

Amendment No.

CHAMBER ACTION

Senate

House



1 Representative(s) Troutman offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 19-93 and insert:

5 land; liability.--A person or organization owning, controlling,
6 or possessing an interest in agricultural real property, or an
7 agent of such person or organization, shall not be held liable
8 for negligence related to such property that results in the
9 death of, injury to, or damage to a person who has engaged or is
10 engaging in conduct on the property that is unlawful under
11 either s. 810.10 or s. 810.115, or unlawful trespassing by such
12 person incident to such conduct on the property.

13 Section 2. Subsection (5) of section 810.011, Florida
14 Statutes, is amended to read:

15 810.011 Definitions.--As used in this chapter:

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

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

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

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

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

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

37 b. Beginning October 1, 2007, when a landowner uses the
38 painted no trespassing posting to identify a "no trespassing"
39 area, those painted notices shall be accompanied by signs
40 complying with subparagraph 1. and placed conspicuously at all
41 places where entry to the property is normally expected or known
42 to occur.

43 (b) It shall not be necessary to give notice by posting on
44 any enclosed land or place not exceeding 5 acres in area on

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45 | which there is a dwelling house in order to obtain the benefits
46 | of ss. 810.09 and 810.12 pertaining to trespass on enclosed
47 | lands.

48 | Section 3. Section 810.10, Florida Statutes, is amended to
49 | read:

50 | 810.10 Posted land; removing notices unlawful; penalty.--

51 | (1) It is unlawful for any person to willfully remove,
52 | destroy, mutilate, or commit any act designed to remove,
53 | mutilate, or reduce the legibility or effectiveness of any
54 | posted notice placed by the owner, tenant, lessee, or occupant
55 | of legally enclosed or legally posted land pursuant to any law
56 | of this state for the purpose of legally enclosing the same.

57 | (2) Any person violating the provisions of this section
58 | commits shall be guilty of a misdemeanor of the first ~~second~~
59 | degree, punishable as provided in s. 775.082 or s. 775.083.

60 | Section 4. Subsection (1) of section 810.115, Florida
61 | Statutes, is amended to read:

62 | 810.115 Breaking or injuring fences.--

63 | (1) Whoever willfully and maliciously breaks down, mars,
64 | injures, defaces, cuts, or otherwise creates or causes to be
65 | created an opening, gap, interruption, or break in any fence, or
66 | any part thereof, belonging to or enclosing land not his or her
67 | own, or whoever causes to be broken down, marred, injured,
68 | defaced, or cut any fence belonging to or enclosing land not his
69 | or her own, commits a misdemeanor of the first degree,
70 | punishable as provided in s. 775.082 or s. 775.083. A person who
71 | commits a second or subsequent offense under this subsection

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72 commits a felony of the third degree, punishable as provided in
73 s. 775.082, s. 775.083, or s. 775.084.

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75 ===== T I T L E A M E N D M E N T =====

76 Remove line(s) 4-5 and insert:

77 agricultural property; amending s. 810.011, F.S.;

78 revising the

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