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LEGISLATIVE ACTION

Senate

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House

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Senator Polsky moved the following:

**Senate Amendment**

Delete lines 154 - 274

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 a  
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



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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 educational institution shall, within its code  
29 of student conduct, establish disciplinary procedures for any  
30 student who willfully enters, for the purpose of arousing or  
31 gratifying a sexual desire of himself or herself or any other  
32 person, a restroom or changing facility designated for the  
33 opposite sex on the premises of the educational institution and  
34 refuses to depart when asked to do so by:

35 1. For a K-12 educational institution or facility, any  
36 instructional personnel as described in s. 1012.01(2),  
37 administrative personnel as described in s. 1012.01(3), or a  
38 safe-school officer as described in s. 1006.12(1)-(4) or, if the  
39 institution is a private school, any equivalent of such  
40 personnel or officer; or



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41 2. For a postsecondary educational institution or facility,  
42 any administrative personnel, faculty member, security  
43 personnel, or law enforcement personnel.

44 (b) Instructional personnel or administrative personnel as  
45 those terms are described in s. 1012.01(2) and (3),  
46 respectively, for an educational institution, or the equivalent  
47 of such personnel for a private school, who willfully enters,  
48 for the purpose of arousing or gratifying a sexual desire of  
49 himself or herself or any other person, a restroom or changing  
50 facility designated for the opposite sex on the premises of the  
51 educational institution and refuses to depart when asked to do  
52 so by a person specified in subparagraph (a)1. or subparagraph  
53 (a)2. commits a violation of the Principles of Professional  
54 Conduct for the Education Profession and is subject to  
55 discipline pursuant to s. 1012.795.

56 (c) Instructional personnel or administrative personnel at  
57 a Florida College System institution or state university who  
58 willfully enters, for the purpose of arousing or gratifying a  
59 sexual desire of himself or herself or any other person, a  
60 restroom or changing facility designated for the opposite sex on  
61 the premises of the educational institution and refuses to  
62 depart when asked to do so by a person listed in subparagraph  
63 (a)2. is subject to disciplinary actions established in State  
64 Board of Education rule or Board of Governors regulation.

65 (d) Each postsecondary educational institution or facility  
66 defined under subparagraphs (3)(h)4. and 5. and private school  
67 defined under subparagraph (3)(f)5. shall establish a  
68 disciplinary policy for administrative personnel and  
69 instructional personnel who willfully enters, for the purpose of



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70 arousing or gratifying a sexual desire of himself or herself or  
71 any other person, a restroom or changing facility designated for  
72 the opposite sex on the premises of the educational institution  
73 and refuses to depart when asked to do so by a person specified  
74 in subparagraph(a)1. or subparagraph (a)2.

75 (e) Any person who willfully enters, for the purpose of  
76 arousing or gratifying a sexual desire of himself or herself or  
77 any other person, a restroom or changing facility designated for  
78 the opposite sex on the premises of an educational institution  
79 and refuses to depart when asked to do so by a person specified  
80 in subparagraph (a)1. or subparagraph (a)2. commits the offense  
81 of trespass as provided in s. 810.08. This paragraph does not  
82 apply to a student of the educational institution or to  
83 administrative personnel or instructional personnel of the  
84 educational institution.

85 (9) (a) Each juvenile correctional facility or juvenile  
86 prison as described in s. 985.465, each detention center or  
87 facility designated by the Department of Juvenile Justice to  
88 provide secure detention as defined in s. 985.03(18) (a), and  
89 each facility used for a residential program as described in s.  
90 985.03(44) (b), (c), or (d) shall establish disciplinary  
91 procedures for any juvenile as defined in s. 985.03(7) who  
92 willfully enters, for the purpose of arousing or gratifying a  
93 sexual desire of himself or herself or any other person, a  
94 restroom or changing facility designated for the opposite sex in  
95 such juvenile correctional facility, juvenile prison, secure  
96 detention center or facility, or residential program facility  
97 and refuses to depart when asked to do so by delinquency program  
98 staff, detention staff, or residential program staff.



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99           (b) Any delinquency program staff member, detention staff  
100 member, or residential program staff member who willfully  
101 enters, for the purpose of arousing or gratifying a sexual  
102 desire of himself or herself or any other person, a restroom or  
103 changing facility designated for the opposite sex in a juvenile  
104 correctional facility, juvenile prison, secure detention center  
105 or facility, or residential program facility and refuses to  
106 depart when asked to do so by another delinquency program staff  
107 member, detention staff member, or residential program staff  
108 member is subject to disciplinary action by the Department of  
109 Juvenile Justice.

110           (c) A person who willfully enters, for the purpose of  
111 arousing or gratifying a sexual desire of himself or herself or  
112 any other person, a restroom or changing facility designated for  
113 the opposite sex on the premises of a juvenile correctional  
114 facility, juvenile prison, secure detention center or facility,  
115 or residential program facility and refuses to depart when asked  
116 to do so by delinquency program staff, detention staff, or  
117 residential program staff commits the offense of trespass as  
118 provided in s. 810.08. This paragraph does not apply to  
119 juveniles as defined in s. 985.03(7), delinquency program staff,  
120 detention staff, or residential program staff.

121           (10) (a) The applicable governmental entity shall, for each  
122 public building under its jurisdiction, establish disciplinary  
123 procedures for any employee of the governmental entity who  
124 willfully enters, for the purpose of arousing or gratifying a  
125 sexual desire of himself or herself or any other person, a  
126 restroom or changing facility designated for the opposite sex at  
127 such public building and refuses to depart when asked to do so



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128 by any other employee of the governmental entity.

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