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LEGISLATIVE ACTION

Senate

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House

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Senator Polsky moved the following:

Senate Amendment to Amendment (730228)

Delete lines 128 - 269

and insert:

for the purpose of arousing or gratifying a sexual desire of
himself or herself or any other person, a restroom or changing
facility designated for the opposite sex on the premises of the
correctional institution and refuses to depart when asked to do
so by any employee of the Department of Corrections or an
employee of the correctional institution.

(b) Any Department of Corrections employee or correctional



416036

12 institution employee who willfully enters, for the purpose of
13 arousing or gratifying a sexual desire of himself or herself or
14 any other person, a restroom or changing facility designated for
15 the opposite sex on the premises of a correctional institution
16 and refuses to depart when asked to do so by another Department
17 of Corrections employee or correctional institution employee is
18 subject to disciplinary action by the Department of Corrections.

19 (c) A person who willfully enters, for the purpose of
20 arousing or gratifying a sexual desire of himself or herself or
21 any other person, a restroom or changing facility designated for
22 the opposite sex on the premises of a correctional institution
23 and refuses to depart when asked to do so by an employee of the
24 Department of Corrections or an employee of the correctional
25 institution commits the offense of trespass as provided in s.
26 810.08. This paragraph does not apply to prisoners, Department
27 of Corrections employees, or correctional institution employees.

28 (8) (a) Each detention facility shall establish disciplinary
29 procedures for any prisoner who willfully enters, for the
30 purpose of arousing or gratifying a sexual desire of himself or
31 herself or any other person, a restroom or changing facility
32 designated for the opposite sex on the premises of the detention
33 facility and refuses to depart when asked to do so by any
34 employee of the detention facility.

35 (b) Any detention facility employee who willfully enters,
36 for the purpose of arousing or gratifying a sexual desire of
37 himself or herself or any other person, a restroom or changing
38 facility designated for the opposite sex on the premises of a
39 detention facility and refuses to depart when asked to do so by
40 another detention facility employee is subject to disciplinary



416036

41 action by the managing body of the detention facility.

42 (c) A person who willfully enters, for the purpose of
43 arousing or gratifying a sexual desire of himself or herself or
44 any other person, a restroom or changing facility designated for
45 the opposite sex on the premises of a detention facility and
46 refuses to depart when asked to do so by an employee of the
47 detention facility commits the offense of trespass as provided
48 in s. 810.08. This paragraph does not apply to prisoners,
49 detention facility employees, or staff of the entity operating
50 the detention facility.

51 (9) (a) Each educational institution shall, within its code
52 of student conduct, establish disciplinary procedures for any
53 student who willfully enters, for the purpose of arousing or
54 gratifying a sexual desire of himself or herself or any other
55 person, a restroom or changing facility designated for the
56 opposite sex on the premises of the educational institution and
57 refuses to depart when asked to do so by:

58 1. For a K-12 educational institution or facility, any
59 instructional personnel as described in s. 1012.01(2),
60 administrative personnel as described in s. 1012.01(3), or a
61 safe-school officer as described in s. 1006.12(1)-(4) or, if the
62 institution is a private school, any equivalent of such
63 personnel or officer; or

64 2. For a postsecondary educational institution or facility,
65 any administrative personnel, faculty member, security
66 personnel, or law enforcement personnel.

67 (b) Any instructional personnel or administrative personnel
68 as those terms are described in s. 1012.01(2) and (3),
69 respectively, for an educational institution, or the equivalent



416036

70 of such personnel for a private school, who willfully enters,
71 for the purpose of arousing or gratifying a sexual desire of
72 himself or herself or any other person, a restroom or changing
73 facility designated for the opposite sex on the premises of the
74 educational institution and refuses to depart when asked to do
75 so by a person specified in subparagraph (a)1. or subparagraph
76 (a)2. commits a violation of the Principles of Professional
77 Conduct for the Education Profession and is subject to
78 discipline pursuant to s. 1012.795.

