

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 Committee on Judiciary

BILL: CS/SB 1828

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Trespass

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Bond</u>	<u>Cibula</u>	<u>JU</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1828 amends s. 871.05, F.S., to create a third degree felony offense for trespassing in a structure during a covered ticketed event wherein attendance exceeds 5,000 persons. The bill provides a definition for structure.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted.

The bill amends the offense severity ranking chart to reflect the redesignated paragraphs.

The bill may have an indeterminate fiscal impact on the Department of Corrections. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

Next year, Miami's Hard Rock Stadium will host the FIFA World Cup 26. The full match schedule for the biggest-ever FIFA World Cup has not been announced, and Miami will house four group-stage fixtures as well as a round of 32 games, a quarter-final tie and the bronze final

match.¹ The stadium, which has a capacity of 65,000, has hosted several high-profile matches, including the highest grossing soccer match in North American history, El Clasico between Real Madrid and FC Barcelona, in 2017.²

Section 810.08, F.S., states that a person commits a second degree misdemeanor³ offense of trespass in a structure⁴ or conveyance,⁵ if:⁶

- Without being authorized, licensed, or invited, such person willfully enters or remains in any structure or conveyance; or,
- Having been authorized, licensed, or invited, such person is warned by the owner or lessee of the premises, or by a person authorized⁷ by the owner or lessee, to depart and refuses to do so.

If a person is in the structure or conveyance at the time the offender trespassed, the offense is a first degree misdemeanor.⁸

If the offender is armed with a firearm or other dangerous weapon, or arms himself or herself while in the structure or conveyance, the trespass offense is a third degree felony.^{9,10}

Section 871.05, F.S., provides that a person commits a first degree misdemeanor if he or she willfully enters or remains in a restricted area during a covered event without being authorized, licensed, or invited to enter or remain in such restricted area.¹¹

¹ FIFA, *Miami to Host Seven FIFA World Cup 26 matches*, available at:

<https://www.fifa.com/en/tournaments/mens/worldcup/canadamexicousa2026/articles/miami-stadium-host-seven-matches> (last visited March 18, 2025).

² Hard Rock Stadium, *FIFA Announces Miami as Host City for World Cup in 2026* (June 16, 2022) available at:

<https://www.hardrockstadium.com/miami-world-cup-2026-announcement/> (last visited March 18, 2025).

³ A second degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁴ “Structure” means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under ch. 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 wall or roof. Section 810.011(1), F.S.

⁵ “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. However, during the state of emergency declared by executive order or proclamation of the Governor under ch. 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. Section 810.011(3), F.S.

⁶ Section 810.08(1), F.S.

⁷ As used in this section, “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. Section 810.08(3), F.S.

⁸ Section 810.08(2)(b), F.S.

⁹ A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Section 775.082 and 775.083, F.S.

¹⁰ Section 810.08(2)(c), F.S.

¹¹ “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. Section 871.05(1)(c), F.S.

“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 the venue is held open to the public for such event until the end of the athletic competition or performance event.¹²

III. Effect of Proposed Changes:

The bill amends s. 871.05, F.S., to create a third degree felony offense for trespassing in a structure during a covered ticketed event wherein attendance exceeds 5,000 persons. The bill provides a definition for structure.

The bill amends s. 810.09, F.S., to create a third degree felony for a person that trespasses on property that is maintained or secured by federal, state, or local law enforcement when posted.

The bill takes effect July 1, 2025

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹² Section 871.05(1)(a), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive indeterminate prison bed impact due to the creation of a new third degree felony offense.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 810.09, 871.05 and 921.0022 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Criminal Justice on March 25, 2025:

The committee substitute:

- Amends s. 871.05, F.S., to create the crime of trespass in a ticketed covered event.
- Creates a third degree felony offense for anyone who trespasses when a site is secured by federal, state, or local law enforcement, which is posted.

B. Amendments:

None.