



HB 1117

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A bill to be entitled
 An act relating to trespass; creating s. 810.098, F.S.;
 prohibiting the damaging of fences or other animal
 retention structures during a trespass upon agricultural
 property; providing penalties; providing for forfeiture of
 motor vehicle or other personal property used in the
 offense; amending s. 932.701, F.S.; redefining the term
 "contraband article" for purposes of the Florida
 Contraband Forfeiture Act to include such motor vehicles
 and personal property; providing an effective date.

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

Section 1. Section 810.098, Florida Statutes, is created
 to read:

810.098 Trespass on agricultural property.--Any person who enters upon agricultural property without the owner's permission and, in the process of entering the property or while upon the property, causes damage to fencing or any retention structure used to contain animals, thereby exposing the public to danger, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The law enforcement agency investigating a violation of this section may seize any motor vehicle and any other personal property used in damaging such fence or retention structure, and such motor vehicle and personal property are subject to forfeiture under the Florida Contraband Forfeiture Act.

Section 2. Paragraph (a) of subsection (2) of section
 932.701, Florida Statutes, is amended to read:

932.701 Short title; definitions.--



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31 (2) As used in the Florida Contraband Forfeiture Act:

32 (a) "Contraband article" means:

33 1. Any controlled substance as defined in chapter 893 or
34 any substance, device, paraphernalia, or currency or other means
35 of exchange that was used, was attempted to be used, or was
36 intended to be used in violation of any provision of chapter
37 893, if the totality of the facts presented by the state is
38 clearly sufficient to meet the state's burden of establishing
39 probable cause to believe that a nexus exists between the
40 article seized and the narcotics activity, whether or not the
41 use of the contraband article can be traced to a specific
42 narcotics transaction.

43 2. Any gambling paraphernalia, lottery tickets, money,
44 currency, or other means of exchange which was used, was
45 attempted, or intended to be used in violation of the gambling
46 laws of the state.

47 3. Any equipment, liquid or solid, which was being used,
48 is being used, was attempted to be used, or intended to be used
49 in violation of the beverage or tobacco laws of the state.

50 4. Any motor fuel upon which the motor fuel tax has not
51 been paid as required by law.

52 5. Any personal property, including, but not limited to,
53 any vessel, aircraft, item, object, tool, substance, device,
54 weapon, machine, vehicle of any kind, money, securities, books,
55 records, research, negotiable instruments, or currency, which
56 was used or was attempted to be used as an instrumentality in
57 the commission of, or in aiding or abetting in the commission
58 of, any felony, whether or not comprising an element of the
59 felony, or which is acquired by proceeds obtained as a result of
60 a violation of the Florida Contraband Forfeiture Act.



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61 6. Any real property, including any right, title,
62 leasehold, or other interest in the whole of any lot or tract of
63 land, which was used, is being used, or was attempted to be used
64 as an instrumentality in the commission of, or in aiding or
65 abetting in the commission of, any felony, or which is acquired
66 by proceeds obtained as a result of a violation of the Florida
67 Contraband Forfeiture Act.

68 7. Any personal property, including, but not limited to,
69 equipment, money, securities, books, records, research,
70 negotiable instruments, currency, or any vessel, aircraft, item,
71 object, tool, substance, device, weapon, machine, or vehicle of
72 any kind in the possession of or belonging to any person who
73 takes aquaculture products in violation of s. 812.014(2)(c).

74 8. Any motor vehicle offered for sale in violation of s.
75 320.28.

76 9. Any motor vehicle used during the course of committing
77 an offense in violation of s. 322.34(9)(a).

78 10. Any motor vehicle or other personal property used in
79 committing a trespass on agricultural property in violation of
80 s. 810.098.

81 Section 3. This act shall take effect July 1, 2003.