

1                                   A bill to be entitled  
 2           An act relating to surveyors and mappers; amending s.  
 3           472.029, F.S.; prohibiting surveyors and mappers and their  
 4           subordinates from willfully and maliciously breaking or  
 5           injuring fences on agricultural land; providing penalties;  
 6           prohibiting offenders from willfully and maliciously  
 7           breaking or injuring fences containing livestock;  
 8           providing penalties; providing for restitution for damages  
 9           or losses; providing for construction; requiring  
 10          identification of surveyors and mappers and their  
 11          subordinates; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. Subsections (3) and (4) are added to section  
 16           472.029, Florida Statutes, to read:

17           472.029 Authorization to enter lands of third parties;  
 18           conditions.--

19           (3) BREAKING OR INJURING FENCES ON AGRICULTURAL LAND.--

20           (a) Any person authorized to enter lands pursuant to  
 21           subsection (1) who willfully and maliciously breaks down, mars,  
 22           injures, defaces, cuts, or otherwise creates or causes to be  
 23           created an opening, gap, interruption, or break in any fence, or  
 24           any part thereof, belonging to or enclosing land not his or her  
 25           own, or whoever willfully and maliciously causes to be broken  
 26           down, marred, injured, defaced, or cut any fence belonging to or  
 27           enclosing land not his or her own, commits a misdemeanor of the  
 28           first degree, punishable as provided in s. 775.082 or s.

29 775.083. A person who commits a second or subsequent offense  
 30 under this subsection commits a felony of the third degree,  
 31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

32 (b) If an offender willfully and maliciously breaks or  
 33 injures a fence as provided in paragraph (a) and the fence or  
 34 any part thereof is used to contain livestock as defined in s.  
 35 588.13(1) at the time of the offense, the offender commits a  
 36 felony of the third degree, punishable as provided in s.  
 37 775.082, s. 775.083, or s. 775.084.

38 (c) The court may require full compensation to the owner  
 39 of the damaged fence for any and all damages or losses resulting  
 40 directly or indirectly from the act or commission pursuant to s.  
 41 775.089.

42 (d) This subsection applies only to land classified as  
 43 agricultural pursuant to s. 193.461.

44 (e) Nothing in this subsection shall be construed to  
 45 restrict or modify the rights of entry or authority granted to  
 46 surveyors and mappers or their subordinates under subsection  
 47 (1).

48 (4) NOTICE AND IDENTIFICATION.--Notwithstanding any other  
 49 provision of this section, surveyors, mappers, and their  
 50 subordinates authorized to enter lands pursuant to subsection  
 51 (1) shall clearly display an identification badge or other  
 52 insignia on their person which prominently indicates the person  
 53 is a surveyor or mapper or is a subordinate of a surveyor or  
 54 mapper. The badge or other insignia shall also clearly display  
 55 the name of the employer of the surveyor, mapper, or  
 56 subordinate.

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Section 2. This act shall take effect October 1, 2008.