

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1117      Trespassing upon Agricultural Land  
**SPONSOR(S):** Troutman and others  
**TIED BILLS:** IDEN./SIM. BILLS: SB 1480

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice (Sub)</u>		<u>Whittier</u>	<u>De La Paz</u>
2) <u>Public Safety &amp; Crime Prevention</u>			
3)			
4)			
5)			

---

### SUMMARY ANALYSIS

HB 1117 provides that any person who is trespassing on agricultural land and causes damage to fencing or any structure used to retain animals commits a third degree felony. It further provides that any motor vehicle and any other personal property used in damaging the fencing or structure are subject to seizure by law enforcement under the Florida Contraband Forfeiture Act.

The bill appears to have no or minimal fiscal impact on state or local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. Empower families?                 | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### Reduce Government

The bill makes the act of trespassing and damaging any fencing or structure used to retain animals, while trespassing, a third degree felony and allows law enforcement to seize property, including motor vehicles, that was used in the damaging of the fencing or structure.

#### B. EFFECT OF PROPOSED CHANGES:

In Central Florida, agricultural land owners have reported trouble with trespassers seeking psychedelic mushrooms that grow in manure. To gain access to the mushroom fields, trespassers have been cutting or kicking down fences, which have allowed livestock to escape. In a September 3, 2002, article, the *Orlando Sentinel* reported that a number of cattle ranchers claim that they chase off mushroom hunters several times a week.<sup>1</sup>

Currently, in accordance with s. 810.115, F.S., it is a **first degree misdemeanor** if a person does the following:

[W]illfully and maliciously breaks down, mars, injures, defaces, cuts, or otherwise creates or causes to be created an opening, gap, interruption, or break in any fence, or any part thereof, belonging to or enclosing land not his or her own...

HB 1117 provides that any person who is trespassing on agricultural land and causes damage to fencing or any structure used to retain animals commits a **third degree felony**. It further provides that any motor vehicle and any other personal property used in damaging the fencing or structure are subject to seizure by law enforcement under the Florida Contraband Forfeiture Act.

#### C. SECTION DIRECTORY:

**Section 1:** Creates s. 810.098, F.S., relating to trespassing on agricultural property.

**Section 2:** Amends s. 932.701, F.S., relating to the definition of "contraband article."

**Section 3:** Provides an effective date of July 1, 2003.

---

<sup>1</sup> Pamela J. Johnson, "Ranchers' problem mushrooms; rain has brought psychedelic fungi – and people seeking them – to pastures," *Orlando Sentinel*, Sept. 3, 2002.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues: None or minimal.
2. Expenditures: None or minimal.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None or minimal.
2. Expenditures: None or minimal.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill should have a positive impact on the private sector by providing further protection to land owners from trespassers.

### **D. FISCAL COMMENTS: None.**

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: N/A
2. Other: N/A

### **B. RULE-MAKING AUTHORITY: N/A**

### **C. DRAFTING ISSUES OR OTHER COMMENTS: None.**

## **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.