

ENROLLED

CS/HB 1185, Engrossed 1

2007 Legislature

1                                   A bill to be entitled  
 2           An act relating to trespass; amending s. 810.011, F.S.;  
 3           defining the term "construction site" for specified  
 4           purposes; amending s. 810.09, F.S.; revising requirements  
 5           for posting on a construction site; revising the  
 6           definition of the terms "authorized person" or "person  
 7           authorized" for specified purposes; providing an effective  
 8           date.

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

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 12           Section 1. Subsection (13) is added to section 810.011,  
 13   Florida Statutes, to read:

14           810.011 Definitions.--As used in this chapter:

15           (13) "Construction site" means any property upon which  
 16           there is construction that is subject to building permit posting  
 17           requirements.

18           Section 2. Paragraph (d) of subsection (2) and subsection  
 19           (3) of section 810.09, Florida Statutes, are amended to read:

20           810.09 Trespass on property other than structure or  
 21           conveyance.--

22           (2)

23           (d) The offender commits a felony of the third degree,  
 24           punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 25           if the property trespassed is a construction site that is:

26           1. Greater than 1 acre in area and ~~that~~ is legally posted  
 27           and identified in substantially the following manner: "THIS AREA

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28 IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON  
 29 THIS PROPERTY COMMITS A FELONY."; or

30 2. One acre or less in area and is identified as such with  
 31 a sign that appears prominently, in letters of not less than 2  
 32 inches in height, and reads in substantially the following  
 33 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE  
 34 WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." The sign  
 35 shall be placed at the location on the property where the  
 36 permits for construction are located. For construction sites of  
 37 1 acre or less as provided in this subparagraph, it shall not be  
 38 necessary to give notice by posting as defined in s. 810.011(5).

39 (3) As used in this section, the term "authorized person"  
 40 or "person authorized" means any owner, ~~or~~ his or her agent, or  
 41 a community association authorized as an agent for the owner, or  
 42 any law enforcement officer whose department has received  
 43 written authorization from the owner, ~~or~~ his or her agent, or a  
 44 community association authorized as an agent for the owner, to  
 45 communicate an order to leave the property in the case of a  
 46 threat to public safety or welfare.

47 Section 3. This act shall take effect July 1, 2007.