

By the Committee on Criminal Justice; and Senator Berman

591-02644-24

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1 A bill to be entitled
2 An act relating to lethal projectiles over or across
3 private lands; amending s. 810.09, F.S.; prohibiting a
4 person from willfully and knowingly propelling any
5 potentially lethal projectile over or across private
6 lands without authorization; providing exceptions;
7 providing an effective date.

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

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11 Section 1. Paragraph (h) of subsection (2) of section
12 810.09, Florida Statutes, is amended, and subsection (1) of that
13 section is republished, to read:

14 810.09 Trespass on property other than structure or
15 conveyance.—

16 (1) (a) A person who, without being authorized, licensed, or
17 invited, willfully enters upon or remains in any property other
18 than a structure or conveyance:

19 1. As to which notice against entering or remaining is
20 given, either by actual communication to the offender or by
21 posting, fencing, or cultivation as described in s. 810.011; or

22 2. If the property is the unenclosed curtilage of a
23 dwelling and the offender enters or remains with the intent to
24 commit an offense thereon, other than the offense of trespass,

25

26 commits the offense of trespass on property other than a
27 structure or conveyance.

28 (b) As used in this section, the term "unenclosed
29 curtilage" means the unenclosed land or grounds, and any

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30 outbuildings, that are directly and intimately adjacent to and
31 connected with the dwelling and necessary, convenient, and
32 habitually used in connection with that dwelling.

33 (2)

34 (h) Any person who willfully and ~~in taking or attempting to~~
35 ~~take any animal described in s. 379.101(19) or (20), or in~~
36 ~~killing, attempting to kill, or endangering any animal described~~
37 ~~in s. 585.01(13)~~ knowingly propels or causes to be propelled any
38 potentially lethal projectile over or across private land
39 without authorization commits trespass, a felony of the third
40 degree, punishable as provided in s. 775.082, s. 775.083, or s.
41 775.084. For purposes of this paragraph, the term "potentially
42 lethal projectile" includes any projectile launched from any
43 firearm, bow, crossbow, or similar tensile device. This
44 paragraph section does not apply:

45 1. To any governmental agent or employee acting within the
46 scope of his or her official duties;

47 2. To a person lawfully defending life or property or
48 performing official duties requiring the discharge of a
49 potentially lethal projectile; or

50 3. If, under the circumstances, the discharge of a
51 potentially lethal projectile does not pose a reasonably
52 foreseeable risk to life, safety, or property.

53 Section 2. This act shall take effect October 1, 2024.