

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; providing for application and  
 5           construction; amending s. 810.011, F.S.; revising the  
 6           definition of "posted land" to provide an alternative  
 7           method of posting; amending s. 810.10, F.S.; increasing  
 8           criminal penalties for certain offenses relating to  
 9           notices on posted land; amending s. 810.115, F.S.;  
 10          increasing criminal penalties for certain offenses  
 11          relating to breaking or injuring fences; providing an  
 12          effective date.

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

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

18          810.125   Injury to certain trespassers on agricultural  
 19          land; recovery limited.--

20          (1)   A person having a real property interest in  
 21          agricultural land shall not be liable to any person who  
 22          intentionally and knowingly trespasses on such agricultural land  
 23          and is injured or harmed during the course and scope of such  
 24          unlawful conduct.

25          (2)   This section shall not apply to injury or harm that is  
 26          caused by the intentional and willful conduct of the holder of  
 27          the possessory or other controlling interest in the real  
 28          property; nor shall this section be interpreted or construed to

29 alter the common law as it pertains to the attractive nuisance  
 30 doctrine.

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

33 810.011 Definitions.--As used in this chapter:

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

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

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

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

47 (II) Placed so that the bottom of the mark is not less  
 48 than 3 feet from the ground or more than 5 feet from the ground;  
 49 and

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

53 b. Beginning October 1, 2007, when a landowner uses the  
 54 purple posting to identify a "no trespassing" area, those marks  
 55 shall be accompanied by signs placed conspicuously and at all  
 56 places where entry to the property is normally expected

57 explaining that the purple paint marks mean no trespassing,  
 58 property restricted, or a similar explanation of what the purple  
 59 paint marks indicate. Property that is fenced or not fenced and  
 60 using the purple paint marks shall have signs placed  
 61 conspicuously and at all places where entry to the property is  
 62 normally expected. On and after October 1, 2009, no sign shall  
 63 be required to explain the purple posting.

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

69 Section 3. Section 810.10, Florida Statutes, is amended to  
 70 read:

71 810.10 Posted land; removing notices unlawful; penalty.--

72 (1) It is unlawful for any person to willfully remove,  
 73 destroy, mutilate, or commit any act designed to remove,  
 74 mutilate, or reduce the legibility or effectiveness of any  
 75 posted notice placed by the owner, tenant, lessee, or occupant  
 76 of legally enclosed or legally posted land pursuant to any law  
 77 of this state for the purpose of legally enclosing the same.

78 (2) Any person violating the provisions of this section  
 79 commits ~~shall be guilty of a felony misdemeanor~~ of the third  
 80 ~~second~~ degree, punishable as provided in s. 775.082, ~~or~~ s.  
 81 775.083, or s. 775.084.

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

84 810.115 Breaking or injuring fences.--

85 (1) Whoever willfully and maliciously breaks down, mars,  
86 injures, defaces, cuts, or otherwise creates or causes to be  
87 created an opening, gap, interruption, or break in any fence, or  
88 any part thereof, belonging to or enclosing land not his or her  
89 own, or whoever causes to be broken down, marred, injured,  
90 defaced, or cut any fence belonging to or enclosing land not his  
91 or her own, commits a felony ~~misdemeanor~~ of the third ~~first~~  
92 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or  
93 s. 775.084.

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