

By Senator Haridopolos

26-1867-04

See HB

1                                   A bill to be entitled  
2           An act relating to trespass; amending s.  
3           810.011, F.S.; providing that property that is  
4           owned or leased by a railroad or railway  
5           company does not have to satisfy the definition  
6           of "posted land" in order to obtain the  
7           benefits of ss. 810.09 and 810.12, F.S., in  
8           certain circumstances; amending s. 901.15,  
9           F.S.; authorizing a law enforcement officer to  
10          make a warrantless arrest if there is probable  
11          cause to believe a person has committed  
12          trespass to a stationary rail or roadbed in  
13          certain circumstances; reenacting s.  
14          810.09(1)(a), F.S., relating to trespass on  
15          property other than structure or conveyance,  
16          for the purpose of incorporating the amendment  
17          to s. 810.011, F.S., in a reference thereto;  
18          providing an effective date.

19

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

21

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

24           810.011 Definitions.--As used in this chapter:

25           (5)(a) "Posted land" is that land upon which signs are  
26 placed not more than 500 feet apart along, and at each corner  
27 of, the boundaries of the land, upon which signs there appears  
28 prominently, in letters of not less than 2 inches in height,  
29 the words "no trespassing" and in addition thereto the name of  
30 the owner, lessee, or occupant of said land. Said signs shall  
31 be placed along the boundary line of posted land in a manner

1 and in such position as to be clearly noticeable from outside  
2 the boundary line.

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

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

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

14 2. Identified by conspicuous fencing or signs  
15 indicating that the property is owned or leased by a railroad  
16 or railway company

17  
18 in order to obtain the benefits of ss. 810.09 and 810.12  
19 pertaining to trespass on enclosed lands.

20 Section 2. Subsection (15) of section 901.15, Florida  
21 Statutes, is amended to read:

22 901.15 When arrest by officer without warrant is  
23 lawful.--A law enforcement officer may arrest a person without  
24 a warrant when:

25 (15)(a) There is probable cause to believe that the  
26 person has committed trespass in a secure area of an airport  
27 when signs are posted in conspicuous areas of the airport  
28 which notify that unauthorized entry into such areas  
29 constitutes a trespass and specify the methods for gaining  
30 authorized access to such areas.

31

1           (b) There is probable cause to believe that the person  
2 has committed trespass to any stationary rails or roadbeds  
3 owned or leased by a railroad or railway company and such  
4 property satisfies the criteria of s. 810.011(5)(c).

5  
6 An arrest under this subsection may be made on or off airport,  
7 railroad, or railway premises. A law enforcement officer who  
8 acts in good faith and exercises due care in making an arrest  
9 under this subsection is immune from civil liability that  
10 otherwise might result by reason of the law enforcement  
11 officer's action.

12           Section 3. For the purpose of incorporating the  
13 amendment to section 810.011, Florida Statutes, in a reference  
14 thereto, paragraph (a) of subsection (1) of section 810.09,  
15 Florida Statutes, is reenacted to read:

16           810.09 Trespass on property other than structure or  
17 conveyance.--

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

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

25           2. If the property is the unenclosed curtilage of a  
26 dwelling and the offender enters or remains with the intent to  
27 commit an offense thereon, other than the offense of trespass,  
28  
29 commits the offense of trespass on property other than a  
30 structure or conveyance.

31           Section 4. This act shall take effect October 1, 2004.