PLANTATION POLICE DEPARTMENT

GUIDE SHEET FOR TRESPASS PROGRAM
ORDINANCE #17-5.1

1. Complete the ***Trespass Program Participant Affidavit*** and have it notarized.

2. Return the ***Trespass Program Participant Affidavit*** to the Plantation Police Department, *Attention: Captain Brodsky*.

3. When the ***Trespass Program Participant Affidavit*** has been approved, you will be notified by the Plantation Police Department by email. Please provide an email address and contact name: _____

4. A Plantation Police Officer will check your property and provide you with an email that indicates the location and number of NO TRESPASSING signs that are required to be in compliance with the Trespass Program.

5. Contact the Greater Plantation Chamber of Commerce, at carrie@plantationchamber.org, or call Carrie Waddle at (954) 587-1410, to purchase the NO TRESPASSING signs.

   (**$25 for each replacement sign; $30 for each new sign)**

6. To comply with Florida Statutes, NO TRESPASSING signs must be installed at **ALL** entrances to the property.

7. After the NO TRESPASSING signs have been installed, reply to Captain Brodsky by email to complete the verification process and validate proper sign installation.

8. The Plantation Police Department will update records associated with the property address to designate the property is "in compliance" with the Trespass Program.

Plantation Police Department
Records Unit
451 NW 70th Terrace, Plantation, FL 33317
phone: 954.797.2107 fax: 954.797.2724
www.psd.plantation.org

PLANTATION POLICE DEPARTMENT

TRESPASS PROGRAM PARTICIPANT AFFIDAVIT

TO WHOM IT MAY CONCERN:

Plantation Police Department Officers are hereby authorized as my representatives to enforce Florida State Statute 810.08 and 810.09, **Trespass**, and to warn and direct any person or persons to leave

_____ (Property Name), property located at _____ (Property Address),
Plantation, Broward County, Florida. Authority is granted by _____ (Owner's Name),
the owner of the said property, or _____ (Owner's Agent), owner's authorized agent, who herein requests Officers of the Plantation Police Department to enforce the Statute on said property, including the structures and the parking lots.

Authority is granted by _____, who is the _____ of said business/property and is authorized to act on behalf of the above-named business/property for purposes of this Affidavit; and who, herein, requests that Plantation Police Officers enforce Florida Statute 810.09 on said property. This Affidavit is valid until cancelled or revoked. If the business/property is sold, dissolved, etc., it shall be the responsibility of the Affiant to notify the Plantation Police Department in writing. If for any reason cancellation is desired, it shall be the responsibility of the Affiant to notify the Plantation Police Department in writing of such desire and to remove any Trespass Notice signs.

It is also acknowledged that this Affiant, on behalf of this business/property, will cooperate in the prosecution of anyone arrested pursuant to this Affidavit. This Affiant also agrees to supply the Plantation Police Department with an emergency contact list, to include Affiant's information.

INDEMNIFICATION

The undersigned hereby undertakes and agrees to indemnify and hold harmless the City of Plantation from and against any and all liability or damages the undersigned may suffer as a result of claims, costs or judgments against it arising from the City of Plantation Police Department's enforcement of Florida Statute 810.08 and 810.09, Trespass, on the undersigned's property as more particularly described above.

Signature _____

Mailing Address _____ Business Phone _____

_____ Home Phone _____

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this _____ day of _____, _____ ,
by _____, who has produced his/her driver's license(s) as identification and who did not take an oath.

_____ (Signature of Notary Public)

My Commission Expires _____

VERIFICATION

Site survey, emergency and updated contact information completed by **PPD Employee**:

_____ (Signature) _____ (Date)

PLANTATION POLICE DEPARTMENT

TRESPASS PROGRAM SIGN

NO TRESPASSING

BY ORDER OF THE
PLANTATION POLICE DEPARTMENT

FOR YOUR PROTECTION
ALL PLANTATION POLICE OFFICERS
ARE AUTHORIZED TO ADVISE ANY PERSON
TO LEAVE THESE PREMISES
AND FAILURE TO LEAVE THE PREMISES
AFTER BEING INSTRUCTED
MAY RESULT IN AN ARREST FOR TRESPASS.

