

Council Substitute for House Bill No. 1185

An act relating to trespass; amending s. 810.011, F.S.; defining the term “construction site” for specified purposes; amending s. 810.09, F.S.; revising requirements for posting on a construction site; revising the definition of the terms “authorized person” or “person authorized” for specified purposes; providing an effective date.

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

Section 1. Subsection (13) is added to section 810.011, Florida Statutes, to read:

810.011 Definitions.—As used in this chapter:

(13) “Construction site” means any property upon which there is construction that is subject to building permit posting requirements.

Section 2. Paragraph (d) of subsection (2) and subsection (3) of section 810.09, Florida Statutes, are amended to read:

810.09 Trespass on property other than structure or conveyance.—

(2)

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

1. Greater than 1 acre in area and that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”; or

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

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, ~~or his or her agent, or a community association authorized as an agent for the owner,~~ or any law enforcement officer whose department has received written authorization from the owner, or his or her agent, or a community association authorized as an agent for the owner, to communicate an order to leave the property in the case of a threat to public safety or welfare.

Section 3. This act shall take effect July 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.