

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/HB 45	COMPANION BILL: CS/CS/CS/SB 212 (McClain)
TITLE: Sexual Offenders and Sexual Predators	LINKED BILLS: None
SPONSOR(S): Plakon and Bankson	RELATED BILLS: None
FINAL HOUSE FLOOR ACTION: 103 Y's 9 N's	GOVERNOR'S ACTION: Approved

SUMMARY

Effect of the Bill:

The bill revises several provisions related to persons convicted of specified sexual offenses, including by:

- Prohibiting a person who is convicted of specified sexual offenses committed on or after July 1, 2026, in which the victim was less than 16 years of age from residing within 1,000 feet of a public swimming pool.
- Prohibiting a person who is on probation, community control, or conditional release for committing a specified sexual offense on or after July 1, 2026, in which the victim was younger than 18 from living within 1,000 feet of a public swimming pool, working or volunteering at a public swimming pool, or visiting a public swimming pool without prior approval.
- Prohibiting a person who was convicted of committing specified sexual offenses from:
 - Loitering or prowling within 500 feet of a place where children were congregating, rather than 300 feet.
 - Knowingly contacting, communicating with, or approaching with the intent to contact or communicate with, a person younger than 18 at any park, playground, or public swimming pool, and authorizing a warrantless arrest for a violation.
- Authorizing a warrantless arrest of a person who was convicted of specified sexual offenses against a victim who was younger than 18 and who is unlawfully present at a child care facility or school and increasing notification and supervision requirements if such a person is present at a child care facility or school.
- Requiring a state agency or governmental subdivision to conduct a background check to determine if a person is a sexual predator or sexual offender prior to appointing or employing the person to work at a public swimming pool.

Fiscal or Economic Impact:

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

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 45 passed as [CS/CS/CS/SB 212](#).

[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. A violation of the prohibition is punishable as a third degree felony¹ if the person's conviction for a specified sexual offense was classified as a first degree felony or higher, or punishable as a first degree misdemeanor² if the person's conviction for a specified sexual offense was classified as a second or third degree felony. (Section [1](#))

¹ 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.](#)

² 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.](#)

STORAGE NAME: h0045z1

DATE: 4/1/2026

The bill defines a “public swimming pool” as a structure which is located either indoors or outdoors and used for recreational bathing or swimming by humans, including 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. (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 is subsequently established within 1,000 feet of his or her residence. (Section [1](#))

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 if he or she changes his or her permanent residence on or after July 1, 2026. Under the bill, the term “permanent residence” means a place where the person abides, lodges, or resides for three or more consecutive days that is the person's home or other place where the person primarily lives. For the purpose of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day. (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, against a victim who was younger than 18 years of age at the time of the offense 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, 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 is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool. (Section [6](#))

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](#) against a victim who was younger than 18 years of age at the time of the offense from visiting a public swimming pool 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 was younger than 18 years of age at the time of the offense 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, 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 is subsequently established within 1,000 feet of his or her residence; or
- Working for pay or volunteering at a public swimming pool. (Section [5](#))

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](#) against a victim who was younger than 18 years of age at the time of the offense from visiting a public swimming pool without the prior approval of his or her supervising officer. (Section [5](#))

Loitering or Making Prohibited Contact or Communication with Children in Certain Locations

The bill revises offenses related to [loitering and prowling in close proximity to children](#) by a person who was convicted of committing certain sexual offenses against a victim who was younger than 18 years of age at the time of the offense by:

- Prohibiting such a person from committing the offense of loitering and prowling within 500 feet of a place where children were congregating, rather than within 300 feet.
- Revising an existing offense that prohibits such a person from approaching, contacting, or communicating with a person younger than 18 years of age in specified locations with the intent to engage in conduct of a sexual nature to instead prohibit the person from knowingly contacting, communicating with, or approaching with the intent to contact or communicate with, a person younger than 18 years of age in any park building or on real property comprising any park, playground, or public swimming pool, *for any reason* unless the child is his or her family or household member, and authorizing a law enforcement officer to make a [warrantless arrest](#) if he or she has probable cause to believe that a person has committed a violation.
- Revising the prohibition against such a person knowingly being present in a child care facility or school or on the real property comprising any child care facility or school when such child care facility or school is in operation by:
 - Requiring such a person who would otherwise be prohibited from being present in a child care facility or school to do *all* of the following, instead of one of the following:
 - Provide written notification to the school board, superintendent, principal, or child care facility owner that he or she has been convicted of a specified sexual offense and that he or she intends to be present at the school or child care facility.
 - Notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility.
 - Remain under direct supervision of a school official or chaperone when present in the vicinity of children.
 - Authorizing a law enforcement officer to make a warrantless arrest if he or she has probable cause to believe that a person committed a violation.
 - Revising the exceptions to the prohibition by authorizing:
 - A legal guardian to pick up his or her child or grandchild from a child care facility or school.
 - A person to be at a child care facility or school for the purpose of attending a religious service. (Sections [2](#) and [3](#))

