

By the Committees on Judiciary; Criminal Justice; and Senators Alexander and Lynn

308-2124-03

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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.
~~and~~

(2) If the offender breaks or injures a fence as
provided in subsection (1) and the fence or any part thereof
is used to contain animals at the time of the offense, the
offender commits a felony of the third degree, punishable as
provided in s. 775.082, s. 775.083, or s. 775.084.

(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 CS for SB 1480

Clarifies that the felony offense consists of the lesser included offense of breaking or injuring a fence.