

13.8 TRESPASS ON CRITICAL INFRASTRUCTURE

§ 812.141(4), Fla. Stat.

To prove the crime of Trespass on Critical Infrastructure, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **willfully entered upon or remained on critical infrastructure.**
2. [He] [She] **was not authorized, licensed, or invited to do so.**
3. **Notice against entering or remaining on the property had been given [by actual communication to (defendant)] [[posting] [fencing] [cultivation] of the property in the manner defined in this instruction].**

“Critical infrastructure” means (insert relevant definition from § 812.141, Fla. Stat.).

“Willfully” means knowingly, intentionally, and purposely.

§ 810.011, Fla. Stat. Give if applicable.

Notice not to enter upon property may be given by posting signs not more than 500 feet apart along and at each corner of the property's boundaries. The signs must prominently state, in letters not less than two inches high, the words “No Trespassing” The signs also must state, with smaller letters being acceptable, the name of the owner or lessee or occupant of the land. The signs must be placed so as to be clearly noticeable from outside the boundary lines and corners of the property. [If the property is enclosed and less than five acres in area, and a dwelling house is located on it, it should be treated as posted land even though no signs have been erected.]

§ 810.011, Fla. Stat. Give if applicable.

Notice not to enter property may be given by cultivation of the property. “Cultivated land” is land that has been cleared of its natural vegetation, and at the time of the trespass was planted with trees, a crop, an orchard or a grove, or was a pasture. [Fallow land, left that way as part of a crop rotation, is also “cultivated land.”]

§ 810.011, Fla. Stat. Give if applicable.

Notice not to enter property may be given by fencing the property. “Fenced land” is land that has been enclosed by a fence of substantial construction. The fence may be made from rails, logs, posts and railings, iron, steel, barbed wire or other wire or material. The fence must stand at least three feet high. [If a part of the boundary of a piece of property is formed by water, that part should be treated as legally fenced land.]

Give if applicable.

When every part of property is either posted or cultivated or fenced, the entire property is considered as enclosed and posted land.

Lesser Included Offense

TRESPASS ON CRITICAL INFRASTRUCTURE — 812.141(4)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Trespass		810.08/810.09	13.3/13.4
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted on June 27, 2025.