

1 A bill to be entitled
 2 An act relating to trespass; creating s. 810.125, F.S.;
 3 limiting liability for injury to certain trespassers on
 4 agricultural property; amending s. 810.011, F.S.; revising
 5 the definition of "posted land" to provide an alternative
 6 method of posting; amending s. 810.10, F.S.; increasing
 7 criminal penalties for certain offenses relating to
 8 notices on posted land; amending s. 810.115, F.S.;
 9 increasing criminal penalties for certain offenses
 10 relating to breaking or injuring fences; providing an
 11 effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 810.125, Florida Statutes, is created
 16 to read:

17 810.125 Injury to certain trespassers on agricultural
 18 land; recovery limited.--Any person intentionally and knowingly
 19 trespassing on agricultural property who is injured or harmed on
 20 such property shall be barred from bringing suit against a
 21 person owning or controlling an interest in the real property
 22 that is the subject of the trespass for any injury or harm
 23 arising to the trespasser during the course and scope of his or
 24 her unlawful conduct.

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

27 810.011 Definitions.--As used in this chapter:
 28 (5) (a) "Posted land" is that land upon which:

29 1. Signs are placed not more than 500 feet apart along,
 30 and at each corner of, the boundaries of the land, upon which
 31 signs there appears prominently, in letters of not less than 2
 32 inches in height, the words "no trespassing" and in addition
 33 thereto the name of the owner, lessee, or occupant of said land.
 34 Said signs shall be placed along the boundary line of posted
 35 land in a manner and in such position as to be clearly
 36 noticeable from outside the boundary line; or

37 2.a. Conspicuous purple paint marks are placed on trees or
 38 posts on the property, provided that the marks are:

39 (I) Vertical lines at least 1 inch in width and at least 8
 40 inches in length;

41 (II) Placed so that the bottom of the mark is not less
 42 than 3 feet from the ground or more than 5 feet from the ground;
 43 and

44 (III) Placed at locations that are readily visible to any
 45 person approaching the property and no more than 1,000 feet
 46 apart on forest land.

47 b. Beginning October 1, 2007, when a landowner uses the
 48 purple posting to identify a "no trespassing" area, those marks
 49 shall be accompanied by signs placed conspicuously and at all
 50 places where entry to the property is normally expected
 51 explaining that the purple paint marks mean no trespassing,
 52 property restricted, or a similar explanation of what the purple
 53 paint marks indicate. Property that is fenced or not fenced and
 54 using the purple paint marks shall have signs placed
 55 conspicuously and at all places where entry to the property is

56 normally expected. On and after October 1, 2009, no sign shall
 57 be required to explain the purple posting.

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

63 Section 3. Section 810.10, Florida Statutes, is amended to
 64 read:

65 810.10 Posted land; removing notices unlawful; penalty.--

66 (1) It is unlawful for any person to willfully remove,
 67 destroy, mutilate, or commit any act designed to remove,
 68 mutilate, or reduce the legibility or effectiveness of any
 69 posted notice placed by the owner, tenant, lessee, or occupant
 70 of legally enclosed or legally posted land pursuant to any law
 71 of this state for the purpose of legally enclosing the same.

72 (2) Any person violating the provisions of this section
 73 commits ~~shall be guilty of a felony misdemeanor~~ of the third
 74 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
 75 775.083, or s. 775.084.

76 Section 4. Subsection (1) of section 810.115, Florida
 77 Statutes, is amended to read:

78 810.115 Breaking or injuring fences.--

79 (1) Whoever willfully and maliciously breaks down, mars,
 80 injures, defaces, cuts, or otherwise creates or causes to be
 81 created an opening, gap, interruption, or break in any fence, or
 82 any part thereof, belonging to or enclosing land not his or her
 83 own, or whoever causes to be broken down, marred, injured,

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84 defaced, or cut any fence belonging to or enclosing land not his
85 or her own, commits a felony ~~misdemeanor~~ of the third ~~first~~
86 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
87 s. 775.084.

88 Section 5. This act shall take effect October 1, 2007.