

CHAPTER 99-147

Committee Substitute for House Bill No. 199

An act relating to trespass upon the grounds or facilities of a school; 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"; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 228.091, Florida Statutes, is 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 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 of such school and who has no lawful purpose to be on such premises;~~

and who enters or remains upon the campus or any other facility owned by any such school commits a trespass upon the grounds of a public school facility and is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who:

~~(a)1.— Is not a student, officer, or employee of 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 the school to be on the campus or any other facility owned, operated, or controlled by the governing board of such school and who has no lawful purpose to be on such premises;~~

~~and who enters or remains upon the campus or other facility of a such school after the principal chief administrative officer of such school, or his or her designee any employee thereof designated by the chief administrative officer to maintain order on such campus or facility, has directed such person to leave such campus or facility or not to enter upon the campus or facility, commits a same, is guilty of the offense of trespass upon the grounds of a public school facility and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(3) The chief administrative officer of a school, or any employee thereof designated by the chief administrative officer to maintain order on such campus or facility, who has probable cause to believe that a person is trespassing upon school grounds in violation of this section may take such person into custody and detain him or her in a reasonable manner for a reasonable length of time pending arrival of a law enforcement officer. Such taking into custody and detention by an authorized person does ~~shall~~ not render that person criminally or civilly liable for false arrest, false imprisonment, or unlawful detention. ~~If~~ In the event a trespasser is taken into custody, a law enforcement officer shall be called to the scene immediately after the person is taken into custody.

(4) Any law enforcement officer may arrest either on or off the premises and without warrant any person the officer has probable cause for believing has committed the offense of trespass upon the grounds of a public school facility. Such arrest shall not render the law enforcement officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(5) As used in this section, the term "school" means the grounds or any facility of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic.

Section 2. This act shall take effect July 1, 1999.

Approved by the Governor May 11, 1999.

Filed in Office Secretary of State May 11, 1999.