

By the Committee on Criminal Justice and Senator Silver

307-1624-98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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.; defining
the term "authorized person"; 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 land or grounds, and any
outbuildings, that are directly and intimately adjacent to and
connected with the dwelling or structure and necessary,
convenient, and habitually used in connection with that
dwelling or structure. It is not necessary for the curtilage
to be enclosed.

Section 2. Subsections (1) and (2) of section 810.09,
Florida Statutes, are 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~~+~~

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

5 ~~2. If the property is the unenclosed curtilage of a~~
6 ~~dwelling and the offender enters or remains with the intent to~~
7 ~~commit an offense thereon, other than the offense of trespass,~~
8
9 commits the offense of trespass on property other than a
10 structure or conveyance.

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

16 (2)

17 (b) If the offender defies an order to leave,
18 personally communicated to the offender by the owner of the
19 premises or by an authorized person, or if the offender
20 willfully opens any door, fence, or gate or does any act that
21 exposes animals, crops, or other property to waste,
22 destruction, or freedom; unlawfully dumps litter on property;
23 or trespasses on property other than a structure or
24 conveyance, the offender commits a misdemeanor of the first
25 degree, punishable as provided in s. 775.082 or s. 775.083. As
26 used in this section, the term "authorized person" includes a
27 law enforcement officer who receives either express or implied
28 authorization from the owner or his or her agent.

29 Section 3. Paragraph (d) of subsection (2) of section
30 812.014, Florida Statutes, is amended to read:

31 812.014 Theft.--

1 (2)
2 (d) It is grand theft of the third degree and a felony
3 of the third degree, punishable as provided in s. 775.082, s.
4 775.083, or s. 775.084, if the property stolen is valued at
5 \$100 or more, but less than \$300, and is taken from a dwelling
6 as defined in s. 810.011(2) ~~or from the unenclosed curtilage~~
7 ~~of a dwelling pursuant to s. 810.09(1).~~

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 590

- 13 . Revises the definition of "curtilage" by removing the
14 words "immediately surrounding" and adding the terms
"directly and intimately adjacent to" as well as,
15 "necessary, convenient, and habitually used."
- 16 . Amends the trespass statute to clarify that a law
17 enforcement officer is authorized to order a trespasser
off a property when the officer has either express or
implied authorization from the owner or his or her agent.