## Bill No. <u>CS for CS for SB 2754</u>

## Barcode 675338

	CHAMBER ACTION <u>Senate</u> <u>House</u>
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3	Floor: WD/2R
4	04/30/2007 04:31 PM .
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11	Senator Haridopolos moved the following amendment:
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13	Senate Amendment (with title amendment)
14	On page 3, between lines 13 and 14,
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16	insert:
17	Section 3. Section 810.125, Florida Statutes, is
18	created to read:
19	810.125 Injury to certain trespassers on agricultural
20	land; recovery limitedA person or organization owning,
21 22	controlling, or possessing an interest in agricultural real
22	property, or an agent of such person or organization, shall not be held liable for negligence related to such property
24	that results in the death of, injury to, or damage to a person
25	who has engaged or is engaging in conduct on the property that
26	is unlawful under either s. 810.10 or s. 810.115 or unlawful
27	trespassing by such person incident to such conduct on the
28	property.
29	Section 4. Subsection (5) of section 810.011, Florida
30	Statutes, is amended to read:
31	810.011 DefinitionsAs used in this chapter:
	2:57 PM 04/30/07 s2754c2c-26-r8h

Florida Senate - 2007

SENATOR AMENDMENT

Bill No. <u>CS for CS for SB 2754</u>

## Barcode 675338

1Signs are placed not more than 500 feet apart3along, and at each corner of, the boundaries of the land, upon4which signs there appears prominently, in letters of not less5than 2 inches in height, the words "no trespassing" and in6addition thereto the name of the owner, lessee, or occupant of7said land. Said signs shall be placed along the boundary line8of posted land in a manner and in such position as to be9clearly noticeable from outside the boundary line; or-102.a. Conspicuous no trespassing notice is painted on11trees or posts on the property, provided that the notice is:12(1) Painted in an international orange color and13displaying the stenciled words "No Trespassing" in letters no14less than 2 inches high and 1 inch wide either vertically or15horizontally:16(II) Placed so that the bottom of the painted notice17is not less than 3 feet from the ground or more than 5 feet18from the ground: and19(III) Placed at locations that are readily visible to10any person approaching the property and no more than 500 feet11apart on agricultural land.12b. Beginning October 1, 2007, when a landowner uses14trespassing" area, those painted notices shall be accompanied15by signs complying with subparagraph 1. and placed16conspicuously at all places where entry to the property is17normally expected or known to occur.18(b) It shall not be n	1	(5)(a) "Posted land" is that land upon which:
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2:57 PM 04/30/07 s2754c2c-26-r8h	31	benefits of ss. 810.09 and 810.12 pertaining to trespass on $2$
		2:57 PM 04/30/07 s2754c2c-26-r8h

Florida Senate - 2007

SENATOR AMENDMENT

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Barcode 675338

1 enclosed lands. Section 5. Section 810.10, Florida Statutes, is 2 amended to read: 3 4 810.10 Posted land; removing notices unlawful; 5 penalty.-б (1) It is unlawful for any person to willfully remove, 7 destroy, mutilate, or commit any act designed to remove, mutilate, or reduce the legibility or effectiveness of any 8 posted notice placed by the owner, tenant, lessee, or occupant 9 10 of legally enclosed or legally posted land pursuant to any law 11 of this state for the purpose of legally enclosing the same. (2) Any person violating the provisions of this 12 13 section <u>commits</u> shall be guilty of a misdemeanor of the <u>first</u> second degree, punishable as provided in s. 775.082 or s. 14 15 775.083. Section 6. Subsection (1) of section 810.115, Florida 16 Statutes, is amended to read: 17 810.115 Breaking or injuring fences.--18 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 his or her own, or whoever causes to be broken down, marred, 23 24 injured, defaced, or cut any fence belonging to or enclosing land not his or her own, commits a misdemeanor of the first 25 degree, punishable as provided in s. 775.082 or s. 775.083. A 26 person who commits a second or subsequent offense under this 27 subsection commits a felony of the third degree, punishable as 28 29 provided in s. 775.082, s. 775.083, or s. 775.084. 30 31 (Redesignate subsequent sections.) 3 2:57 PM 04/30/07 s2754c2c-26-r8h

Florida Senate - 2007

SENATOR AMENDMENT

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======== T I T L E A M E N D M E N T ========== 1 And the title is amended as follows: 2 On page 1, line 14, after the second semicolon, 3 4 5 insert: б creating s. 810.125, F.S.; limiting liability 7 for injury to certain trespassers on agricultural property; amending s. 810.011, 8 F.S.; revising the definition of "posted land" 9 to provide an alternative method of posting; 10 amending s. 810.10, F.S.; increasing criminal 11 12 penalties for certain offenses relating to 13 notices on posted land; amending s. 810.115, F.S.; increasing criminal penalties for certain 14 15 offenses relating to breaking or injuring 16 fences; 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 4 04/30/07 s2754c2c-26-r8h 2:57 PM