Definitions

For purposes of the restrictions described above, the bill defines the following terms:

- “Child care facility” includes 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.

- “Playground” means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.
- “Park” means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.
- “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.
- “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. 1002.37, F.S.](#), but does not include facilities designated exclusively to the education of adults. (Section [2](#))

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 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 [4](#))

The bill was approved by the Governor on March 31, 2026, ch. 2026-17, L.O.F., and will become effective on July 1, 2026. (Section [7](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Criminal Justice Impact Conference reviewed a similar version of the bill and determined that the bill may have a positive indeterminate 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.³

LOCAL GOVERNMENT:

The bill may have a positive indeterminate 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, and revising misdemeanor offenses related to loitering or making contact with children in certain locations, which may increase jail admissions.

³ Office of Economic & Demographic Research, *Criminal Justice Impact Conference Narrative Analyses of Adopted Impacts, CS/HB 45 – Sexual Offenders and Sexual Predators* (last visited Apr. 1, 2026).

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.⁴ 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.⁵
- 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.⁶
- 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.⁷
- 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.⁸

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

- Sexual misconduct with an individual with a developmental disability;⁹
- Sexual misconduct with a mental health patient by an employee;¹⁰
- Kidnapping or false imprisonment, where the victim is a minor and there is a sexual component to the crime;¹¹
- Luring or enticing a child, with a prior sexual conviction;¹²
- Human trafficking;¹³
- Sexual battery;¹⁴
- Unlawful sexual activity with minors;¹⁵
- Lewd or lascivious battery, molestation, conduct, or exhibition;¹⁶
- Video voyeurism with a prior video voyeurism conviction;¹⁷
- Lewd or lascivious offense on an elderly person;¹⁸

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

⁵ [S. 943.0435\(1\)\(h\)1.b., F.S.](#)

⁶ [S. 943.0435\(1\)\(h\)1.c., F.S.](#)

⁷ [S. 943.0435\(1\)\(h\)1.d., F.S.](#)

⁸ [S. 944.607\(1\)\(f\), F.S.](#)

⁹ [S. 393.135\(2\), F.S.](#)

¹⁰ [S. 394.4593\(2\), F.S.](#)

¹¹ [Ss. 787.01, F.S. and 787.02, F.S.](#)

¹² [S. 787.025\(2\), F.S.](#)

¹³ [S. 787.06\(3\)\(b\), \(d\), \(f\), or \(g\), F.S.](#)

¹⁴ [S. 794.011, F.S. excluding s. 794.011\(10\), F.S.](#)

¹⁵ [S. 794.05, F.S.](#)

¹⁶ [S. 800.04, F.S.](#)

¹⁷ [S. 810.145\(8\), F.S.](#)

- Sexual performance by a child;¹⁹
- Providing obscene materials to a minor;²⁰
- Computer pornography involving minors;²¹
- Soliciting a minor over the Internet;²²
- Traveling to meet minors;²³
- Lewd or lascivious exhibition over the Internet;²⁴
- Transmission of child pornography by electronic device or equipment;²⁵
- Transmission of material harmful to minors;²⁶
- Selling or buying minors to engage in sexually explicit conduct;²⁷
- Racketeering involving at least one sexual offense;²⁸
- Sexual misconduct with a forensic client;²⁹ and
- Sexual misconduct by an employee on a juvenile offender.³⁰

Qualifying delinquency adjudications for sexual offender designation include:

- Sexual battery;³¹
- 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,³² 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,³³ 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,³⁴ if the court finds both:
 - Use of force or coercion; and
 - Unclothed genitals.³⁵

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,³⁶ when the victim is a minor and there is a sexual component to the crime;³⁷

¹⁸ [S. 825.1025, F.S.](#)

¹⁹ [S. 827.071, F.S.](#)

²⁰ [S. 847.0133, F.S.](#)

