or is in a special status like habitual violent felony offender and meets other specified criteria. Examples of qualified offenses include murder, kidnapping, and sexual battery. For a complete list of criteria, see s. 948.06(8), F.S.

³⁶ Section 948.06(8)(e)2.a., F.S.

³⁷ Art. I, s. 14, Fla. Const. Exceptions include when a person is charged with a capital offense or offense punishable by life and the proof of guilt is evident or the presumption is great, or if no conditions can reasonably protect the community from risk of physical harm.

³⁸ *Bernhardt v. State*, 288 So. 2d 490, 497 (Fla. 1974).

³⁹ Section 903.0351(1)(a), F.S.

⁴⁰ Section 948.03, F.S.

⁴¹ Section 948.03(1)(a-1), F.S. Standard conditions include, in part, reporting to the probation officer as directed, permitting visits by the probation officer, work at suitable employment, and live without violating any law.

- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.⁴²

Community Control

In addition to the standard conditions which apply to normal probationers, an offender on community control must:

- Maintain specified contact with his or her parole or probation officer;
- Be confined to an agreed-upon residence during any hours he or she is away from work or public service activities;
- Complete mandatory public service; and
- Be supervised by the DOC by means of an electronic monitoring device or system.⁴³

Probation or Community Control for Persons Convicted of Certain Sexual Offenses

A court must impose additional conditions of supervision on a person who is sentenced to probation or community control after being convicted of committing, or attempting, soliciting, or conspiring⁴⁴ to commit one of the following sexual offenses:

- Human trafficking using coercion or human trafficking of a child under 18 for commercial sexual activity under s. 787.06(3)(b), (d), (f), and (g), F.S.;⁴⁵
- Sexual battery under ch. 794, F.S.;
- Lewd or lascivious battery, molestation, conduct, or exhibition under s. 800.04, F.S.;
- Use or promotion of a child in a sexual performance or possessing child pornography under s. 827.071, F.S.;
- Lewd or lascivious exhibition over the Internet under s. 847.0135, F.S.; and
- Selling or buying minors to engage in sexually explicit conduct under s. 847.0145, F.S.⁴⁶

Conditional Release

Conditional release requires mandatory post-prison supervision for inmates who are sentenced for certain violent crimes and who have served a prior felony commitment at a state or federal correctional institution, or who are sentenced as a habitual offender, violent habitual offender, violent career criminal, or court designated sexual predator. Unlike parole, conditional release is not discretionary release.⁴⁷ Conditional release is a form of probation in which a person who has been released from prison after completing the incarcerative portion of his or her sentence remains under close supervision of the DOC.⁴⁸ The determination of whether an inmate is subject to conditional release supervision after his or her release depends on the offense committed by the inmate, the inmate's prior criminal history, and the date the inmate committed the offense.

⁴² Section 948.03(1), F.S.

⁴³ Section 948.101(3), F.S.

⁴⁴ Section 948.30(1), F.S.

⁴⁵ *Id.*

⁴⁶ Section 948.30, F.S.

⁴⁷ Florida Commission on Offender Review, *Conditional Release*, available at <https://www.fcor.state.fl.us/release/release-types#conditionalRelease> (last visited January 14, 2026).

⁴⁸ Section 947.1405, F.S.

If a person violates the terms and conditions of his or her conditional release, the person is arrested and held pending a review by the Florida Commission on Offender Review (FCOR). If the FCOR determines that the person committed a violation, the FCOR may either revoke his or her conditional release and return the person to prison to serve the remainder of his or her sentence, reinstate the conditional release order, or enter another order as the FCOR deems appropriate, such as sentencing the person to serve the remainder of his or her prison sentence in a county detention facility in lieu of a state prison.⁴⁹

Registration Search

A state agency or governmental subdivision must, before making any decision to appoint or employ a person to work, whether for compensation or as a volunteer, at any park, playground, day care center, or other place where children regularly congregate, 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.⁵⁰

Public Swimming Pools and Bathing Places

“Public swimming pool” or “public 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.⁵¹

A public swimming pool or public pool also includes a conventional pool, spa-type pool, wading pool, special purpose pool, or water recreation attraction, to which admission may be gained with or without payment of a fee and includes, but is not limited to, pools operated by or serving camps, churches, cities, counties, day care centers, group home facilities for eight or more clients, health spas, institutions, parks, state agencies, schools, subdivisions, or the cooperative living-type projects of five or more living units, such as apartments, boardinghouses, hotels, mobile home parks, motels, recreational vehicle parks, and townhouses.⁵²

“Public bathing place” means a body of water, natural or modified by humans, for swimming, diving, and recreational bathing used by consent of the owner or owners and held out to the public by any person or public body, irrespective of whether a fee is charged for the use thereof. The bathing water areas of public bathing places include, but are not limited to, lakes, ponds, rivers, streams, artificial impoundments, and waters along the coastal and intracoastal beaches and shores of the state.⁵³

Currently, there is no statutory provision that specifically prohibits registered sex offenders from accessing public swimming pools, public pools or public bathing places.