FLA. STATE STATUTE
810.08 AND 810.09
CITY OF PLANTATION CODE ORDINANCE 17-5-1

PLANTATION POLICE DEPARTMENT
(954) 797-2100

"Effective Date – 11/2016"

PLANTATION POLICE DEPARTMENT

PLANTATION CITY CODE

Sec. 17-5. Trespass.

(a) It shall be unlawful for any person to commit an act of trespass in the city, either upon private property or public property.

(b) "Trespass," for the purpose of this section, shall mean:

(1) Entering upon or refusing to leave any private property of another, either where such property has been posted with "No Trespassing" signs, or where immediately prior to such entry, or subsequent thereto, notice is given by the owner or occupant, orally or in writing, that such entry or continued presence is prohibited; or

(2) Entering upon or refusing to leave any public property in violation of regulations promulgated by the official charged with the security, care or maintenance of the property and approved by the governing body of the public agency owning the property, where such regulations have been conspicuously posted or where immediately prior to such entry, or subsequent thereto, such regulations are made known by the official charged with the security, care or maintenance of the property, his agent or a police officer.

(Code 1964, § 17-31)

Cross References: Uninvited solicitation constituting trespass, § 14-136(c); loitering near schools prohibited, § 17-8.

Sec. 17-5.1. Pre-authorization of police officers to enforce trespass statute on private property.

(a) *Declaration of public purpose.* The city council hereby declares and finds that pre-authorizing police officers to enforce the state trespass statutes, Sections 810.08 and 810.09, Florida Statutes, on private property, serves a valid public purpose. Specifically, the city council finds that the Florida Legislature has made it a misdemeanor for a person to defy an order from the owner of private property, or an authorized person, to leave the owner's property. Pre-designating police officers to issue warnings to leave on behalf of private property owners will protect the public from breaches of the peace which might occur if property owners are required to protect their property and expel trespassers by force. Additionally, the protection of private property is one of the primary missions of any police agency and in pursuit of that mission the police department has proposed a program whereby private property owners may pre-authorize police officers to issue warnings to trespassers on their behalf in order to safeguard their property.

(b) *Pre-authorization authority.* City police officers may be pre-authorized in writing by a private property owner within the city to issue orders to trespassers directing them to leave the owner's property. When police officers have been pre-authorized by a private property owner, they shall be considered authorized persons for the purpose of invoking the provisions of Section 810.08 and 810.09(2)(a), Florida Statutes.

(c) *Written pre-authorization.* Pre-authorization shall be in writing on a form approved by the city attorney's office.

(d) *Refusal to obey an order to leave the premises.* It is unlawful for any person, who enters on private property without being authorized, licensed or invited, to refuse to obey an order to leave the premises given by a police officer who is pre-authorized to issue such an order under the provisions of this section. A violation of this section, in addition to being a misdemeanor under Sections 810.08 or 810.09(2)(a), Florida Statutes (as the case may be), shall be a City Code violation punishable as provided in section 17-5.1 of the Code.

(Ord. No. 1980, § 1, 4-27-94)

PLANTATION POLICE DEPARTMENT

FLORIDA TRESPASSING STATUTES - DEFINITIONS

810.011 Definitions. --As used in this chapter:

(1) "Structure" means a building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.

(2) "Dwelling" means a building or conveyance of any kind, including any attached porch, whether such building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it and is designed to be occupied by people lodging therein at night, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term includes such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof.

(3) "Conveyance" means any motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car; and "to enter a conveyance" includes taking apart any portion of the conveyance. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term "conveyance" means a motor vehicle, ship, vessel, railroad vehicle or car, trailer, aircraft, or sleeping car or such portions thereof as exist.

(4) An act is committed "in the course of committing" if it occurs in an attempt to commit the offense or in flight after the attempt or commission.