²¹ [S. 847.0135\(2\), F.S.](#)

²² [S. 847.0135\(3\), F.S.](#)

²³ [S. 847.0135\(4\), F.S.](#)

²⁴ [S. 847.0135\(5\), F.S.](#)

²⁵ [S. 847.0137, F.S.](#)

²⁶ [S. 847.0138, F.S.](#)

²⁷ [S. 847.0145, F.S.](#)

²⁸ [S. 895.03, F.S.](#)

²⁹ [S. 916.1075\(2\), F.S.](#)

³⁰ [S. 985.701\(1\), F.S.](#)

³¹ [S. 794.011, F.S.](#)

³² [S. 800.04\(4\)\(a\)2., F.S.](#)

³³ [S. 800.04\(5\)\(c\)1., F.S.](#)

³⁴ [S. 800.04\(5\)\(d\), F.S.](#)

³⁵ [S. 943.0435\(1\)\(h\)1.d., F.S.](#)

- Capital, life, or first degree felony sexual battery;³⁸
- Capital, life, or first degree felony lewd or lascivious battery or molestation;³⁹
- Capital, life, or first degree felony selling or buying minors to engage in sexually explicit conduct;⁴⁰
- An offense that would require registration as a sexual offender, other than transmission of child pornography by electronic device⁴¹ or transmission of material harmful to minors,⁴² by a person with a prior conviction for a sexual offense;⁴³ or
- A conviction for a similar offense committed in another jurisdiction.⁴⁴

The court must make written findings designating a person who meets the criteria as a sexual predator.⁴⁵

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;⁴⁶
- Child care facility;⁴⁷
- Park;⁴⁸ or
- Playground.⁴⁹

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.

³⁶ [S. 787.06\(3\)\(f\) or \(g\), F.S.](#)

³⁷ [Ss. 787.01, 787.02, F.S.](#), and [787.06\(3\)\(f\) and \(g\), F.S.](#)

³⁸ [S. 794.011, F.S.](#)

³⁹ [S. 800.04, F.S.](#)

⁴⁰ [S. 847.0145, F.S.](#)

⁴¹ [S. 847.0137, F.S.](#)

⁴² [Ss. 847.0133 or 847.0138, F.S.](#)

⁴³ [S. 775.21\(4\)\(a\)1.b., F.S.](#)

⁴⁴ [S. 775.21\(4\), F.S.](#)

⁴⁵ [Ss. 775.21\(4\)\(c\) and 775.21\(5\), F.S.](#)

⁴⁶ "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. 1002.37, F.S.](#), but does not include facilities designated exclusively to the education of adults. [S. 775.215\(1\)\(d\), F.S.](#)

⁴⁷ "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.](#)

⁴⁸ "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.](#)

⁴⁹ "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.](#)

[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 felony⁵⁰ if the underlying sexual offense was classified as a first degree felony or higher; or
- First degree misdemeanor⁵¹ 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.⁵² Following a conviction for a criminal offense, the court determines the terms and conditions of probation.⁵³ 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.
- 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.⁵⁴

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.⁵⁵ 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.⁵⁶

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 conspiring⁵⁷ to commit one of the following [sexual offenses](#):

⁵⁰ 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.](#)

⁵¹ 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.](#)

⁵² [S. 948.01\(8\), F.S.](#)

⁵³ [S. 948.03\(1\), F.S.](#)

⁵⁴ *Id.*

⁵⁵ [S. 948.001\(3\), F.S.](#)

⁵⁶ [S. 948.101\(1\), F.S.](#)

⁵⁷ 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.](#)

- 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.](#)⁵⁸
- 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;
- 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.⁵⁹

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.⁶⁰

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.⁶¹ 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

⁵⁸ Additional conditions of probation for such human trafficking offenses are applicable for offenses that occurred on or after July 1, 2021. *Id.*

⁵⁹ [S. 948.30\(1\) and \(2\), F.S.](#)

⁶⁰ [S. 948.30\(4\), F.S.](#)

⁶¹ [S. 947.1405, F.S.](#)

offense.⁶² Examples of the conditions that a person who has been convicted of specified sexual offenses⁶³ 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.⁶⁴

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 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).⁶⁵

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.⁶⁶

Loitering or Prowling by Sexual Offenders in Close Proximity to Children

Section 856.022, F.S., prohibits a person who was convicted of committing, or attempting, soliciting, or conspiring to commit, any of the offenses that require a person to register as a sexual offender or sexual predator, with certain exceptions,⁶⁷ against a victim who was under the age of 18 at the time of the offense from doing any of the following:

