

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

HB 789

2008

28        (b) If an offender breaks or injures a fence as provided  
29 in paragraph (a) and the fence or any part thereof is used to  
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  
34 of 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 October 1, 2008.