

By Senator Thrasher

8-00117-12

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1 A bill to be entitled
2 An act relating to trespassing; amending s. 810.011,
3 F.S.; authorizing the use of purple paint marks to
4 identify a "no trespassing" area; providing
5 requirements for marks; requiring specified signage;
6 reenacting ss. 260.0125(5) and 810.09(2)(d), F.S.,
7 relating to limitation on liability of private
8 landowners whose property is designated as part of the
9 statewide system of greenways and trails and trespass
10 on property other than structure or conveyance,
11 respectively, to incorporate the amendment made by
12 this act to s. 810.011, F.S., in references thereto;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraph (a) of subsection (5) of section
18 810.011, Florida Statutes, is amended to read:

19 810.011 Definitions.—As used in this chapter:

20 (5) (a) "Posted land" is that land upon which signs are
21 placed as provided in subparagraph 1., a no trespassing notice
22 is painted as provided in subparagraph 2., or identifying purple
23 paint marks are placed as provided in subparagraph 3.÷

24 1. Signs are placed not more than 500 feet apart along, and
25 at each corner of, the boundaries of the land, upon which signs
26 there appears prominently, in letters of not less than 2 inches
27 in height, the words "no trespassing" and in addition thereto
28 the name of the owner, lessee, or occupant of the said land. The
29 ~~Said~~ signs shall be placed along the boundary line of posted

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30 land in a manner and in such position as to be clearly
31 noticeable from outside the boundary line.~~† or~~

32 2.a. Conspicuous no trespassing notice is painted on trees
33 or posts on the property, provided that the notice is:

34 (I) Painted in an international orange color and displaying
35 the stenciled words "No Trespassing" in letters no less than 2
36 inches high and 1 inch wide either vertically or horizontally;

37 (II) Placed so that the bottom of the painted notice is not
38 less than 3 feet from the ground or more than 5 feet from the
39 ground; and

40 (III) Placed at locations that are readily visible to any
41 person approaching the property and no more than 500 feet apart
42 on agricultural land.

43 b. ~~Beginning October 1, 2007,~~ When a landowner uses the
44 painted no trespassing posting to identify a "no trespassing"
45 area, those painted notices shall be accompanied by signs
46 complying with subparagraph 1. and placed conspicuously at all
47 places where entry to the property is normally expected or known
48 to occur.

49 3.a. Identifying purple paint marks are placed on trees or
50 posts on the property, provided that each mark is:

51 (I) A vertical line of not less than 8 inches in length and
52 not less than 1 inch in width;

53 (II) Placed so that the bottom of the mark is not less than
54 3 feet from the ground or more than 5 feet from the ground; and

55 (III) Placed so that each mark is readily visible to any
56 person approaching the property and no more than 100 feet apart.

57 b. When a landowner uses purple paint marks to identify a
58 "no trespassing" area, those marks shall be accompanied by signs

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59 complying with subparagraph 1. and placed conspicuously at all
60 places where entry to the property is normally expected or known
61 to occur.

62 Section 2. For the purpose of incorporating the amendment
63 made by this act to section 810.011, Florida Statutes, in a
64 reference thereto, subsection (5) of section 260.0125, Florida
65 Statutes, is reenacted to read:

66 260.0125 Limitation on liability of private landowners
67 whose property is designated as part of the statewide system of
68 greenways and trails.—

69 (5) (a) When a private landowner agrees to make his or her
70 land available for public use as a designated greenway or trail,
71 the department or its designee shall post notices along the
72 boundary of the designated greenway or trail which inform the
73 public that the land adjacent to the greenway or trail is
74 private property upon which unauthorized entry for any purpose
75 is prohibited and constitutes trespassing.

76 (b) Such notices must comply with s. 810.011(5) and shall
77 constitute a warning to unauthorized persons to remain off the
78 private property and not to depart from the designated greenway
79 or trail. Any person who commits such an unauthorized entry
80 commits a trespass as provided in s. 810.09.

81 Section 3. For the purpose of incorporating the amendment
82 made by this act to section 810.011, Florida Statutes, in a
83 reference thereto, paragraph (d) of subsection (2) of section
84 810.09, Florida Statutes, is reenacted to read:

85 810.09 Trespass on property other than structure or
86 conveyance.—

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88 (d) The offender commits a felony of the third degree,
89 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
90 if the property trespassed is a construction site that is:

91 1. Greater than 1 acre in area and is legally posted and
92 identified in substantially the following manner: "THIS AREA IS
93 A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON
94 THIS PROPERTY COMMITS A FELONY."; or

95 2. One acre or less in area and is identified as such with
96 a sign that appears prominently, in letters of not less than 2
97 inches in height, and reads in substantially the following
98 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE
99 WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." The sign
100 shall be placed at the location on the property where the
101 permits for construction are located. For construction sites of
102 1 acre or less as provided in this subparagraph, it shall not be
103 necessary to give notice by posting as defined in s. 810.011(5).

104 Section 4. This act shall take effect July 1, 2012.