

By Senator Alexander

17-1102-03

1 A bill to be entitled
2 An act relating to trespass; creating s.
3 810.098, F.S.; prohibiting the damaging of
4 fences or other animal retention structures
5 during a trespass upon agricultural property;
6 providing penalties; providing for forfeiture
7 of motor vehicle or other personal property
8 used in the offense; amending s. 932.701, F.S.;
9 redefining the term "contraband article" for
10 purposes of the Florida Contraband Forfeiture
11 Act to include such motor vehicles and personal
12 property; providing an effective date.

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

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

18 810.098 Trespass on agricultural property.--Any person
19 who enters upon agricultural property without the owner's
20 permission and, in the process of entering the property or
21 while upon the property, causes damage to fencing or any
22 retention structure used to contain animals, thereby exposing
23 the public to danger, commits a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084. The law enforcement agency investigating a violation
26 of this section may seize any motor vehicle and any other
27 personal property used in damaging such fence or retention
28 structure, and such motor vehicle and personal property are
29 subject to forfeiture under the Florida Contraband Forfeiture
30 Act.

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

3 932.701 Short title; definitions.--

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

5 (a) "Contraband article" means:

6 1. Any controlled substance as defined in chapter 893
7 or any substance, device, paraphernalia, or currency or other
8 means of exchange that was used, was attempted to be used, or
9 was intended to be used in violation of any provision of
10 chapter 893, if the totality of the facts presented by the
11 state is clearly sufficient to meet the state's burden of
12 establishing probable cause to believe that a nexus exists
13 between the article seized and the narcotics activity, whether
14 or not the use of the contraband article can be traced to a
15 specific narcotics transaction.

16 2. Any gambling paraphernalia, lottery tickets, money,
17 currency, or other means of exchange which was used, was
18 attempted, or intended to be used in violation of the gambling
19 laws of the state.

20 3. Any equipment, liquid or solid, which was being
21 used, is being used, was attempted to be used, or intended to
22 be used in violation of the beverage or tobacco laws of the
23 state.

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

26 5. Any personal property, including, but not limited
27 to, any vessel, aircraft, item, object, tool, substance,
28 device, weapon, machine, vehicle of any kind, money,
29 securities, books, records, research, negotiable instruments,
30 or currency, which was used or was attempted to be used as an
31 instrumentality in the commission of, or in aiding or abetting

1 in the commission of, any felony, whether or not comprising an
2 element of the felony, or which is acquired by proceeds
3 obtained as a result of a violation of the Florida Contraband
4 Forfeiture Act.

5 6. Any real property, including any right, title,
6 leasehold, or other interest in the whole of any lot or tract
7 of land, which was used, is being used, or was attempted to be
8 used as an instrumentality in the commission of, or in aiding
9 or abetting in the commission of, any felony, or which is
10 acquired by proceeds obtained as a result of a violation of
11 the Florida Contraband Forfeiture Act.

12 7. Any personal property, including, but not limited
13 to, equipment, money, securities, books, records, research,
14 negotiable instruments, currency, or any vessel, aircraft,
15 item, object, tool, substance, device, weapon, machine, or
16 vehicle of any kind in the possession of or belonging to any
17 person who takes aquaculture products in violation of s.
18 812.014(2)(c).

19 8. Any motor vehicle offered for sale in violation of
20 s. 320.28.

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

23 10. Any motor vehicle or other personal property used
24 in committing a trespass on agricultural property in violation
25 of s. 810.098.

26 Section 3. This act shall take effect July 1, 2003.
27
28
29
30
31

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

SENATE SUMMARY

Prohibits the damaging of a fence or other structure for the retention of animals in the course of a trespass on agricultural lands when that act exposes the public to danger. Violation is a third-degree felony, and any motor vehicle or other personal property used in committing the violation is subject to forfeiture as contraband property.