⁴⁹ Section 947.141, F.S.

⁵⁰ Section 943.04351, F.S.

⁵¹ Section 514.011, F.S.

⁵² *Id.*

⁵³ *Id.*, F.S.

III. Effect of Proposed Changes:

Residency Requirements of Sex Offenders

The bill amends s. 775.215, F.S., to prohibit a person from residing within 1,000 feet of any public swimming pool or public bathing place if:

- He or she has been convicted of committing specified sexual offenses⁵⁴ in Florida, or an offense in another jurisdiction that is similar to a specified sexual offense, regardless of whether adjudication has been withheld; and
- The victim was less than 16 years of age.

The bill applies to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date. A person who is subject to the residency restrictions in the bill would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence. Violations of these residency restrictions constitute a third-degree felony if the underlying conviction was a felony of the first degree or higher, and a first degree misdemeanor if the underlying conviction was a felony of the second or third degree.

The bill creates s. 775.216, F.S., which establishes a 200-foot restricted zone around schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds. The bill prohibits certain offenders from visiting or being within these areas, with specified exceptions such as traveling past the location, dropping off or picking up his or her child or grandchild from a child care facility or school, attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

Conditional Release

The bill amends s. 947.1405, F.S., to require that any person who has been convicted of committing specified sexual offenses committed on or after July 1, 2026, involving a victim who is under the age of 18 and who is serving conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool or public bathing place, although such person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool or public bathing place.

A person who has been convicted of committing any crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring a sexual offender designation in which the victim was under age 18 and who is serving conditional release supervision may not visit a public swimming pool or public bathing place without the prior approval of his or her supervising officer.

⁵⁴Sections 794.011, F.S., Sexual Battery, 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons younger than 16 years of age, 827.071, F.S., Sexual performance by a child, 847.0135(5), F.S., Computer pornography, or 847.0145, F.S., Selling or buying of minors.

Probation and Community Control

The bill amends s. 948.30, F.S., to require any person who has been convicted of committing a crime on or after July 1, 2026, that involves specified sexual offenses involving a victim who is under the age of 18 and who is subject to conditional release supervision, in addition to all other existing requirements and restrictions, to also be prohibited from:

- Living within 1,000 feet of a public swimming pool or public bathing place, although the person would not be required to move if he or she is living in a residence that meets existing residency requirements and a public swimming pool or public bathing place is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool or public bathing place.

A person who has been convicted of committing any crime that occurred on or after July 1, 2026, and who was also convicted at any time of committing, or attempting, soliciting, or conspiring to commit, an offense requiring sexual offender designation in which the victim was under age 18 and who is subject to conditional release supervision may not visit a public swimming pool or public bathing place without the prior approval of his or her supervising officer.

Working/Volunteering at a Public Pool or Bathing Place

The bill amends s. 943.04351, F.S., to require a state agency or governmental subdivision, prior to making a decision to appoint or employ a person to work or volunteer at a public swimming pool or public bathing place to conduct a search of such 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. However, if the website is unavailable, a search is required of the registration information regarding sexual predators and sexual offenders maintained by the FDLE. A state agency or governmental subdivision is not required to conduct such a search if the position requires a state and national criminal history background check.

Visiting a School or Child Care Facility

The bill amends s. 856.022, F.S., to require a sexual offender or sexual predator who enters a child care facility or school containing students in prekindergarten through grade 12 to provide written notification of his or her status and intent to be present to the school board, superintendent, principal, or child care facility owner.

The bill also amends s. 775.215, F.S., the residency restriction section, to include the definitions of "public swimming pool" and "public bathing place." These terms are added to ss. 947.005 and 948.001, F.S.

Warrantless Arrest

The bill adds another category to the current listings found in s. 901.15, F.S., for when a warrantless arrest is lawful based upon probable cause. The bill authorizes a law enforcement officer to arrest a person without a warrant when someone violates the provisions of s. 775.216, F.S., 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

certain specified sexual offenses against a victim who was younger than 16 years of age at the time the offense was committed.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Under the Fourteenth Amendment of the U.S. Constitution and Article I, Section 9 of the Florida Constitution, restrictions that significantly limit where an individual may live or work may be challenged as infringing on liberty interests.

