

SB 188 – Trespass on Commercial Agricultural Property (Similar HB 119)

This bill amends s. 810.09, F.S., adding an **unranked, 3rd degree felony (Level 1 by default)** for when “the offender trespasses with the intent to commit a crime on commercial agricultural property that is legally posted and identified by signs in letters of not less than 2 inches in height at each pedestrian and vehicle entrance.” Furthermore, “commercial agricultural property” is defined as “property that is cleared of its natural vegetation or fenced for the purposes of planting, growing, harvesting, processing, or storing plant or animal commercial commodities intended for human consumption.”

Per FDLE, in FY 22-23, there were 5,283 arrests for misdemeanor trespassing, 4,091 guilty/convicted and 711 adjudications withheld. It is not known how many of these offenders fit the criteria described in this bill.

Per DOC, in FY 22-23, there were no new commitments to prison for trespassing upon commercial horticulture properties or agricultural sites for testing or research purposes.

In FY 22-23, the incarceration rate for a Level 1, 3rd degree felony was 9.5%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House