

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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BILL #: [CS/HB 1447](#)

TITLE: Trespass

SPONSOR(S): Giallombardo

COMPANION BILL: [CS/CS/CS/SB 1828](#) (Martin)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 112 Y's

0 N's

GOVERNOR'S ACTION:

Pending

SUMMARY

Effect of the Bill:

The bill creates a third degree felony offense for willfully entering or remaining in a venue during a ticketed covered event wherein attendance exceeds 5,000 persons, without being authorized, licensed, or invited to enter or remain in such venue. The bill also creates a third degree felony for trespassing upon an area being maintained or secured by federal, state, or local law enforcement officers when such area is legally posted with a specified notice.

Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on prison beds by creating felony offenses related to willfully entering or remaining in a venue during a specified ticketed covered event, and trespassing upon a specified area being maintained or secured by federal, state, or local law enforcement officers, which may result in longer terms of incarceration for offenders convicted of a violation.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates a third degree felony if a person [interferes with a sporting or entertainment event](#) by willfully entering or remaining in a venue during a ticketed covered event wherein attendance exceeds 5,000 persons, without being authorized, licensed, or invited to enter or remain in such venue. (Section [2](#))

The bill also creates a third degree felony if a person [trespasses](#) upon an area being maintained or secured by federal, state, or local law enforcement officers which is legally posted and identified in substantially the following manner: "THIS AREA IS A DESIGNATED RESTRICTED SITE SECURED BY LAW ENFORCEMENT, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY." (Section [1](#))

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an indeterminate positive impact on prison beds by creating felony offenses related to willfully entering or remaining in a venue during a specified ticketed covered event, and trespassing upon a specified area being maintained or secured by federal, state, or local law enforcement officers, which may result in longer terms of incarceration for offenders convicted of a violation.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Interference with a Sporting or Entertainment Event](#)

STORAGE NAME: h1447z

DATE: 5/5/2025

Under [s. 871.05, F.S.](#), related to interfering with a sporting or entertainment event, a person commits a first degree misdemeanor, punishable as provided in [s. 775.082, F.S.](#), or by a fine of not more than \$2,500, if he or she:

- Intentionally touches or strikes a covered participant during a covered event against the will of the covered participant, or intentionally causes bodily harm to a covered participant during a covered event; or
- Willfully enters or remains in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such a restricted area.¹

A person commits a third degree felony² if he or she solicits a person to commit a violation by offering money or any other thing of value to another to engage in specific conduct that constitutes such a violation.³

In part, [s. 871.05\(1\), F.S.](#), provides the following definitions:

- “Covered event” means an athletic competition or practice, including one conducted in a public venue, or a live artistic, theatrical, or other entertainment performance event. The duration of such event includes the period from the time when a venue is held open to the public for such an event until the end of the athletic competition or performance event.
- “Restricted area” means any area designated for use by players, coaches, officials, performers, or other personnel administering a covered event that is on, or adjacent to, the area of play or performance.

Trespass Offenses

Trespass in Property Other Than a Structure or Conveyance

Under [s. 810.09\(1\), F.S.](#), a person commits trespass on property other than a structure or conveyance if he or she, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

- As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in [s. 810.011, F.S.](#); or
- If the property is the unenclosed curtilage⁴ of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass.

Trespassing on property other than a structure or conveyance is generally a first degree misdemeanor,⁵ but is enhanced to a third degree felony if the offender is armed with a firearm or other dangerous weapon during the commission of the trespass, or if the property trespassed has posted specified notice and is a:

- Construction site;
- Commercial horticulture property;
- Commercial agricultural property;⁶
- Agricultural site for testing or research purposes;
- Domestic violence center;
- Agricultural chemicals manufacturing facility; or
- Operational area of an airport.⁷

Trespass in a Structure or Conveyance

A person commits trespass in a structure or conveyance under [s. 810.08\(1\), F.S.](#), if he or she:

¹ S. [871.05\(2\)-\(3\), F.S.](#)

² A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [775.084, F.S.](#)

³ S. [871.05\(3\), F.S.](#)

⁴ The term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling. S. [810.09\(1\)\(b\), F.S.](#)

⁵ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

⁶ The term “commercial agricultural property” means property cleared of its natural vegetation or fenced for the purposes of planting, growing, harvesting, processing, raising, producing, or storing plant or animal commercial commodities. S. [810.09\(2\)\(i\)2., F.S.](#)

⁷ “Operational area of an airport” means any portion of an airport to which access by the public is prohibited by fences or appropriate signs and includes runways, taxiways, ramps, apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. S. [810.09\(2\)\(i\)2., F.S.](#)

- Without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance; or
- Having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so.⁸

Trespassing in a structure or conveyance is generally a second degree misdemeanor,⁹ but is enhanced to a:

- First degree misdemeanor, if there is a human being in the structure or conveyance at the time the offender trespassed, attempted to trespass, or was in the structure or conveyance.
- Third degree felony,¹⁰ if the offender is armed with a firearm or other dangerous weapon, or arms himself or herself with such while in the structure or conveyance.

Under [s. 810.011, F.S.](#):

- “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof.¹¹
- “Conveyance” means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and “to enter a conveyance” includes taking apart any portion of the conveyance.¹²

⁸ The term “person authorized” means any owner or lessee, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner or lessee, or his or her agent, to communicate an order to depart the property in the case of a threat to public safety or welfare. S. [810.08\(3\), F.S.](#)

⁹ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. [Ss. 775.082 and 775.083, F.S.](#)

¹⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

¹¹ S. [810.011\(1\), F.S.](#) However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. [810.02](#) and [810.08, F.S.](#) only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.

¹² S. [810.011\(3\), F.S.](#) However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252, F.S., and within the area covered by such executive order or proclamation and for purposes of ss. [810.02](#) and [810.08, F.S.](#) only, the term “conveyance” means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist.