

By Senator King

8-333-07

See HB

1 A bill to be entitled
2 An act relating to trespass; amending s.
3 810.011, F.S.; providing that property that is
4 owned or leased by a railroad or railway
5 company does not have to satisfy the definition
6 of "posted land" in order to obtain the
7 benefits of ss. 810.09 and 810.12, F.S., in
8 certain circumstances; reenacting s.
9 810.09(1)(a), F.S., relating to trespass on
10 property other than structure or conveyance,
11 for the purpose of incorporating the amendment
12 to s. 810.011, F.S., in a reference thereto;
13 providing an effective date.

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

17 Section 1. Subsection (5) of section 810.011, Florida
18 Statutes, is amended to read:

19 810.011 Definitions.--As used in this chapter:

20 (5)(a) "Posted land" is that land upon which signs are
21 placed not more than 500 feet apart along, and at each corner
22 of, the boundaries of the land, upon which signs there appears
23 prominently, in letters of not less than 2 inches in height,
24 the words "no trespassing" and in addition thereto the name of
25 the owner, lessee, or occupant of said land. Said signs shall
26 be placed along the boundary line of posted land in a manner
27 and in such position as to be clearly noticeable from outside
28 the boundary line.

29 (b) It shall not be necessary to give notice by
30 posting on any enclosed land or place not exceeding 5 acres in
31 area on which there is a dwelling house in order to obtain the

1 benefits of ss. 810.09 and 810.12 pertaining to trespass on
2 enclosed lands.

3 (c) In order to obtain the benefits of ss. 810.09 and
4 810.12 pertaining to trespass on enclosed and posted land, it
5 shall not be necessary to give notice by posting as required
6 in paragraph (a) on any stationary rails or roadbeds that are
7 owned or leased by a railroad or railway company and that are:

8 1. Readily recognizable to a reasonable person as
9 being the property of a railroad or railway company; or

10 2. Identified by conspicuous fencing or signs
11 indicating that the property is owned or leased by a railroad
12 or railway company.

13 Section 2. For the purpose of incorporating the
14 amendment made by this act to section 810.011, Florida
15 Statutes, in a reference thereto, paragraph (a) of subsection
16 (1) of section 810.09, Florida Statutes, is reenacted to read:

17 810.09 Trespass on property other than structure or
18 conveyance.--

19 (1)(a) A person who, without being authorized,
20 licensed, or invited, willfully enters upon or remains in any
21 property other than a structure or conveyance:

22 1. As to which notice against entering or remaining is
23 given, either by actual communication to the offender or by
24 posting, fencing, or cultivation as described in s. 810.011;
25 or

26 2. If the property is the unenclosed curtilage of a
27 dwelling and the offender enters or remains with the intent to
28 commit an offense thereon, other than the offense of trespass,
29
30 commits the offense of trespass on property other than a
31 structure or conveyance.

1 Section 3. This act shall take effect October 1, 2007.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31