

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 45](#)

TITLE: Sexual Offenders and Sexual Predators

SPONSOR(S): Plakon

COMPANION BILL: [SB 212](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

11 Y, 5 N, As CS



[Health Professions & Programs](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/HB 45 revises several provisions related to persons convicted of committing specified sexual offenses after July 1, 2026, including:

- Prohibiting a person who is convicted of specified sexual offenses in which the victim was under 16 years of age from residing within 1,000 feet of a public swimming pool or public bathing place.
- Prohibiting a person who is on probation, community control, or conditional release 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 without prior approval.

The bill prohibits a person who was convicted of committing specified sexual offenses prior to July 1, 2026 and who is currently subject to residency restrictions, from residing within 1,000 feet of a public swimming pool or public bathing place if such person changes his or her place of residence on or after July 1, 2026.

The bill also requires 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 at a public swimming pool or public bathing place.

Fiscal or Economic Impact:

The bill may have an indeterminate positive prison and jail bed impact.

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ANALYSIS

EFFECT OF THE BILL:

[Residency Restrictions for Persons Convicted of Certain Sexual Offenses](#)

The bill prohibits a person who has been convicted of committing [specified sexual offenses](#) in Florida on or after July 1, 2026, or who has been convicted of committing a similar offense in another jurisdiction on or after July 1, 2026, regardless of whether adjudication has been withheld, in which the victim was less than 16 years of age from residing within 1,000 feet of any [public swimming pool](#) or [public bathing place](#). The bill specifies that, for purposes of determining such residency restrictions, the term "public swimming pool" includes a public spray pool and a public splash pad. (Section [1](#))

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. (Section [1](#))

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The bill also prohibits a person who was convicted of committing a specified sexual offense in Florida on or after October 1, 2004, and before July 1, 2026, or who has been convicted of committing an offense in another jurisdiction on or after May 26, 2010, and before July 1, 2026, regardless of whether adjudication was withheld, in which the victim was less than 16 years of age from residing within 1,000 feet of any public swimming pool or public bathing place if he or she changes his or her place of residence on or after July 1, 2026. (Section [1](#))

The residency restrictions created by the bill do not apply to an offender who has been removed from the requirement to register as a sexual offender or sexual predator. (Section [1](#))

Probation or Community Control for Persons Convicted of Certain Sexual Offenses

The bill requires that any person who has been convicted of committing specified [sexual offenses](#) on or after July 1, 2026, involving a victim who is under the age of 18 and who is sentenced to a term of [probation](#) or [community control](#), 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. (Section [6](#))

The bill specifies that, for purposes of determining supervision conditions under probation or community control, the term “public swimming pool” includes a public spray pool and a public splash pad. (Section [5](#))

The bill also prohibits 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, an [offense requiring sexual offender designation](#) in which the victim was under age 18 from visiting a public swimming pool or public bathing place without the prior approval of his or her supervising officer. (Section [6](#))

Conditional Release

The bill requires that any person who has been convicted of a crime committed on or after July 1, 2026, or who has been previously convicted of committing specified [sexual offenses](#) on or after July 1, 2026, against 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 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. (Section [4](#))

The bill specifies that, for purposes of determining conditional release supervision conditions, the term “public swimming pool” includes a public spray pool and a public splash pad. (Section [3](#))

The bill also prohibits a person who is subject to conditional release 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, an [offense requiring sexual offender designation](#) in which the victim was under age 18 at the time of the offense from visiting a public swimming pool or public bathing place without the prior approval of his or her supervising officer. (Section [4](#))

Employment Screening

The bill requires 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 or, if such website is unavailable, a search of the registration information regarding sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement. 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. (Section [2](#))

The bill provides an effective date of July 1, 2026. (Section [7](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive prison bed impact by adding additional residency restrictions to persons who are convicted of specified sexual offenses, a violation of which can be a felony offense, which may increase prison admissions, and by imposing additional terms and conditions of probation, community control, or conditional release for some offenders who were convicted of specified sexual offenses, which may increase violations of probation, community control, and conditional release and thus result in additional admissions to prison.

