



910698

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/15/2008	.	
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1 The Committee on Regulated Industries (Haridopolos) recommended  
 2 the following **amendment**:

**Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

7 Section 1. Subsection (3) is added to section 472.029,  
8 Florida Statutes, to read:

9 472.029 Authorization to enter lands of third parties;  
10 conditions.--

(3) BREAKING OR INJURING FENCES ON AGRICULTURAL LAND.-

11 (a) Any person authorized to enter lands pursuant to  
 12 subsection (1) who willfully and maliciously breaks down, mars,  
 13 injures, defaces, cuts, or otherwise creates or causes to be  
 14 created an opening, gap, interruption, or break in any fence, or  
 15 any part thereof, belonging to or enclosing land not his or her  
 16 own, or whoever willfully and maliciously causes to be broken  
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18 down, marred, injured, defaced, or cut any fence belonging to or  
19 enclosing land not his or her own, commits a misdemeanor of the  
20 first degree, punishable as provided in s. 775.082 or s. 775.083.

21 A person who commits a second or subsequent offense under this  
22 subsection commits a felony of the third degree, punishable as  
23 provided in s. 775.082, s. 775.083, or s. 775.084.

24 (b) If an offender willfully and maliciously breaks or  
25 injures a fence as provided in paragraph (a) and the fence or any  
26 part thereof is used to contain livestock as defined in s.  
27 588.13(1) at the time of the offense, the offender commits a  
28 felony of the third degree, punishable as provided in s. 775.082,  
29 s. 775.083, or s. 775.084.

30 (c) The court may require full compensation to the owner of  
31 the damaged fence for any and all damages or losses resulting  
32 directly or indirectly from the act or commission pursuant to s.  
33 775.089.

34 (d) This subsection applies only to land classified as  
35 agricultural pursuant to s. 193.461.

36 (e) Nothing in this subsection shall be construed to  
37 restrict or modify the rights of entry or authority granted to  
38 surveyors and mappers or their subordinates under subsection (1).

39 Section 2. This act shall take effect October 1, 2008.

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

43 And the title is amended as follows:

44 Delete everything before the enacting clause  
45 and insert:

46 A bill to be entitled

Bill No. SB 2054



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47 | An act relating to surveyors and mappers; amending s.  
48 | 472.029, F.S.; prohibiting surveyors and mappers and their  
49 | subordinates from willfully and maliciously breaking or  
50 | injuring fences on agricultural land; providing penalties;  
51 | prohibiting offenders from willfully and maliciously  
52 | breaking or injuring fences containing livestock;  
53 | providing penalties; providing for restitution for damages  
54 | or losses; providing for construction; providing an  
55 | effective date.