

ENROLLED  
 HB 761

2006 Legislature

1                                   A bill to be entitled  
 2           An act relating to trespass on the property of a certified  
 3           domestic violence center; amending s. 810.09, F.S.;  
 4           providing that a person commits a felony of the third  
 5           degree if he or she trespasses on the property of a  
 6           certified domestic violence center; providing a penalty;  
 7           providing an effective date.

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

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

13           810.09 Trespass on property other than structure or  
 14           conveyance.--

15           (2) (a) Except as provided in this subsection, trespass on  
 16           property other than a structure or conveyance is a misdemeanor  
 17           of the first degree, punishable as provided in s. 775.082 or s.  
 18           775.083.

19           (b) If the offender defies an order to leave, personally  
 20           communicated to the offender by the owner of the premises or by  
 21           an authorized person, or if the offender willfully opens any  
 22           door, fence, or gate or does any act that exposes animals,  
 23           crops, or other property to waste, destruction, or freedom;  
 24           unlawfully dumps litter on property; or trespasses on property  
 25           other than a structure or conveyance, the offender commits a  
 26           misdemeanor of the first degree, punishable as provided in s.  
 27           775.082 or s. 775.083.

28           (c) If the offender is armed with a firearm or other

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29 | dangerous weapon during the commission of the offense of  
30 | trespass on property other than a structure or conveyance, he or  
31 | she is guilty of a felony of the third degree, punishable as  
32 | provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or  
33 | person authorized by the owner may, for prosecution purposes,  
34 | take into custody and detain, in a reasonable manner, for a  
35 | reasonable length of time, any person when he or she reasonably  
36 | believes that a violation of this paragraph has been or is being  
37 | committed, and that the person to be taken into custody and  
38 | detained has committed or is committing the ~~such~~ violation. If  
39 | ~~In the event~~ a person is taken into custody, a law enforcement  
40 | officer shall be called as soon as is practicable after the  
41 | person has been taken into custody. The taking into custody and  
42 | detention in compliance with the requirements of this paragraph  
43 | does not result in criminal or civil liability for false arrest,  
44 | false imprisonment, or unlawful detention.

45 |       (d) The offender commits a felony of the third degree,  
46 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
47 | if the property trespassed is a construction site that is  
48 | legally posted and identified in substantially the following  
49 | manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE  
50 | WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

51 |       (e) The offender commits a felony of the third degree,  
52 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
53 | if the property trespassed upon is commercial horticulture  
54 | property and the property is legally posted and identified in  
55 | substantially the following manner: "THIS AREA IS DESIGNATED  
56 | COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO

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57 TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

58 (f) The offender commits a felony of the third degree,  
 59 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 60 if the property trespassed upon is an agricultural site for  
 61 testing or research purposes that is legally posted and  
 62 identified in substantially the following manner: "THIS AREA IS  
 63 A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES,  
 64 AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

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

72 (h)~~(g)~~ Any person who in taking or attempting to take any  
 73 animal described in s. 372.001(10) or (11), or in killing,  
 74 attempting to kill, or endangering any animal described in s.  
 75 585.01(13) knowingly propels or causes to be propelled any  
 76 potentially lethal projectile over or across private land  
 77 without authorization commits trespass, a felony of the third  
 78 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 79 775.084. For purposes of this paragraph, the term "potentially  
 80 lethal projectile" includes any projectile launched from any  
 81 firearm, bow, crossbow, or similar tensile device. This section  
 82 does shall not apply to any governmental agent or employee  
 83 acting within the scope of his or her official duties.

84 Section 2. This act shall take effect July 1, 2006.