LOCAL GOVERNMENT:

The bill may have an indeterminate positive jail bed impact by adding additional residency restrictions to persons who are convicted of specified sexual offenses, a violation of which can be a misdemeanor offense, which may increase jail admissions.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Sexual Offenders and Sexual Predators

Sexual Offenders

Under Florida law, a person is a sexual offender if he or she is convicted of a qualifying offense and:

- Was released on or after October 1, 1997, from the sanction resulting from a qualifying conviction.¹ A sanction imposed in this state or in any other jurisdiction includes, but is not limited to:
 - Probation,
 - Community control,
 - Parole,
 - Conditional release,
 - Control release, or
 - Incarceration in a state prison, federal prison, private correctional facility, or local detention facility.
- Establishes or maintains a residence in Florida and has not been designated a sexual predator by a court of this state but has been designated a sexual predator, sexually violent predator, or another sexual offender designation in another state or jurisdiction, if such designation subjects or would subject him or her to registration or public notification in that state or jurisdiction.²
- Establishes or maintains a residence in this state and is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a qualifying conviction.³
- Has been adjudicated delinquent on or after July 1, 2007, for a qualifying offense, if the juvenile was at least 14 years old at the time he or she committed the offense.⁴
- Is in the custody or control of, or under the supervision of, the Department of Corrections (DOC) or is in the custody of a private correctional facility.⁵

¹ [S. 943.0435\(1\)\(h\)1.a.\(II\), F.S.](#)

² [S. 943.0435\(1\)\(h\)1.b., F.S.](#)

³ [S. 943.0435\(1\)\(h\)1.c., F.S.](#)

⁴ [S. 943.0435\(1\)\(h\)1.d., F.S.](#)

[Qualifying convictions for sexual offender designation](#) include:

- Sexual misconduct with an individual with a developmental disability;⁶
- Sexual misconduct with a mental health patient by an employee;⁷
- Kidnapping or false imprisonment, where the victim is a minor and there is a sexual component to the crime;⁸
- Luring or enticing a child, with a prior sexual conviction;⁹
- Human trafficking;¹⁰
- Sexual battery;¹¹
- Unlawful sexual activity with minors;¹²
- Lewd or lascivious battery, molestation, conduct, or exhibition;¹³
- Video voyeurism with a prior video voyeurism conviction;¹⁴
- Lewd or lascivious offense on an elderly person;¹⁵
- Sexual performance by a child;¹⁶
- Providing obscene materials to a minor;¹⁷
- Computer pornography involving minors;¹⁸
- Soliciting a minor over the Internet;¹⁹
- Traveling to meet minors;²⁰
- Lewd or lascivious exhibition over the Internet;²¹
- Transmission of child pornography by electronic device or equipment;²²
- Transmission of material harmful to minors;²³
- Selling or buying minors to engage in sexually explicit conduct;²⁴
- Racketeering involving at least one sexual offense;²⁵
- Sexual misconduct with a forensic client;²⁶ and
- Sexual misconduct by an employee on a juvenile offender.²⁷

Qualifying delinquency adjudications for sexual offender designation include:

- Sexual battery;²⁸

⁵ [S. 944.607\(1\)\(f\), F.S.](#)

⁶ [S. 393.135\(2\), F.S.](#)

⁷ [S. 394.4593\(2\), F.S.](#)

⁸ [Ss. 787.01, F.S. and 787.02, F.S.](#)

⁹ [S. 787.025\(2\), F.S.](#)

¹⁰ [S. 787.06\(3\)\(b\), \(d\), \(f\), or \(g\), F.S.](#)

¹¹ [S. 794.011, F.S.](#) excluding [s. 794.011\(10\), F.S.](#)

