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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



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



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



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