

By Senator Gutman

34-766-98

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A bill to be entitled  
An act relating to the offense of trespass;  
amending s. 810.08, F.S.; providing an enhanced  
penalty for trespass in a structure or  
conveyance if the offender commits an assault  
or battery upon any person in the structure or  
conveyance; providing an effective date.

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

Section 1. Section 810.08, Florida Statutes, is  
amended to read:

810.08 Trespass in structure or conveyance.--

(1) Whoever, without being authorized, licensed, or  
invited, willfully enters or remains in any structure or  
conveyance, or, having been authorized, licensed, or invited,  
is warned by the owner or lessee of the premises, or by a  
person authorized by the owner or lessee, to depart and  
refuses to do so, commits the offense of trespass in a  
structure or conveyance.

(2)(a) Except as otherwise provided in this  
subsection, trespass in a structure or conveyance is a  
misdemeanor of the second degree, punishable as provided in s.  
775.082 or s. 775.083.

(b) If there is a human being in the structure or  
conveyance at the time the offender trespassed, attempted to  
trespass, or was in the structure or conveyance, the trespass  
in a structure or conveyance is a misdemeanor of the first  
degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other  
dangerous weapon, ~~or~~ arms himself or herself with such while

1 in the structure or conveyance, or commits an assault or  
2 battery upon any person in the structure or conveyance,the  
3 trespass in a structure or conveyance is a felony of the third  
4 degree, punishable as provided in s. 775.082, s. 775.083, or  
5 s. 775.084. Any owner or person authorized by the owner may,  
6 for prosecution purposes, take into custody and detain, in a  
7 reasonable manner, for a reasonable length of time, any person  
8 when he or she reasonably believes that a violation of this  
9 paragraph has been or is being committed, and he or she  
10 reasonably believes that the person to be taken into custody  
11 and detained has committed or is committing such violation.  
12 In the event a person is taken into custody, a law enforcement  
13 officer shall be called as soon as is practicable after the  
14 person has been taken into custody. The taking into custody  
15 and detention by such person, if done in compliance with the  
16 requirements of this paragraph, shall not render such person  
17 criminally or civilly liable for false arrest, false  
18 imprisonment, or unlawful detention.

19 Section 2. This act shall take effect July 1, 1998.

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22 SENATE SUMMARY

23 Provides that it is a third-degree felony for a person to  
24 trespass in a structure or conveyance and to commit an  
25 assault or battery upon any person in the structure or  
26 conveyance.

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