

By the Committee on Regulated Industries; and Senator Baker

580-07577-08

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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 willfully and maliciously breaking or
5 injuring fences on agricultural land; providing penalties;
6 prohibiting offenders from willfully and maliciously
7 breaking or injuring fences containing livestock;
8 providing penalties; providing for restitution for damages
9 or losses; providing for construction; providing an
10 effective date.

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

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

16 472.029 Authorization to enter lands of third parties;
17 conditions.--

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

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

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30 provided in s. 775.082, s. 775.083, or s. 775.084.

31 (b) If an offender willfully and maliciously breaks or
32 injures a fence as provided in paragraph (a) and the fence or any
33 part thereof is used to contain livestock as defined in s.
34 588.13(1) at the time of the offense, the offender commits a
35 felony of the third degree, punishable as provided in s. 775.082,
36 s. 775.083, or s. 775.084.

37 (c) The court may require full compensation to the owner of
38 the damaged fence for any and all damages or losses resulting
39 directly or indirectly from the act or commission pursuant to s.
40 775.089.

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

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

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