

By Senator Sebesta

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A bill to be entitled
An act relating to trespass upon the grounds or
facilities of a school; transferring,
renumbering, and amending s. 228.091, F.S.;
providing for the offense of trespass upon the
grounds or facilities of a school to apply to a
trespass upon the grounds or facilities of a
nonpublic school; defining the term "school
property"; providing an effective date.

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

Section 1. Section 228.091, Florida Statutes, is
transferred, 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 the 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

2. Is an employee who is not required by his or her
employment by such school to be on the campus or any other
facility owned, operated, or controlled by the governing board

1 of such school and who has no lawful purpose to be on such
2 premises;

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4 and who enters or remains upon the campus or any other
5 facility owned by any such school commits a trespass upon the
6 grounds of a ~~public~~ school facility and is guilty of a
7 misdemeanor of the second degree, punishable as provided in s.
8 775.082 or s. 775.083.

9 (2) Any person who:

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

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

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

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

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

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25 and who enters or remains upon the campus or other facility of
26 such school after the chief administrative officer of such
27 school, or any employee thereof designated by the chief
28 administrative officer to maintain order on such campus or
29 facility, has directed such person to leave such campus or
30 facility or not to enter upon the campus or facility, commits
31 a same, is guilty of the offense of trespass upon the grounds

1 of a ~~public~~ school facility and is guilty of a misdemeanor of
2 the first degree, punishable as provided in s. 775.082 or s.
3 775.083.

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

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

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

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

Provides that the offense of trespass upon the grounds or facilities of a school applies to a trespass upon the grounds or facilities of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic.