



City of Coral Gables
CITY COMMISSION MEETING
August 26, 2014

ITEM TITLE:

Emergency Ordinance. An Emergency Ordinance of the City Commission of Coral Gables, Florida, making it unlawful for any person or persons without being authorized, licensed, or invited by the property owner or his or her lawful agent, including renters, to willfully enter or remain in any dwelling; further making it unlawful to commit an invasion of privacy in someone's home; establishing a \$500 fine and imposing a term of imprisonment not to exceed 60 days for violation hereof; providing an exception for law enforcement officers and government officials acting under lawful process or other lawful authority; and urging the legislature and governor to adopt legislation related to unlawful entry into an occupied dwelling, and providing for Severability, Repealer, Codification, and an Effective Date.

DEPARTMENT HEAD RECOMMENDATION:

Approval.

BRIEF HISTORY:

The proposed terms of the ordinance make it unlawful for any person or persons without being authorized, licensed, or invited by the property owner or his or her lawful agent, including renters, to willfully enter or remain in any dwelling; further making it unlawful to commit an invasion of privacy in someone's home by entering into the bedrooms or other areas within a dwelling occupied or intended to be occupied by people lodging therein at night. The proposed ordinance further provides for remedies if such an invasion were to occur. These remedies include a \$500 fine and a term of imprisonment not to exceed 60 days.

In addition, and in light of recent events, the proposed ordinance urges the Florida Legislature and the Governor to amend Florida law to reclassify trespass in an occupied dwelling as a third degree felony, and to allow a police officer who did not observe a trespass in an occupied dwelling to conduct an immediate arrest even if the crime remains a misdemeanor.

As will be further described during the Commission meeting, the matter is being treated as an emergency ordinance in order to promote public safety, to address public concern, and to ensure these changes in the law are enacted as soon as possible. Under applicable law, as an Emergency Ordinance, it will require four votes for passage.

APPROVED BY:

City Attorney (Department Director)	City Manager
	

ATTACHMENT(S):

1. Draft Ordinance