¹² [S. 794.05, F.S.](#)

¹³ [S. 800.04, F.S.](#)

¹⁴ [S. 810.145\(8\), F.S.](#)

¹⁵ [S. 825.1025, F.S.](#)

¹⁶ [S. 827.071, F.S.](#)

¹⁷ [S. 847.0133, F.S.](#)

¹⁸ [S. 847.0135\(2\), F.S.](#)

¹⁹ [S. 847.0135\(3\), F.S.](#)

²⁰ [S. 847.0135\(4\), F.S.](#)

²¹ [S. 847.0135\(5\), F.S.](#)

²² [S. 847.0137, F.S.](#)

²³ [S. 847.0138, F.S.](#)

²⁴ [S. 847.0145, F.S.](#)

²⁵ [S. 895.03, F.S.](#)

²⁶ [S. 916.1075\(2\), F.S.](#)

²⁷ [S. 985.701\(1\), F.S.](#)

²⁸ [S. 794.011, F.S.](#)

- Lewd or lascivious battery by encouraging, forcing, or enticing any person under 16 years old to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity,²⁹ if either the:
 - Victim is under 12 years old; or
 - Court finds sexual activity by the use of force or coercion;
- Lewd or lascivious molestation against a victim less than 12 years old,³⁰ if the court finds molestation involving unclothed genitals;
- Lewd or lascivious molestation against a victim at least 12 years old but less than 16 years old,³¹ if the court finds both:
 - Use of force or coercion; and
 - Unclothed genitals.³²

Sexual Predators

A person is a sexual predator in Florida if he or she:

- Was convicted of a qualifying offense committed on or after October 1, 1993; and
- Has not received a pardon or otherwise had the conviction set aside for the qualifying offense.

Qualifying convictions for sexual predator designation include:

- Capital, life, or first degree felony kidnapping, false imprisonment, or human trafficking for commercial sexual activity,³³ when the victim is a minor and there is a sexual component to the crime;³⁴
- Capital, life, or first degree felony sexual battery;³⁵
- Capital, life, or first degree felony lewd or lascivious battery or molestation;³⁶
- Capital, life, or first degree felony selling or buying minors to engage in sexually explicit conduct;³⁷
- An offense that would require registration as a sexual offender, other than transmission of child pornography by electronic device³⁸ or transmission of material harmful to minors,³⁹ by a person with a prior conviction for a sexual offense;⁴⁰ or
- A conviction for a similar offense committed in another jurisdiction.⁴¹

The court must make written findings designating a person who meets the criteria as a sexual predator.⁴²

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 less than 16 years of age may not reside within 1,000 feet of any:

- School;⁴³

²⁹ [S. 800.04\(4\)\(a\)2., F.S.](#)

³⁰ [S. 800.04\(5\)\(c\)1., F.S.](#)

³¹ [S. 800.04\(5\)\(d\), F.S.](#)

³² [S. 943.0435\(1\)\(h\)1.d., F.S.](#)

³³ [S. 787.06\(3\)\(f\) or \(g\), F.S.](#)

³⁴ [Ss. 787.01, 787.02, F.S., and 787.06\(3\)\(f\) and \(g\), F.S.](#)

³⁵ [S. 794.011, F.S.](#)

³⁶ [S. 800.04, F.S.](#)

³⁷ [S. 847.0145, F.S.](#)

³⁸ [S. 847.0137, F.S.](#)

³⁹ [Ss. 847.0133 or 847.0138, F.S.](#)

⁴⁰ [S. 775.21\(4\)\(a\)1.b., F.S.](#)

⁴¹ [S. 775.21\(4\), F.S.](#)

⁴² [Ss. 775.21\(4\)\(c\) and 775.21\(5\), F.S.](#)

⁴³ "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

- Child care facility;⁴⁴
- Park;⁴⁵ or
- Playground.⁴⁶

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

Specified sexual offenses that subject a person to residency restrictions include the following, provided the victim of the offense was less 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.](#)
- Selling or buying minors to engaged in sexually explicit conduct under [s. 847.0145, F.S.](#)

A violation is punishable as a:

- Third degree felony⁴⁷ if the underlying sexual offense was classified as a first degree felony or higher; or
- First degree misdemeanor⁴⁸ if the underlying sexual offense was classified as a second or third degree felony.

