

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2014-16

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 WILFULLY 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 ENTRY INTO AN OCCUPIED DWELLING; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the City Commission wishes to prevent persons from entering or remaining in any residence without the permission of the property owner or his or her lawful agent including renters; and

WHEREAS, the entry into a residence without the permission of the property owner or his or her agent poses significant public safety concerns for property owners, renters, and the surrounding community and, thereby, creates a public nuisance; and

WHEREAS, residents have a reasonable expectation of privacy in their homes, and more particularly, in their bedrooms and other areas where people sleep, which should receive heightened protection from snooping and other forms of voyeurism, which pose significant public safety concerns for property owners, renters, and the surrounding community and, thereby, creates a public nuisance; and

WHEREAS, the City Commissions views this as an emergency matter that must be addressed as soon as possible based on public safety;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The forgoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That it is 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.

SECTION 3. That it is unlawful, and an invasion of privacy, for a 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 observe the interior of a bedroom, or other area of a dwelling where there is a reasonable expectation of privacy.

SECTION 4. That a violation of Sections 2 or 3 of this Ordinance shall be punishable by a fine of \$500 and a term of imprisonment not to exceed 60 days.

SECTION 5. This Ordinance shall not be applicable to law enforcement officers or government officials acting under lawful process or other lawful authority and while acting within the scope of their authority.

SECTION 6. The Florida Legislature and the Governor are urged to amend the law to either allow police to arrest a suspect who commits a trespass of an occupied dwelling, whether or not it occurs in the presence of the officer, or by reclassifying trespass in an occupied dwelling as a third degree felony. The City of Coral Gables views it as unacceptable that an individual can walk into someone's home in the middle of the night and not face immediate arrest unless the trespass was witnessed by the officer.

SECTION 7. SEVERABILITY. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

SECTION 9. CODIFICATION. It is the intention of the Commission of the City of Coral Gables, Florida, that sections 2, 3, 4, and 5 of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such appropriate work or phrase in order to accomplish such intentions.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective when passed and adopted.

PASSED AND ADOPTED THIS TWENTY-SIXTH DAY OF AUGUST, A.D., 2014.

(Moved: Lago / Seconded: Quesada)

(Yeas: Kerdyk, Lago, Quesada, Keon, Cason)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY