

By the Committee on Crime & Punishment and Representatives  
Waters, Fasano and Morrioni

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A bill to be entitled  
An act relating to trespass upon the grounds or  
facilities of a school; 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"; providing  
an effective date.

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

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~~
- ~~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;~~  
3  
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 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;~~  
24  
25 ~~and who~~ enters or remains upon the campus or other facility of  
26 a such school after the principal ~~chief administrative officer~~  
27 of such school, or his or her designee ~~any employee thereof~~  
28 ~~designated by the chief administrative officer to maintain~~  
29 ~~order on such campus or facility~~, has directed such person to  
30 leave such campus or facility or not to enter upon the campus  
31 or facility, ~~commits a same, is guilty of the offense of~~

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