Probation and Community Control

Probation

Probation is a form of community supervision requiring specified contacts with probation officers and compliance with certain terms and conditions.⁴⁹ Following a conviction for a criminal offense, the court determines the terms and conditions of probation.⁵⁰ 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.

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. 1002.37, F.S.](#), but does not include facilities designated exclusively to the education of adults. [S. 775.215\(1\)\(d\), F.S.](#)

⁴⁴ "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. [S. 775.215\(1\)\(a\), F.S.](#)

⁴⁵ "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.](#)

⁴⁶ "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.](#)

⁴⁷ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

⁴⁸ A first degree misdemeanor is punishable by up to one year in jail and a \$1,000 fine. [Ss. 775.082 or 775.083, F.S.](#)

⁴⁹ [S. 948.01\(8\), F.S.](#)

⁵⁰ [S. 948.03\(1\), F.S.](#)

- 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.⁵¹

Community Control

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.⁵² 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 DOC by means of an electronic monitoring device or system.⁵³

Probation or Community Control for Persons Convicted of Certain Sexual Offenses

Section 948.30, F.S., requires a court to 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 conspiring⁵⁴ 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.⁵⁵
- 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.

Examples of such conditions include:

- A mandatory curfew from 10 P.M. to 6 A.M.;
- Completion of a sex offender treatment program;
- If the victim was under the age of 18:
 - A prohibition on living within 1,000 feet of a school, child care facility, park, playground, or other place where children regularly congregate;
 - A prohibition on contact with children under the age of 18 without prior approval and supervision; and
 - A prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to, schools, child care facilities, parks, playgrounds, pet stores, libraries, zoos, theme parks, and malls;
- A prohibition on any contact with the victim;
- Active participation in and successful completion of a sexual offender treatment program;
- Submission of a specimen of blood or other approved biological specimen to be registered with the DNA database;
- Submission to a warrantless search of the probationer's or community controllee's person, residence, or vehicle;

⁵¹ *Id.*

⁵² S. 948.001(3), F.S.

⁵³ S. 948.101(1), F.S.

⁵⁴ Additional conditions of probation for attempting, soliciting, or conspiring to commit a specified sexual offense are applicable to offenses occurring on or after July 1, 2023. S. 948.30(1), F.S.

⁵⁵ Additional conditions of probation for such human trafficking offenses are applicable for offenses that occurred on or after July 1, 2021. *Id.*

- Participation at least annually in polygraph examinations;
- Maintenance of a driving log and prohibition against driving a motor vehicle alone without prior approval;
- Prohibition against obtaining or using a post office box without prior approval;
- Submission to an HIV test with specified conditions; and
- Electronic monitoring when deemed necessary and ordered by the court.⁵⁶

In addition to all other terms and conditions of probation, a person who is subject to supervision for committing *any* crime on or after May 26, 2010, and who also has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit any of the offenses requiring a sexual offender designation or a similar offense in another jurisdiction against a victim who was under the age of 18 must comply with the following additional conditions:

- A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from his or her probation officer.
- A prohibition on distributing candy for Halloween, wearing costumes that are appealing to children, or entertaining at children's parties without prior approval from the court.⁵⁷

Conditional Release

Generally, 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 DOC.⁵⁸ 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.⁵⁹ Examples of the conditions that a person who has been convicted of specified sexual offenses⁶⁰ must comply with while on conditional release include:

