

By Senator Baker

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1 A bill to be entitled
2 An act relating to surveyors and mappers; amending s.
3 472.029, F.S.; prohibiting surveyors and mappers and their
4 subordinates from breaking or injuring fences on
5 agricultural land; providing penalties; providing for
6 restitution for damages or losses; providing an effective
7 date.

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

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

13 472.029 Authorization to enter lands of third parties;
14 conditions.--

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

16 (a) Any person authorized to enter lands pursuant to
17 subsection (1) who willfully breaks down, mars, injures, defaces,
18 cuts, or otherwise creates or causes to be created an opening,
19 gap, interruption, or break in any fence, or any part thereof,
20 belonging to or enclosing land not his or her own, or whoever
21 causes to be broken down, marred, injured, defaced, or cut any
22 fence belonging to or enclosing land not his or her own, commits
23 a misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083. A person who commits a second or
25 subsequent offense under this subsection commits a felony of the
26 third degree, punishable as provided in s. 775.082, s. 775.083,
27 or s. 775.084.

28 (b) If an offender breaks or injures a fence as provided in
29 paragraph (a) and the fence or any part thereof is used to

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30 contain animals at the time of the offense, the offender commits
31 a felony of the third degree, punishable as provided in s.
32 775.082, s. 775.083, or s. 775.084.

33 (c) The court may require full compensation to the owner of
34 the damaged fence for any and all damages or losses resulting
35 directly or indirectly from the act or commission pursuant to s.
36 775.089.

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

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