

By Senator Simmons

10-00748B-13

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1 A bill to be entitled
 2 An act relating to trespassing; amending s. 810.011,
 3 F.S.; providing that property owned or leased by a
 4 railroad or railway company does not have to satisfy
 5 the definition of "posted land" in order to obtain the
 6 benefits of ss. 810.09 and 810.12, F.S., in certain
 7 circumstances; reenacting ss. 260.0125(5) (b) and
 8 810.09(2) (d), F.S., relating to limitation of
 9 liability of private landowners whose property is
 10 designated as part of the statewide system of
 11 greenways and trails and trespass on property other
 12 than structure or conveyance, respectively, for the
 13 purpose of incorporating the amendment to s. 810.011,
 14 F.S., in a reference thereto; providing an effective
 15 date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsection (5) of section 810.011, Florida
 20 Statutes, is amended to read:

21 810.011 Definitions.—As used in this chapter:

22 (5) (a) "Posted land" is that land upon which:

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

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30 noticeable from outside the boundary line; or

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

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

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

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

42 b. Beginning October 1, 2013 ~~October 1, 2007~~, if ~~when~~ a
43 landowner uses the painted no trespassing posting to identify a
44 "no trespassing" area, those painted notices shall be
45 accompanied by signs complying with subparagraph 1. and placed
46 conspicuously at all places where entry to the property is
47 normally expected or known to occur.

48 (b) It is ~~shall~~ not ~~be~~ necessary to give notice by posting
49 on any enclosed land or place not exceeding 5 acres in area on
50 which there is a dwelling house in order for ~~to obtain the~~
51 ~~benefits of~~ ss. 810.09 and 810.12 ~~pertaining to trespass on~~
52 ~~enclosed lands~~ to apply.

53 (c) Notwithstanding paragraph (a), if a person is engaged
54 in an unlawful activity and enters upon stationary rails or
55 roadbeds that are owned or leased by a railroad or railway
56 company, and such rails or roadbeds are readily recognizable to
57 a reasonable person as being the property of a railroad or
58 railway company or identified by conspicuous fencing or signs

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59 indicating that the property is owned or leased by a railroad or
60 railway company, then ss. 810.09 and 810.12 shall apply,
61 irrespective of any failure to give notice by posting.

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, paragraph (b) of subsection (5) of section
65 260.0125, Florida 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)

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

75 Section 3. For the purpose of incorporating the amendment
76 made by this act to section 810.011, Florida Statutes, in a
77 reference thereto, paragraph (d) of subsection (2) of section
78 810.09, Florida Statutes, is reenacted to read:

79 810.09 Trespass on property other than structure or
80 conveyance.—

81 (2)

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

85 1. Greater than 1 acre in area and is legally posted and
86 identified in substantially the following manner: "THIS AREA IS
87 A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON

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88 THIS PROPERTY COMMITS A FELONY."; or

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

98 Section 4. This act shall take effect July 1, 2013.