

Bill No. CS for SB 2180

Barcode 064782

1 trees or posts on the property, provided that the marks are:

2 (I) Vertical lines at least 1 inch in width and at
3 least 8 inches in length;

4 (II) Placed so that the bottom of the mark is not less
5 than 3 feet from the ground or more than 5 feet from the
6 ground; and

7 (III) Placed at locations that are readily visible to
8 any person approaching the property and no more than 1,000
9 feet apart on forest land.

10 b. Beginning October 1, 2007, when a landowner uses
11 the purple posting to identify a "no trespassing" area, those
12 marks shall be accompanied by signs placed conspicuously and
13 at all places where entry to the property is normally expected
14 explaining that the purple paint marks mean no trespassing,
15 property restricted, or a similar explanation of what the
16 purple paint marks indicate. Property that is fenced or not
17 fenced and using the purple paint marks shall have signs
18 placed conspicuously and at all places where entry to the
19 property is normally expected. On and after October 1, 2009,
20 no sign shall be required to explain the purple posting.

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

26 (13) "Construction site" means any property upon which
27 there is construction for which a building permit is a
28 requirement.

29 Section 2. Paragraph (d) of subsection (2) of section
30 810.09, Florida Statutes, is amended to read:

31 810.09 Trespass on property other than structure or

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1 conveyance.--

2 (2)

3 (d)1. The offender commits a felony of the third
4 degree, punishable as provided in s. 775.082, s. 775.083, or
5 s. 775.084, if the property trespassed upon is a construction
6 site greater than 1 acre in area which ~~that~~ is legally posted
7 and identified in substantially the following manner: "THIS
8 AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO
9 TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

10 2. The offender commits a felony of the third degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084, if the property trespassed upon is a construction
13 site of 1 acre or less in area and is identified as such with
14 a sign that appears prominently, in letters or not less than 2
15 inches in height, and reads in substantially the following
16 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND
17 ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." The
18 sign shall be placed at the location on the property where the
19 permits for construction are located. For construction sites
20 of 1 acre or less as provided in this subparagraph, it is not
21 necessary to give notice by posting as defined in s.
22 810.011(5).

23 Section 3. Section 810.10, Florida Statutes, is
24 amended to read:

25 810.10 Posted land; removing notices unlawful;
26 penalty.--

27 (1) It is unlawful for any person to willfully remove,
28 destroy, mutilate, or commit any act designed to remove,
29 mutilate, or reduce the legibility or effectiveness of any
30 posted notice placed by the owner, tenant, lessee, or occupant
31 of legally enclosed or legally posted land pursuant to any law

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1 of this state for the purpose of legally enclosing the same.

2 (2) Any person violating the provisions of this
3 section commits ~~shall be guilty of a felony misdemeanor~~ of the
4 third ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~
5 s. 775.083, or s. 775.084.

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

8 810.115 Breaking or injuring fences.--

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

18 Section 5. Section 810.125, Florida Statutes, is
19 created to read:

20 810.125 Injury to certain trespassers on agricultural
21 land; recovery limited.--Any person intentionally and
22 knowingly trespassing on agricultural property who is injured
23 or harmed on such property shall be barred from bringing suit
24 against a person owning or controlling an interest in the real
25 property that is the subject of the trespass for any injury or
26 harm arising to the trespasser during the course and scope of
27 his or her unlawful conduct.

28
29 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 1, lines 3-8, delete those lines

4

5 and insert:

6 810.011, F.S.; revising the definition of

7 "posted land" to provide an alternative method

8 of posting; defining the term "construction

9 site" for specified purposes; amending s.

10 810.09, F.S.; revising provisions relating to

11 trespassing on a construction site; providing

12 for signage to notify the public of a covered

13 construction site; amending s. 810.10, F.S.;

14 increasing criminal penalties for certain

15 offenses relating to notices on posted land;

16 amending s. 810.115, F.S.; increasing criminal

17 penalties for certain offenses relating to

18 breaking or injuring fences; creating s.

19 810.125, F.S.; limiting liability for injury to

20 certain trespassers on agricultural property;

21 providing an effective date.

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