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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 s. 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,  
 25           and at each corner of, the boundaries of the land, upon which  
 26           signs there appears prominently, in letters of not less than 2  
 27           inches in height, the words "no trespassing" and in addition  
 28           thereto the name of the owner, lessee, or occupant of the said

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29 land. ~~The said~~ signs shall be placed along the boundary line of  
 30 posted land in a manner and in such position as to be clearly  
 31 noticeable from outside the boundary line. ~~;~~

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  
 35 displaying the stenciled words "No Trespassing" in letters no  
 36 less than 2 inches high and 1 inch wide either vertically or  
 37 horizontally;

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

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

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

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

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

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

56 and

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

59 b. When a landowner uses purple paint marks to identify a  
 60 "no trespassing" area, those marks shall be accompanied by signs  
 61 complying with subparagraph 1. and placed conspicuously at all  
 62 places where entry to the property is normally expected or known  
 63 to occur.

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

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

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

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

83 Section 3. For the purpose of incorporating the amendment  
 84 made by this act to section 810.011, Florida Statutes, in a

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85 reference thereto, paragraph (d) of subsection (2) of section  
86 810.09, Florida Statutes, is reenacted to read:

87 810.09 Trespass on property other than structure or  
88 conveyance.—

89 (2)

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

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

97 2. One acre or less in area and is identified as such with  
98 a sign that appears prominently, in letters of not less than 2  
99 inches in height, and reads in substantially the following  
100 manner: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE  
101 WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." The sign  
102 shall be placed at the location on the property where the  
103 permits for construction are located. For construction sites of  
104 1 acre or less as provided in this subparagraph, it shall not be  
105 necessary to give notice by posting as defined in s. 810.011(5).

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