Barcode 943672

CHAMBER ACTION

	Senate House
1	<u>:</u>
2	<u>:</u>
3	Floor: 2/AD/2R .
4	05/01/2007 03:21 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,
15	
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 limited A person or organization owning,
21	controlling, or possessing an interest in agricultural real
22	property, or an agent of such person or organization, shall
23	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:
	4:24 PM 04/30/07 s2754c2c-26-dd2

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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 a safety orange color and displaying
13	the stenciled words "No Trespassing" in letters no less than 2
14	inches high and 1 inch wide either vertically or horizontally;
15	(II) Placed so that the bottom of the painted notice
16	is not less than 1 foot from the ground or more than 5 feet
17	from the ground; and
18	(III) Placed at locations that are readily visible to
19	any person approaching the property and no more than 500 feet
20	apart on agricultural land.
21	b. Beginning October 1, 2007, when a landowner uses
22	the painted no trespassing posting to identify a "no
23	trespassing" area, those painted notices shall be accompanied
24	by signs complying with subparagraph 1. and placed
25	conspicuously at all places where entry to the property is
26	normally expected or known to occur.
27	(b) It shall not be necessary to give notice by
28	posting on any enclosed land or place not exceeding 5 acres in
29	area on which there is a dwelling house in order to obtain the
30	benefits of ss. 810.09 and 810.12 pertaining to trespass on
31	enclosed lands.
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1 Section 5. Section 810.10, Florida Statutes, is amended to read: 2 810.10 Posted land; removing notices unlawful; 3 4 penalty.--(1) It is unlawful for any person to willfully remove, 5 destroy, mutilate, or commit any act designed to remove, 7 mutilate, or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant 8 of legally enclosed or legally posted land pursuant to any law 10 of this state for the purpose of legally enclosing the same. 11 (2) Any person violating the provisions of this section commits shall be guilty of a misdemeanor of the first 12 second degree, punishable as provided in s. 775.082 or s. 13 775.083. 14 15 Section 6. Subsection (1) of section 810.115, Florida Statutes, is amended to read: 16 810.115 Breaking or injuring fences.--17 (1) Whoever willfully and maliciously breaks down, 18 19 mars, injures, defaces, cuts, or otherwise creates or causes 20 to be created an opening, gap, interruption, or break in any fence, or any part thereof, belonging to or enclosing land not 21 22 his or her own, or whoever causes to be broken down, marred, injured, defaced, or cut any fence belonging to or enclosing 23 24 land not his or her own, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A 25 person who commits a second or subsequent offense under this 26 subsection commits a felony of the third degree, punishable as 27 provided in s. 775.082, s. 775.083, or s. 775.084. 28 29 (Redesignate subsequent sections.) 30 31

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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,
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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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