

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to trespass; amending s. 810.011, F.S.;
7 providing that property that is owned or leased by a
8 railroad or railway company does not have to satisfy the
9 definition of "posted land" in order to obtain the
10 benefits of ss. 810.09 and 810.12, F.S., in certain
11 circumstances; reenacting s. 810.09(1)(a), F.S., relating
12 to trespass on property other than structure or
13 conveyance, for the purpose of incorporating the amendment
14 to s. 810.011, F.S., in a reference thereto; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsection (5) of section 810.011, Florida
20 Statutes, is amended to read:

21 810.011 Definitions.--As used in this chapter:

22 (5)(a) "Posted land" is that land upon which signs are
23 placed not more than 500 feet apart along, and at each corner

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24 of, the boundaries of the land, upon which signs there appears
 25 prominently, in letters of not less than 2 inches in height, the
 26 words "no trespassing" and in addition thereto the name of the
 27 owner, lessee, or occupant of said land. Said signs shall be
 28 placed along the boundary line of posted land in a manner and in
 29 such position as to be clearly noticeable from outside the
 30 boundary line.

31 (b) It shall not be necessary to give notice by posting on
 32 any enclosed land or place not exceeding 5 acres in area on
 33 which there is a dwelling house in order to obtain the benefits
 34 of ss. 810.09 and 810.12 pertaining to trespass on enclosed
 35 lands.

36 (c) It shall not be necessary to give notice by posting as
 37 required in paragraph (a) on any stationary rails or roadbeds
 38 that are owned or leased by a railroad or railway company and:

39 1. Readily recognizable to a reasonable person as being
 40 the property of a railroad or railway company; or

41 2. Identified by conspicuous fencing or signs indicating
 42 that the property is owned or leased by a railroad or railway
 43 company

44
 45 in order to obtain the benefits of ss. 810.09 and 810.12
 46 pertaining to trespass on enclosed lands.

47 Section 2. For the purpose of incorporating the amendment
 48 to section 810.011, Florida Statutes, in a reference thereto,
 49 paragraph (a) of subsection (1) of section 810.09, Florida
 50 Statutes, is reenacted to read:

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51 810.09 Trespass on property other than structure or
52 conveyance.--

53 (1)(a) A person who, without being authorized, licensed,
54 or invited, willfully enters upon or remains in any property
55 other than a structure or conveyance:

56 1. As to which notice against entering or remaining is
57 given, either by actual communication to the offender or by
58 posting, fencing, or cultivation as described in s. 810.011; or

59 2. If the property is the unenclosed curtilage of a
60 dwelling and the offender enters or remains with the intent to
61 commit an offense thereon, other than the offense of trespass,

62
63 commits the offense of trespass on property other than a
64 structure or conveyance.

65 Section 3. This act shall take effect October 1, 2004.