79 (c) Any instructional personnel or administrative personnel
80 at a Florida College System institution or state university who
81 willfully enters, for the purpose of arousing or gratifying a
82 sexual desire of himself or herself or any other person, a
83 restroom or changing facility designated for the opposite sex on
84 the premises of the educational institution and refuses to
85 depart when asked to do so by a person listed in subparagraph
86 (a)2. is subject to disciplinary actions established in State
87 Board of Education rule or Board of Governors regulation.

88 (d) Each postsecondary educational institution or facility
89 defined under subparagraphs (3)(i)4. and 5. and private school
90 defined under subparagraph (3)(g)5. shall establish a
91 disciplinary policy for any administrative personnel and
92 instructional personnel who willfully enters, for the purpose of
93 arousing or gratifying a sexual desire of himself or herself or
94 any other person, a restroom or changing facility designated for
95 the opposite sex on the premises of the educational institution
96 and refuses to depart when asked to do so by a person specified
97 in subparagraph(a)1. or subparagraph (a)2.

98 (e) Any person who willfully enters, for the purpose of



416036

99 arousing or gratifying a sexual desire of himself or herself or
100 any other person, a restroom or changing facility designated for
101 the opposite sex on the premises of an educational institution
102 and refuses to depart when asked to do so by a person specified
103 in subparagraph (a)1. or subparagraph (a)2. commits the offense
104 of trespass as provided in s. 810.08. This paragraph does not
105 apply to a student of the educational institution or to
106 administrative personnel or instructional personnel of the
107 educational institution.

108 (10) (a) Each juvenile correctional facility or juvenile
109 prison as described in s. 985.465, each detention center or
110 facility designated by the Department of Juvenile Justice to
111 provide secure detention as defined in s. 985.03(18) (a), and
112 each facility used for a residential program as described in s.
113 985.03(44) (b), (c), or (d) shall establish disciplinary
114 procedures for any juvenile as defined in s. 985.03(7) who
115 willfully enters, for the purpose of arousing or gratifying a
116 sexual desire of himself or herself or any other person, a
117 restroom or changing facility designated for the opposite sex in
118 such juvenile correctional facility, juvenile prison, secure
119 detention center or facility, or residential program facility
120 and refuses to depart when asked to do so by delinquency program
121 staff, detention staff, or residential program staff.

122 (b) Any delinquency program staff member, detention staff
123 member, or residential program staff member who willfully
124 enters, for the purpose of arousing or gratifying a sexual
125 desire of himself or herself or any other person, a restroom or
126 changing facility designated for the opposite sex in a juvenile
127 correctional facility, juvenile prison, secure detention center



416036

128 or facility, or residential program facility and refuses to
129 depart when asked to do so by another delinquency program staff
130 member, detention staff member, or residential program staff
131 member is subject to disciplinary action by the Department of
132 Juvenile Justice.

133 (c) A person who willfully enters, for the purpose of
134 arousing or gratifying a sexual desire of himself or herself or
135 any other person, a restroom or changing facility designated for
136 the opposite sex on the premises of a juvenile correctional
137 facility, juvenile prison, secure detention center or facility,
138 or residential program facility and refuses to depart when asked
139 to do so by delinquency program staff, detention staff, or
140 residential program staff commits the offense of trespass as
141 provided in s. 810.08. This paragraph does not apply to
142 juveniles as defined in s. 985.03(7), delinquency program staff,
143 detention staff, or residential program staff.

144 (11) (a) The applicable governmental entity shall, for each
145 public building under its jurisdiction, establish disciplinary
146 procedures for any employee of the governmental entity who
147 willfully enters, for the purpose of arousing or gratifying a
148 sexual desire of himself or herself or any other person, a
149 restroom or changing facility designated for the opposite sex at
150 such public building and refuses to depart when asked to do so
151 by any other employee of the governmental entity.

152 (b) A person who willfully enters, for the purpose of
153 arousing or gratifying a sexual desire of himself or herself or
154 any other person, a restroom or changing facility