

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Troutman offered the following:

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

4 Between lines 72 and 73, insert:

5
6 Section 3. Section 810.125, Florida Statutes, is created
7 to read:

8 810.125 Injury to certain trespassers on agricultural
9 land; recovery limited.--A person or organization owning,
10 controlling, or possessing an interest in agricultural real
11 property, or an agent of such person or organization, shall not
12 be held liable for negligence related to such property that
13 results in the death of, injury to, or damage to a person who
14 has engaged or is engaging in conduct on the property that is
15 unlawful under either s. 810.10 or s. 810.115 or unlawful

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16 trespassing by such person incident to such conduct on the
17 property.

18 Section 4. Subsection (5) of section 810.011, Florida
19 Statutes, is amended to read:

20 810.011 Definitions.--As used in this chapter:

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

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

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

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

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

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

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

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

53 Section 5. Section 810.10, Florida Statutes, is amended to
54 read:

55 810.10 Posted land; removing notices unlawful; penalty.--

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

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

65 Section 6. Subsection (1) of section 810.115, Florida
66 Statutes, is amended to read:

67 810.115 Breaking or injuring fences.--

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

79

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

81 Remove line 13 and insert:

82

83 provision does not apply to certain sales; creating s. 810.125,
84 F.S.; limiting liability for injury to certain trespassers on
85 agricultural property; amending s. 810.011, F.S.; revising the
86 definition of "posted land" to provide an alternative method of
87 posting; amending s. 810.10, F.S.; increasing criminal penalties
88 for certain offenses relating to notices on posted land;
89 amending s. 810.115, F.S.; increasing criminal penalties for
90 certain offenses relating to breaking or injuring fences;
91 providing an