

By Senator Silver

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A bill to be entitled
An act relating to property crimes; amending s.
810.011, F.S.; defining the term "curtilage";
amending s. 810.09, F.S.; removing references
to unenclosed curtilage from the offense of
trespass on property other than a structure or
conveyance; amending s. 812.014, F.S.; removing
reference to unenclosed curtilage from the
offense of theft from a dwelling; providing an
effective date.

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

Section 1. Subsection (12) is added to section
810.011, Florida Statutes, to read:

810.011 Definitions.--As used in this chapter:
(12) "Curtilage" means the ground and buildings
immediately surrounding a structure or dwelling. It is not
necessary for the curtilage to be enclosed.

Section 2. Subsection (1) of section 810.09, Florida
Statutes, is amended to read:

810.09 Trespass on property other than structure or
conveyance.--

(1)~~(a)~~ A person who, without being authorized,
licensed, or invited, willfully enters upon or remains in any
property other than a structure or conveyance~~+~~

~~±~~ as to which notice against entering or remaining is
given, either by actual communication to the offender or by
posting, fencing, or cultivation as described in s. 810.011~~+~~

~~or~~

1 ~~2. If the property is the unenclosed curtilage of a~~
2 ~~dwelling and the offender enters or remains with the intent to~~
3 ~~commit an offense thereon, other than the offense of trespass,~~
4
5 commits the offense of trespass on property other than a
6 structure or conveyance.

7 ~~(b) As used in this section, the term "unenclosed~~
8 ~~curtilage" means the unenclosed land or grounds, and any~~
9 ~~outbuildings, that are directly and intimately adjacent to and~~
10 ~~connected with the dwelling and necessary, convenient, and~~
11 ~~habitually used in connection with that dwelling.~~

12 Section 3. Paragraph (d) of subsection (2) of section
13 812.014, Florida Statutes, is amended to read:

14 812.014 Theft.--

15 (2)

16 (d) It is grand theft of the third degree and a felony
17 of the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084, if the property stolen is valued at
19 \$100 or more, but less than \$300, and is taken from a dwelling
20 as defined in s. 810.011(2) ~~or from the unenclosed curtilage~~
21 ~~of a dwelling pursuant to s. 810.09(1).~~

22 Section 4. This act shall take effect July 1, 1998.

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25 SENATE SUMMARY

26 Defines the term "curtilage" for the purpose of crimes
27 relating to burglary and trespass. Removes reference to
28 unenclosed curtilage from the crime of theft from a
29 dwelling.
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