

By the Committee on Regulated Industries; and Senator Bennett

580-2197-07

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A bill to be entitled

An act relating to trespass; amending s.
810.011, F.S.; defining the term "construction
site" for specified purposes; amending s.
810.09, F.S.; revising provisions relating to
trespassing on a construction site; providing
for signage to notify the public of a covered
construction site; providing an effective date.

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

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

810.011 Definitions.--As used in this chapter:

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

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

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

(2)

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

2. The offender commits a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s.

1 775.084, if the property trespassed upon is a construction
2 site of 1 acre or less in area and is identified as such with
3 a sign that appears prominently, in letters or not less than 2
4 inches in height, and reads in substantially the following
5 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND
6 ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." The
7 sign shall be placed at the location on the property where the
8 permits for construction are located. For construction sites
9 of 1 acre or less as provided in this subparagraph, it is not
10 necessary to give notice by posting as defined in s.
11 810.011(5).

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

13
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 2180

17 The committee substitute(CS) deletes the provision in s.
18 810.011, F.S., which exempts property of less than one acre
19 from the posting requirement. It provides a definition for
20 "construction site" in s. 810.011(13), F.S., to provide that
21 the location is subject to a building permit requirement
22 instead of providing that it is subject to building permit
23 posting requirements.

24 The CS creates s. 810.09(2)(d)2., F.S., to provide a third
25 degree felony violation for trespass at construction sites of
26 less than one acre in size. It provides the form for the
27 no-trespassing notice, requires that the notice be placed
28 where the building permits for the construction site are
29 located, and specifies that it is not necessary for a
30 construction site of less than one acre to give the notice
31 required by s. 810.011(5), F.S.

The CS amends s. 810.09(2)(d)1., F.S., to limit its provisions
to a construction site greater than one acre.