

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 132

INTRODUCER: Senator Thrasher

SUBJECT: Trespassing

DATE: October 13, 2011 REVISED: 10/19/11 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	Fav/1 amendment
2.			CJ	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill authorizes the use of purple paint marks on trees, coupled with no trespassing signs at the entrance to the property, to indicate “posted lands” where trespassing would be prohibited.

This bill substantially amends s. 810.011 of the Florida Statutes.

II. Present Situation:

In most cases, trespassing on land is a misdemeanor, but in special cases it can be a felony.¹ Unauthorized entry onto posted land is, on its face, enough to convict someone of illegal trespassing.² Currently, the definition of posted land is land upon which:

- Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words “no trespassing” and in addition thereto the name of the owner, lessee, or occupant of the land; or

¹ Section 810.08, 810.09, F.S.

² Section 810.12, F.S.

- Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:
 - Painted in an international orange color and displaying the stenciled words “No Trespassing” in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;
 - Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and
 - Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

Painted notices must now be accompanied by signs and placed conspicuously at all places where entry to the property is normally expected or known to occur. Additionally, the signs must comply with the sign requirements of s. 810.011(5)(a)1., F.S., which include:

- Signs must be placed not more than 500 ft apart and at each corner of the boundaries of the land;
- “No trespassing” must appear in 2 inch letters; and
- Signs must be placed in positions as to be clearly noticeable from outside the boundary line.

It is not necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12, F.S., pertaining to trespass on enclosed lands.

Texas,³ Missouri,⁴ and recently Illinois⁵ use purple paint to designate a no trespassing area.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 810.011, F.S., to allow purple paint marks on trees and posts to designate “posted land” where trespassing is prohibited. The section sets out the technical requirements for the purple paint, including the requirement that the marks be no more than 100 feet apart. When a landowner uses purple paint marks to identify a no trespassing area, the marks must be accompanied by no trespassing signs at the entrance to the property. The signs must comply with the sign requirements of s. 810.011(5)(a)1., F.S., which include:

- Signs must be placed not more than 500 ft apart and at each corner of the boundaries of the land;
- “No trespassing” must appear in 2 inch letters; and
- Signs must be placed in positions as to be clearly noticeable from outside the boundary line.

Sections 2 and 3 reenact provisions of law directly relating to the definition of “posted land.”

Section 4 provides an effective date of July 1, 2012.

³ Title 7, s. 30.05, Texas Penal Code.

⁴ Section 569.145, Missouri Statutes.

⁵ Illinois Senate Bill 1914 (2011).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Allowing purple paint marks to indicate a no trespassing area may save property owners money because it is likely to be less costly than signs or orange painted notices stenciled with no trespassing.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

Barcode 944228 by Community Affairs on October 19, 2011:

Clarifies language and deletes the requirement that the signs must comply with the sign requirements of s. 810.011(5)(a)1., F.S., which includes:

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- Signs must be placed not more than 500 feet apart and at each corner of the boundaries of the land;
 - “No trespassing” must appear in 2 inch letters; and
 - Signs must be placed in positions as to be clearly noticeable from outside the boundary line.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