The bill adds additional residential requirements on sexual offenders to further define allowable living arrangements. Restrictions were addressed in *Doe v. Snyder*,⁵⁵ which found Michigan's residency restrictions punitive when applied retroactively. Florida courts, such as in *State v. Robinson*,⁵⁶ have generally upheld registration requirements as non-punitive but recognize that significant limitations on residency may implicate constitutional concerns.

The bill creates s. 775.216, F.S., to prohibit a person convicted of specified sexual offenses in which the victim was younger than 16 years of age from visiting or otherwise being within 200 feet of any school, child care facility, park, public swimming pool, public bathing place, or playground. These added proximity restrictions may raise constitutional concerns as well as potential challenges based on overbreadth and vagueness. In *Doe v. City of Palm Bay*,⁵⁷ however, the court upheld a city ordinance prohibiting sexual predators and registered sexual offenders from making deliveries to or

⁵⁵ *Doe v. Snyder*, 834 F.3d 696 (6th Cir. 2016).

⁵⁶ *State v. Robinson*, 873 So. 2d 1205 (Fla. 2004).

⁵⁷ *Doe v. City of Palm Bay*, 169 So. 3d 1211 (Fla. 5th DCA 2015).

performing work at any residence, designated private or public school, or other place where children or vulnerable adults may reside or regularly congregate.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Department of Corrections supervises 6,124 sex offenders, of whom approximately 2,992 could be affected by this bill. The Department states in its agency analysis that 12,985 inmates, when released, would be impacted by the bill. The increased residential restrictions could make it difficult to obtain stable housing. Currently, 334 supervised sex offenders are classified by the Department as homeless and the number will likely increase if this bill takes effect.

The Department also states that the expanded restrictions pertaining to public pools and public bathing spaces could further reduce available housing. This may increase the risk that some offenders will abscond because they are unable to secure housing in compliance with the restrictions.⁵⁸

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a positive indeterminate prison bed impact (unquantifiable increase in prison beds) on the Department of Corrections (DOC). The EDR provides the following additional information regarding its estimate:

Per the DOC, in FY 24-25, there were 5,589 offenders returned to prison for conditional release, probation, and community control violations. As of October 10, 2025, there was a population of 6,124 offenders under supervision who could potentially be impacted by this new language, though it is not known how many would commit future violations under this language.⁵⁹

VI. Technical Deficiencies:

The Florida Department of Law Enforcement, in its agency analysis, suggests clarifying language for s. 856.022(4)(b)1., F.S.⁶⁰ The language would clarify that s. 856.0022, F.S.:

⁵⁸ Florida Department of Corrections, *2026 Agency Legislative Bill Analysis for SB 212*, (Oct. 17, 2025) <https://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=36184&yr=2026> (See SB0212_DOC 2025-11-06.docx.)

⁵⁹ Office of Economic and Demographic Research, *SB 212- Sexual Offenders and Sexual Predators*, (on file with the Senate Committee on Criminal Justice).

⁶⁰ Florida Department of Law Enforcement, *2026 Agency Legislative Bill Analysis for SB 212* (Jan. 30, 2026) <https://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=36184&yr=2026> (See SB 212_DLE 2026-02-04.docx.)

does not pertain to sexual offenders or predators, but to those convicted of specified offenses. This alternate language will help to clarify for the courts that those required to register under civil registration laws are treated no differently than others similarly situated, i.e., convicted or adjudicated of a sexual offense, because of their registration requirement and therefore will eliminate any registration related constitutionality concerns with the language of the bill.

Accordingly, FDLE recommends that lines 183-184 of the bill be replaced with the following:

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;

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 775.215, 856.022, 901.15, 943.04351, 947.005, 947.1405, 948.001, and 948.30

This bill creates the following sections of the Florida Statutes: 775.216

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on January 20, 2026.

The committee substitute:

- Narrows the definition of “public bathing place” and” public pool.”
- Applies the provisions of the bill prospectively to offenses committed on or after July 1, 2026, and to individuals who change their residence on or after that date.
- Creates s. 775.216, F.S., which establishes a 200-foot restricted zone around schools, child care facilities, parks, public swimming pools, public bathing places, and playgrounds, and prohibits certain offenders from visiting or being within these areas, with specified exceptions such as attending religious services, voting, or conducting official business. A violation is a first degree misdemeanor.

- B. **Amendments:**

None.