



1 organization owning or controlling the interest in real  
2 property shall not be immune from liability if ~~gross~~  
3 ~~negligence or~~ intentional misconduct on the part of such  
4 person or organization or agent thereof is a proximate cause  
5 of the death of or injury or damage to the trespasser.

6 (3)

7 (b) To avoid liability to undiscovered trespassers, a  
8 person or organization owning or controlling an interest in  
9 real property must refrain from intentional misconduct that  
10 proximately causes injury to the undiscovered trespasser, but  
11 has no duty to warn of dangerous conditions. To avoid  
12 liability to discovered trespassers, a person or organization  
13 owning or controlling an interest in real property must  
14 refrain from ~~gross negligence or~~ intentional misconduct that  
15 proximately causes injury to the discovered trespasser, but  
16 the person or organization has no duty to ~~and must~~ warn the  
17 ~~trespasser~~ of dangerous conditions ~~that are known to the~~  
18 ~~person or organization owning or controlling an interest in~~  
19 ~~real property but that are not readily observable by others.~~

20 Section 2. Section 810.10, Florida Statutes, is  
21 amended to read:

22 810.10 Posted land; removing notices unlawful;  
23 penalty.--

24 (1) It is unlawful for any person to willfully remove,  
25 destroy, mutilate, or commit any act designed to remove,  
26 mutilate, or reduce the legibility or effectiveness of any  
27 posted notice placed by the owner, tenant, lessee, or occupant  
28 of legally enclosed or legally posted land pursuant to any law  
29 of this state for the purpose of legally enclosing the same.

30 (2) Any person violating the provisions of this  
31 section commits ~~shall be guilty of a~~ felony misdemeanor of the

1 ~~third~~ ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~  
2 s. 775.083, or s. 775.084.

3 Section 3. Subsection (1) of section 810.115, Florida  
4 Statutes, is amended to read:

5 810.115 Breaking or injuring fences.--

6 (1) Whoever willfully and maliciously breaks down,  
7 mars, injures, defaces, cuts, or otherwise creates or causes  
8 to be created an opening, gap, interruption, or break in any  
9 fence, or any part thereof, belonging to or enclosing land not  
10 his or her own, or whoever causes to be broken down, marred,  
11 injured, defaced, or cut any fence belonging to or enclosing  
12 land not his or her own, commits a felony ~~misdemeanor~~ of the  
13 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~  
14 s. 775.083, or s. 775.084.

15 Section 4. This act shall take effect October 1, 2007.

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