

Bill No. CS for CS for SB 2754

Barcode 675338

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Haridopolos moved the following amendment:

**Senate Amendment (with title amendment)**

On page 3, between lines 13 and 14,

insert:

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

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

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

810.011 Definitions.--As used in this chapter:

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

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

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

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

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

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

22 b. Beginning October 1, 2007, when a landowner uses  
23 the painted no trespassing posting to identify a "no  
24 trespassing" area, those painted notices shall be accompanied  
25 by signs complying with subparagraph 1. and placed  
26 conspicuously at all places where entry to the property is  
27 normally expected or known to occur.

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

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1 enclosed lands.

2 Section 5. Section 810.10, Florida Statutes, is  
3 amended to read:

4 810.10 Posted land; removing notices unlawful;  
5 penalty.--

6 (1) It is unlawful for any person to willfully remove,  
7 destroy, mutilate, or commit any act designed to remove,  
8 mutilate, or reduce the legibility or effectiveness of any  
9 posted notice placed by the owner, tenant, lessee, or occupant  
10 of legally enclosed or legally posted land pursuant to any law  
11 of this state for the purpose of legally enclosing the same.

12 (2) Any person violating the provisions of this  
13 section commits ~~shall be guilty of~~ a misdemeanor of the first  
14 ~~second~~ degree, punishable as provided in s. 775.082 or s.  
15 775.083.

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

18 810.115 Breaking or injuring fences.--

19 (1) Whoever willfully and maliciously breaks down,  
20 mars, injures, defaces, cuts, or otherwise creates or causes  
21 to be created an opening, gap, interruption, or break in any  
22 fence, or any part thereof, belonging to or enclosing land not  
23 his or her own, or whoever causes to be broken down, marred,  
24 injured, defaced, or cut any fence belonging to or enclosing  
25 land not his or her own, commits a misdemeanor of the first  
26 degree, punishable as provided in s. 775.082 or s. 775.083. A  
27 person who commits a second or subsequent offense under this  
28 subsection commits a felony of the third degree, punishable as  
29 provided in s. 775.082, s. 775.083, or s. 775.084.

30  
31 (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, line 14, after the second semicolon,

4

5 insert:

6            creating s. 810.125, F.S.; limiting liability  
7            for injury to certain trespassers on  
8            agricultural property; amending s. 810.011,  
9            F.S.; revising the definition of "posted land"  
10            to provide an alternative method of posting;  
11            amending s. 810.10, F.S.; increasing criminal  
12            penalties for certain offenses relating to  
13            notices on posted land; amending s. 810.115,  
14            F.S.; increasing criminal penalties for certain  
15            offenses relating to breaking or injuring  
16            fences;

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