Handbook of Florida Fence and Property Law: Table of Contents

Michael T. Olexa, Eugene E. Shuey, Joshua A. Cossey, and Katherine Smallwood

Preface

With approximately 19,000 livestock farms in the state, along with horse farms, orange groves, croplands of soybeans, sugarcane, cotton, and peanuts, and many other agricultural and livestock facilities, livestock and farming have a significant impact on Florida's economy. Florida's agricultural economy has been required to co-exist with rapid population and commercial growth in the state over the last twenty-five years. Conflicts between these interests bring to prominence issues such as the rights and responsibilities of adjoining landowners, farmers, and property owners in general. Due to the added importance placed on these areas of real property, the legal aspects of fences in the state of Florida have taken on significant importance.

This handbook is designed to inform property owners of their rights and responsibilities in terms of their duty to fence. Discussed areas include a property owner's responsibility to fence when livestock is kept on the property, the rights of adjoining landowners to fence, the placement of fences, encroachments, boundary lines, easements, contracts, nuisances, and a landowner's responsibilities towards persons who enter his property.

This handbook is intended to provide a basic overview of the many rights and responsibilities that farmers and farmland owners have under Florida's fencing and property law. Readers may value this handbook because it informs them about these rights and responsibilities. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this booklet is based are subject to constant revision, portions of this booklet could become outdated at any time. This handbook should not be viewed as a comprehensive guide to fencing and property laws. Additionally, many details of cited laws are left out due to space limitations. This handbook should not be seen as a statement of legal opinion or advice by the authors on any of the legal issues discussed within. This handbook is not a replacement for personal legal advice, but is only a guide to inform the public on issues relating to
fencing and property laws in Florida. For these reasons, the use of these materials by any person constitutes an agreement to hold the authors, the Institute of Food and Agricultural Sciences, the Agricultural Law Center, and University of Florida harmless for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance on the information contained in this book.

Readers wishing to find further information from the Florida Statutes may access those statutes online at http://www.leg.state.fl.us/STATUTES/.

Acknowledgments

We wish to acknowledge Carol Fountain and Travis Prescott at University of Florida for their assistance in editing this handbook.

Table of Contents

Background and Definitions (FE104)
Duty to Fence (FE105)
Adjoining Landowners (FE106)
Boundaries and Possession (FE107)
Adverse Possession (FE678)
Easement and Rights of Way (FE108)
Maintaining the Boundaries and Grounds (FE109)
Fence Contracts (FE110)
Visitors and Responsibilities to Visitors (FE111)
Eminent Domain (FE679)
Glossary (FE112)

Further Information

Circular 1242, Handbook of Florida Fence and Property Law
http://edis.ifas.ufl.edu/OPIC_BOOK__Florida_Fence_and_Property_Law