

By the Committee on Criminal Justice and 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 nursery or pre-kindergarten  
27 school, kindergarten, elementary school, middle school, junior  
28 high school, or secondary school, whether public or nonpublic.

29 Section 2. This act shall take effect July 1, 1999.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 154

Amends the bill's definition of school, which is contained in the statute providing for the offense of trespass on the grounds or facilities of a school, to also include nursery and pre-kindergarten schools.