

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Troutman offered the following:

2
3 **Amendment (with title amendment)**

4 On page 3, line 18,
5 remove: said line

6
7 and insert:

8
9 Section 1. Section 810.125, Florida Statutes, is created
10 to read:

11 810.125 Injury to certain trespassers on agricultural
12 land; recovery limited.--A person or organization owning,
13 controlling, or possessing an interest in agricultural real
14 property, or an agent of such person or organization, shall not
15 be held liable for negligence related to such property that
16 results in the death of, injury to, or damage to a person who

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17 has engaged or is engaging in conduct on the property that is
18 unlawful under s. 810.10 or s. 810.115 or unlawful trespassing
19 by such person incident to such conduct on the property.

20 Section 2. Subsection (5) of section 810.011, Florida
21 Statutes, is amended to read:

22 810.011 Definitions.--As used in this chapter:

23 (5) (a) "Posted land" is that land upon which:

24 1. Signs are placed not more than 500 feet apart along,
25 and at each corner of, the boundaries of the land, upon which
26 signs there appears prominently, in letters of not less than 2
27 inches in height, the words "no trespassing" and in addition
28 thereto the name of the owner, lessee, or occupant of said land.
29 Said signs shall be placed along the boundary line of posted
30 land in a manner and in such position as to be clearly
31 noticeable from outside the boundary line; or

32 2.a. Conspicuous no trespassing notice is painted on trees
33 or posts on the property, provided that the notice is:

34 (I) Painted in an international orange color and
35 displaying the stenciled words "No Trespassing" in letters no
36 less than 2 inches high and 1 inch wide either vertically or
37 horizontally;

38 (II) Placed so that the bottom of the painted notice is
39 not less than 3 feet from the ground or more than 5 feet from
40 the ground; and

41 (III) Placed at locations that are readily visible to any
42 person approaching the property and no more than 500 feet apart
43 on agricultural land.

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44 b. Beginning October 1, 2007, when a landowner uses the
45 painted no trespassing posting to identify a "no trespassing"
46 area, those painted notices shall be accompanied by signs
47 complying with subparagraph 1. and placed conspicuously at all
48 places where entry to the property is normally expected or known
49 to occur.

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

55 Section 3. Section 810.10, Florida Statutes, is amended to
56 read:

57 810.10 Posted land; removing notices unlawful; penalty.--

58 (1) It is unlawful for any person to willfully remove,
59 destroy, mutilate, or commit any act designed to remove,
60 mutilate, or reduce the legibility or effectiveness of any
61 posted notice placed by the owner, tenant, lessee, or occupant
62 of legally enclosed or legally posted land pursuant to any law
63 of this state for the purpose of legally enclosing the same.

64 (2) Any person violating the provisions of this section
65 ~~commits shall be guilty of~~ a misdemeanor of the first ~~second~~
66 degree, punishable as provided in s. 775.082 or s. 775.083.

67 Section 4. Subsection (1) of section 810.115, Florida
68 Statutes, is amended to read:

69 810.115 Breaking or injuring fences.--

70 (1) Whoever willfully and maliciously breaks down, mars,
71 injures, defaces, cuts, or otherwise creates or causes to be
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72 created an opening, gap, interruption, or break in any fence, or
73 any part thereof, belonging to or enclosing land not his or her
74 own, or whoever causes to be broken down, marred, injured,
75 defaced, or cut any fence belonging to or enclosing land not his
76 or her own, commits a misdemeanor of the first degree,
77 punishable as provided in s. 775.082 or s. 775.083. A person who
78 commits a second or subsequent offense under this subsection
79 commits a felony of the third degree, punishable as provided in
80 s. 775.082, s. 775.083, or s. 775.084.

81 Section 5. Present subsections (1), (2), (3), and (8)

82

83 ===== T I T L E A M E N D M E N T =====

84 On page 1, lines 2-3,

85 remove: said lines

86

87 and insert:

88

89 An act relating to agriculture; creating s. 810.125, F.S.;
90 limiting liability for injury to certain trespassers on
91 agricultural property; amending s. 810.011, F.S.; revising
92 the definition of "posted land" to provide an alternative
93 method of posting; amending s. 810.10, F.S.; increasing
94 criminal penalties for certain offenses relating to notices
95 on posted land; amending s. 810.115, F.S.; increasing
96 criminal penalties for certain offenses relating to
97 breaking or injuring fences; amending s.

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