

By Senator Fasano

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A bill to be entitled

An act relating to trespass on the property of a certified domestic violence center; amending s. 810.09, F.S.; providing that a person commits a felony of the third degree if he or she trespasses on the property of a properly posted certified domestic violence center; providing a penalty; providing an effective date.

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

Section 1. Subsection (2) of section 810.09, Florida Statutes, is amended to read:

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

(2)(a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of

1 trespass on property other than a structure or conveyance, he
2 or she is guilty of a felony of the third degree, punishable
3 as provided in s. 775.082, s. 775.083, or s. 775.084. Any
4 owner or person authorized by the owner may, for prosecution
5 purposes, take into custody and detain, in a reasonable
6 manner, for a reasonable length of time, any person when he or
7 she reasonably believes that a violation of this paragraph has
8 been or is being committed, and that the person to be taken
9 into custody and detained has committed or is committing the
10 ~~such~~ violation. ~~If in the event~~ a person is taken into
11 custody, a law enforcement officer shall be called as soon as
12 is practicable after the person has been taken into custody.
13 The taking into custody and detention in compliance with the
14 requirements of this paragraph does not result in criminal or
15 civil liability for false arrest, false imprisonment, or
16 unlawful detention.

17 (d) The offender commits a felony of the third degree,
18 punishable as provided in s. 775.082, s. 775.083, or s.
19 775.084, if the property trespassed is a construction site
20 that is legally posted and identified in substantially the
21 following manner: "THIS AREA IS A DESIGNATED CONSTRUCTION
22 SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
23 FELONY."

24 (e) The offender commits a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 775.084, if the property trespassed upon is commercial
27 horticulture property and the property is legally posted and
28 identified in substantially the following manner: "THIS AREA
29 IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS,
30 AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."
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1 (f) The offender commits a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084, if the property trespassed upon is an agricultural
4 site for testing or research purposes that is legally posted
5 and identified in substantially the following manner: "THIS
6 AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH
7 PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A
8 FELONY."

9 (g) The offender commits a felony of the third degree,
10 punishable as provided in s. 775.082, s. 775.083, or s.
11 775.084, if the property trespassed upon is a domestic
12 violence center certified under s. 39.905 which is legally
13 posted and identified in substantially the following manner:
14 "THIS AREA IS A DESIGNATED RESTRICTED SITE AND ANYONE WHO
15 TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

16 ~~(h)~~(g) Any person who in taking or attempting to take
17 any animal described in s. 372.001(10) or (11), or in killing,
18 attempting to kill, or endangering any animal described in s.
19 585.01(13) knowingly propels or causes to be propelled any
20 potentially lethal projectile over or across private land
21 without authorization commits trespass, a felony of the third
22 degree, punishable as provided in s. 775.082, s. 775.083, or
23 s. 775.084. For purposes of this paragraph, the term
24 "potentially lethal projectile" includes any projectile
25 launched from any firearm, bow, crossbow, or similar tensile
26 device. This section does ~~shall~~ not apply to any governmental
27 agent or employee acting within the scope of his or her
28 official duties.

29 Section 2. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Provides that a person commits a felony of the third degree if he or she trespasses on the property of a properly posted certified domestic violence center. Provides a penalty.