

By the Committee on Criminal Justice; and Senator Alexander

307-1946-03

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A bill to be entitled
An act relating to breaking or damaging fences;
amending s. 810.115, F.S.; providing a felony
penalty if animals are contained by the fence
at the time of the offense; providing an
effective date.

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

Section 1. Section 810.115, Florida Statutes, is
amended to read:

810.115 Breaking or injuring fences.--

(1) Whoever willfully 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, or whoever causes to be broken down, marred,
injured, defaced, or cut any fence belonging to or enclosing
land not his or her own, commits a misdemeanor of the first
degree, punishable as provided in s. 775.082 or s. 775.083.
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and

(2) The offender commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084, if the fence or any part thereof is used to contain
animals at the time of the offense.

(3) The court may require full compensation to the
owner of the fence for any and all damages or losses resulting
directly or indirectly from the act or commission pursuant to
s. 775.089.

Section 2. This act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1480

The CS amends s. 810.115, F.S., by adding a felony penalty where an offender maliciously causes an opening or gap in a fence that is used to contain animals at the time of the offense. Senate Bill 1480 created a new section of statute to accomplish that purpose.