- Mandatory curfew from 10 P.M. to 6 A.M.;
- Completion of a sex offender treatment program;
- If the victim was under the age of 18:
 - A prohibition on living within 1,000 feet of a school, child care facility, park, playground, designated public school bus stop, or other place where children regularly congregate.
 - A prohibition on contact with children under the age of 18 without prior approval and supervision.
 - A prohibition on working for pay or as a volunteer at any school, child care facility, park, playground, or other place where children regularly congregate;
- A prohibition on any contact with the victim;
- Active participation in and successful completion of a sexual offender treatment program;
- Submission of a specimen of blood or other approved biological specimen to be registered with the DNA database;
- Submission to a warrantless search of the releasee's person, residence or vehicle;
- Participation at least annually in polygraph examinations;
- Maintenance of a driving log and prohibition against driving a motor vehicle alone without prior approval;
- Prohibition against obtaining or using a post office box without prior approval;
- Submission to an HIV test with specified conditions; and
- Electronic monitoring when deemed necessary and ordered by the court.⁶¹

In addition to all other terms and conditions of conditional release, a person who is subject to conditional release for committing *any* crime on or after May 26, 2010, and who also has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit any of the offenses requiring a sexual offender designation or a

⁵⁶ [S. 948.30\(1\) and \(2\), F.S.](#)

⁵⁷ [S. 948.30\(4\), F.S.](#)

⁵⁸ [S. 947.1405, F.S.](#)

⁵⁹ *Id.*

⁶⁰ Offenses include a violation of ch. 794, F.S.; [s. 800.04, F.S.](#); [s. 827.071, F.S.](#); [s. 847.0135\(5\), F.S.](#); or [s. 847.0145, F.S.](#) *Id.*

⁶¹ [S. 947.1405\(7\) and \(12\), F.S.](#)

similar offense in another jurisdiction against a victim who was under the age of 18 must comply with the following additional conditions:

- A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from his or her probation officer.
- A prohibition on distributing candy for Halloween, wearing costumes that are appealing to children, or entertaining at children's parties without prior approval from the Florida Commission on Offender Review (FCOR).⁶²

If a person violates the terms and conditions of his or her conditional release, the person is arrested and held pending a review by FCOR. If FCOR determines that the person committed a violation, 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 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.⁶³

Employment Screening

A state agency or governmental subdivision, before making any decision to appoint or employ a person to work for pay or as a volunteer at any park, playground, 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.⁶⁴ If that website is not available, the agency or subdivision must conduct a search of the registration information regarding sexual predators and sexual offenders maintained by the Florida Department of Law Enforcement.⁶⁵ A state agency or governmental subdivision is not required to conduct such a search if the position or appointment requires the agency or subdivision to complete a state and national criminal history background check.⁶⁶

Definitions

Public Bathing Place

A "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.⁶⁷

Public Swimming Pool

A "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. A public swimming pool or public pool shall mean 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.⁶⁸

⁶² [S. 947.1405\(12\), F.S.](#)

⁶³ [S. 947.141, F.S.](#)

⁶⁴ [S. 943.04351, F.S.](#)

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ [S. 514.011\(4\), F.S.](#)

⁶⁸ [S. 514.011\(2\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	11 Y, 5 N, As CS	11/5/2025	Hall	Padgett
THE CHANGES ADOPTED BY THE COMMITTEE: • Removed a provision that amended the definition of “public swimming pool” in ch. 514, F.S., relating to public swimming and bathing facilities. • Made the residency restrictions prospective and apply to specified sexual offenses occurring on or after July 1, 2026. • Prohibited a person who is subject to residency restrictions for offenses committed prior to July 1, 2026, from residing within 1,000 feet of a public swimming pool or public bathing place if such person changes his or her place of residence on or after July 1, 2026. • Made the provisions in the bill relating to probation, community control, and conditional release prospective and apply to offenses that occur on or after July 1, 2026.				
Health Professions & Programs Subcommittee				
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
