

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

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 810.011 Definitions.--As used in this chapter:

18 (5)(a) "Posted land" is that land upon which signs are
19 placed not more than 500 feet apart along, and at each corner
20 of, the boundaries of the land, upon which signs there appears
21 prominently, in letters of not less than 2 inches in height, the
22 words "no trespassing" and in addition thereto the name of the
23 owner, lessee, or occupant of said land. Said signs shall be
24 placed along the boundary line of posted land in a manner and in
25 such position as to be clearly noticeable from outside the
26 boundary line.

27 (b) It shall not be necessary to give notice by posting on
28 any enclosed land or place not exceeding 5 acres in area on

29 | which there is a dwelling house in order to obtain the benefits
 30 | of ss. 810.09 and 810.12 pertaining to trespass on enclosed
 31 | lands.

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

35 | 1. Readily recognizable to a reasonable person as being
 36 | the property of a railroad or railway company; or

37 | 2. Identified by conspicuous fencing or signs indicating
 38 | that the property is owned or leased by a railroad or railway
 39 | company

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 41 | in order to obtain the benefits of ss. 810.09 and 810.12
 42 | pertaining to trespass on enclosed lands.

43 | Section 2. For the purpose of incorporating the amendment
 44 | to section 810.011, Florida Statutes, in a reference thereto,
 45 | paragraph (a) of subsection (1) of section 810.09, Florida
 46 | Statutes, is reenacted to read:

47 | 810.09 Trespass on property other than structure or
 48 | conveyance.--

49 | (1)(a) A person who, without being authorized, licensed,
 50 | or invited, willfully enters upon or remains in any property
 51 | other than a structure or conveyance:

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

55 | 2. If the property is the unenclosed curtilage of a
56 | dwelling and the offender enters or remains with the intent to
57 | commit an offense thereon, other than the offense of trespass,
58 |
59 | commits the offense of trespass on property other than a
60 | structure or conveyance.

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