

Bill No. CS for SB 154

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 228.091, Florida Statutes, is renumbered as section 810.097, Florida Statutes, and amended to read:

810.097 ~~228.091~~ Trespass upon grounds or facilities of a school ~~public schools~~; penalties; arrest.--

(1) Any person who:

~~(a) 1. Is not a student, officer, or employee of a public school;~~

~~2. Does not have legitimate business on the campus or any other authorization, license, or invitation to enter or remain upon school property; or~~

~~3. Is not a parent, guardian, or person who has legal custody of a student enrolled at such school; or~~

~~(b) 1. Is a student currently under suspension or expulsion; or~~

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1 ~~2. Is an employee who is not required by his or her~~
2 ~~employment by such school to be on the campus or any other~~
3 ~~facility owned, operated, or controlled by the governing board~~
4 ~~of such school and who has no lawful purpose to be on such~~
5 ~~premises;~~
6
7 and who enters or remains upon the campus or any other
8 facility owned by any such school commits a trespass upon the
9 grounds of a public school facility and is guilty of a
10 misdemeanor of the second degree, punishable as provided in s.
11 775.082 or s. 775.083.

12 (2) Any person who:

13 ~~(a)1. Is not a student, officer, or employee of a~~
14 ~~public school;~~

15 ~~2. Does not have legitimate business on the campus or~~
16 ~~any other authorization, license, or invitation to enter or~~
17 ~~remain upon school property; or~~

18 ~~3. Is not a parent, guardian, or person who has legal~~
19 ~~custody of a student enrolled at such school; or~~

20 ~~(b)1. Is a student currently under suspension or~~
21 ~~expulsion; or~~

22 ~~2. Is an employee who is not required by his or her~~
23 ~~employment by the school to be on the campus or any other~~
24 ~~facility owned, operated, or controlled by the governing board~~
25 ~~of such school and who has no lawful purpose to be on such~~
26 ~~premises;~~

27
28 ~~and who~~ enters or remains upon the campus or other facility of
29 a such school after the principal ~~chief administrative officer~~
30 of such school, or his or her designee ~~any employee thereof~~
31 ~~designated by the chief administrative officer to maintain~~

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1 ~~order on such campus or facility~~, has directed such person to
2 leave such campus or facility or not to enter upon the campus
3 or facility, commits a same, is guilty of the offense of
4 trespass upon the grounds of a ~~public~~ school facility and is
5 guilty of a misdemeanor of the first degree, punishable as
6 provided in s. 775.082 or s. 775.083.

7 (3) The chief administrative officer of a school, or
8 any employee thereof designated by the chief administrative
9 officer to maintain order on such campus or facility, who has
10 probable cause to believe that a person is trespassing upon
11 school grounds in violation of this section may take such
12 person into custody and detain him or her in a reasonable
13 manner for a reasonable length of time pending arrival of a
14 law enforcement officer. Such taking into custody and
15 detention by an authorized person does ~~shall~~ not render that
16 person criminally or civilly liable for false arrest, false
17 imprisonment, or unlawful detention. If ~~In the event~~ a
18 trespasser is taken into custody, a law enforcement officer
19 shall be called to the scene immediately after the person is
20 taken into custody.

21 (4) Any law enforcement officer may arrest either on
22 or off the premises and without warrant any person the officer
23 has probable cause for believing has committed the offense of
24 trespass upon the grounds of a ~~public~~ school facility. Such
25 arrest shall not render the law enforcement officer criminally
26 or civilly liable for false arrest, false imprisonment, or
27 unlawful detention.

28 (5) As used in this section, the term "school" means
29 the grounds or any facility of any kindergarten, elementary
30 school, middle school, junior high school, or secondary
31 school, whether public or nonpublic.

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1 Section 2. This act shall take effect July 1, 1999.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9

 A bill to be entitled

10 An act relating to trespass upon the grounds or
11 facilities of a school; renumbering and
12 amending s. 228.091, F.S.; providing for the
13 offense of trespass upon the grounds or
14 facilities of a school to apply to a trespass
15 upon the grounds or facilities of a nonpublic
16 school; defining the term "school"; providing
17 an effective date.

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