

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:

14
 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 | are:

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

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

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

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

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

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

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

56 | 2. If the property is the unenclosed curtilage of a

HB 139

2006

57 dwelling and the offender enters or remains with the intent to
58 commit an offense thereon, other than the offense of trespass,
59
60
61 commits the offense of trespass on property other than a
62 structure or conveyance.

63 Section 3. This act shall take effect October 1, 2006.