⁶² *Id.*

⁶³ 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.*

⁶⁴ [S. 947.1405\(7\) and \(12\), F.S.](#)

⁶⁵ [S. 947.1405\(12\), F.S.](#)

⁶⁶ [S. 947.141, F.S.](#)

⁶⁷ The prohibitions do not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator or to a person who is registered as a sexual offender or sexual predator for committing the following offenses: sexual misconduct with an individual with a developmental disability or a mental health patient by an employee in [ss. 393.135](#)

- Loitering or prowling⁶⁸ within 300 feet of a place where children were congregating.
- If a person was convicted of committing the above offenses on or after May 26, 2010:
 - Knowingly approaching, contacting, or communicating with a child under 18 years of age in any public park building or on real property comprising any public park or playground with the intent to engage in conduct of a sexual nature or to make communication of any type with any content of a sexual nature; or
 - Unless the person is voting or dropping off or picking up his or her own children or grandchildren, knowingly being 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 he or she fails to:
 - Provide written notification of his or her intent to be present to the school board, superintendent, principal, or child care facility owner;
 - 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; or
 - Remain under direct supervision of a school official⁶⁹ or designated chaperone when present in the vicinity of children.⁷⁰

A violation is punishable as a first degree misdemeanor.⁷¹

Arrest

A law enforcement officer is authorized to arrest a person if the officer has probable cause to believe that such person committed a criminal offense. If a law enforcement officer determines that an arrest should be made, he or she may either make an arrest after first obtaining a warrant or, in specified circumstances, may make an immediate arrest without a warrant.

Arrest Warrant

To obtain an arrest warrant, a law enforcement officer must seek approval from a judge. A judge is authorized to issue a warrant authorizing a person's arrest for committing any crime if he or she finds probable cause that the person committed a crime within his or her jurisdiction.⁷² Once issued, the arrest warrant is issued to all sheriffs in the state, and must be executed by the sheriff in the county in which an arrest is to be made, unless the arrest was made in fresh pursuit. In such a case, the warrant may be executed by any sheriff who is advised of the existence of the warrant.⁷³

or [394.4593, F.S.](#), a second or subsequent conviction for video voyeurism in [s. 810.145\(8\), F.S.](#), racketeering involving a sexual offense in [s. 895.03, F.S.](#), or sexual misconduct with a forensic client in [s. 916.1075\(2\), F.S.](#)

⁶⁸ A person commits the offense of loitering or prowling, a violation of which is punishable as a second degree misdemeanor, if he or she loitered or prowled in a place, at a time, or in a manner not usual for law abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances that may be considered in determining whether such alarm or immediate concern is warranted include whether a person:

- Takes flight upon the appearance of a law enforcement officer;
- Refuses to identify himself or herself; or
- Manifestly endeavors to conceal himself or herself or any object.

Unless the person flees or circumstances make it impractical, a law enforcement officer must, prior to arresting a person for loitering or prowling, afford a person the opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence or conduct. [S. 856.021, F.S.](#)

⁶⁹ "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. [S. 856.022\(4\)\(b\)3., F.S.](#)

⁷⁰ [S. 856.022\(3\) and \(4\), F.S.](#)

⁷¹ [S. 856.022\(5\), F.S.](#)

⁷² [S. 901.02, F.S.](#)

⁷³ [S. 901.04, F.S.](#)

Warrantless Arrest

In Florida, a law enforcement officer may also arrest a person *without* a warrant under certain statutorily enumerated circumstances, including when:

- An officer reasonably believes a person committed a felony;
- There is probable cause to believe a person has committed certain enumerated misdemeanor offenses for which a warrantless arrest has been explicitly authorized by statute, such as a battery, criminal mischief, an act of domestic violence, exposure of sexual organs, trespass upon school grounds or facilities, or loitering or prowling; or
- A person commits a misdemeanor in an officer's presence and the arrest is made immediately or in fresh pursuit after the officer observes the offense.⁷⁴

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.⁷⁵ 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.⁷⁶ 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.⁷⁷

⁷⁴ [Ss. 856.031](#) and [901.15, F.S.](#)

⁷⁵ [S. 943.04351, F.S.](#)

⁷⁶ *Id.*

⁷⁷ *Id.*