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LEGISLATIVE ACTION

Senate

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House

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



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institution employee who willfully enters, 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 another Department
of Corrections employee or correctional institution employee is
subject to disciplinary action by the Department of Corrections.

(c) A person who willfully enters, 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 an employee of the
Department of Corrections or an employee of the correctional
institution commits the offense of trespass as provided in s.
810.08. This paragraph does not apply to prisoners, Department
of Corrections employees, or correctional institution employees.

(8) (a) Each detention facility shall establish disciplinary
procedures for any prisoner who willfully enters, 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 detention
facility and refuses to depart when asked to do so by any
employee of the detention facility.

(b) Any detention facility employee who willfully enters,
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
detention facility and refuses to depart when asked to do so by
another detention facility employee is subject to disciplinary



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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



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of such personnel for a private school, who willfully enters, 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 educational institution and refuses to depart when asked to do so by a person specified in subparagraph (a)1. or subparagraph (a)2. commits a violation of the Principles of Professional Conduct for the Education Profession and is subject to discipline pursuant to s. 1012.795.

(c) Any instructional personnel or administrative personnel at a Florida College System institution or state university who willfully enters, 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 educational institution and refuses to depart when asked to do so by a person listed in subparagraph (a)2. is subject to disciplinary actions established in State Board of Education rule or Board of Governors regulation.

(d) Each postsecondary educational institution or facility defined under subparagraphs (3)(i)4. and 5. and private school defined under subparagraph (3)(g)5. shall establish a disciplinary policy for any administrative personnel and instructional personnel who willfully enters, 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 educational institution and refuses to depart when asked to do so by a person specified in subparagraph (a)1. or subparagraph (a)2.

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



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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



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

(c) A person who willfully enters, 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 juvenile correctional facility, juvenile prison, secure detention center or facility, or residential program facility and refuses to depart when asked to do so by delinquency program staff, detention staff, or residential program staff commits the offense of trespass as provided in s. 810.08. This paragraph does not apply to juveniles as defined in s. 985.03(7), delinquency program staff, detention staff, or residential program staff.

(11)(a) The applicable governmental entity shall, for each public building under its jurisdiction, establish disciplinary procedures for any employee of the governmental entity who willfully enters, 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 at such public building and refuses to depart when asked to do so by any other employee of the governmental entity.

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