(5)(a) "Posted land" is that land upon which:

1. Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "no trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

2.a. Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

(I) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(II) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(III) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

b. Beginning October 1, 2007, when a landowner uses the painted no trespassing posting to identify a "no trespassing" area, those painted notices shall be accompanied by signs complying with subparagraph 1. and placed conspicuously at all places where entry to the property is normally expected or known to occur.

(5)(b) It shall not be necessary to give notice by posting on any enclosed land or place not exceeding 5 acres in area on which there is a dwelling house in order to obtain the benefits of ss. 810.09 and 810.12 pertaining to trespass on enclosed lands.

PLANTATION POLICE DEPARTMENT

FLORIDA TRESPASSING STATUTES - DEFINITIONS

810.011 Definitions. --As used in this chapter:

(6) “Cultivated land” is that land which has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture, or trees or is fallow land as part of a crop rotation.

(7) “Fenced land” is that land which has been enclosed by a fence of substantial construction, whether with rails, logs, post and railing, iron, steel, barbed wire, other wire, or other material, which stands at least 3 feet in height. For the purpose of this chapter, it shall not be necessary to fence any boundary or part of a boundary of any land which is formed by water.

(8) Where lands are posted, cultivated, or fenced as described herein, then said lands, for the purpose of this chapter, shall be considered as enclosed and posted.

(9) “Litter” means any garbage, rubbish, trash, refuse, debris, can, bottle, box, container, paper, tobacco product, tire, domestic or commercial appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, or farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

(10) “Dump” means to dump, throw, discard, place, deposit, or dispose of any litter.

(11) “Commercial horticulture property” means any property that is cleared of its natural vegetation and is planted in commercially cultivated horticulture products that are planted, grown, or harvested. The term also includes property that is used for the commercial sale, use, or distribution of horticulture products.

(12) “Agricultural chemicals manufacturing facility” means any facility, and any properties or structures associated with the facility, used for the manufacture, processing, or storage of agricultural chemicals classified in Industry Group 287 contained in the Standard Industrial Classification Manual, 1987, as published by the Office of Management and Budget, Executive Office of the President.

(13) “Construction site” means any property upon which there is construction that is subject to building permit posting requirements.

History. --s. 30, ch. 74-383; s. 1, ch. 76-46; s. 1, ch. 82-87; s. 1, ch. 92-351; s. 1, ch. 94-263; s. 1, ch. 94-307; s. 47, ch. 96-388; s. 13, ch. 99-188; s. 3, ch. 2001-182; s. 49, ch. 2001-279; s. 15, ch. 2006-289; s. 1, ch. 2007-123; s. 4, ch. 2007-244.

PLANTATION POLICE DEPARTMENT

FLORIDA STATE TRESPASSING STATUTES 810.08 AND 810.09

810.08 Trespass in structure or conveyance. --

(1) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance, or, having been authorized, licensed, or invited, is warned by the owner or lessee of the premises, or by a person authorized by the owner or lessee, to depart and refuses to do so, commits the offense of trespass in a structure or conveyance.

(2) (a) Except as otherwise provided in this subsection, trespass in a structure or conveyance is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) If there is a human being in the structure or conveyance at the time the offender trespassed, attempted to trespass, or was in the structure or conveyance, the trespass in a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon, or arms himself or herself with such while in the structure or conveyance, the trespass in a structure or conveyance is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and he or she reasonably believes that the person to be taken into custody and detained has committed or is committing such violation. In the event a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention by such person, if done in compliance with the requirements of this paragraph, shall not render such person criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(3) As used in this section, the term “person authorized” means any owner or lessee, or his or her agent, or any law enforcement officer whose department has received written authorization from the owner or lessee, or his or her agent, to communicate an order to depart the property in the case of a threat to public safety or welfare.

History. --s. 34, ch. 74-383; s. 22, ch. 75-298; s. 2, ch. 76-46; s. 1, ch. 77-132; s. 33, ch. 88-381; s. 185, ch. 91-224; s. 1233, ch. 97-102; s. 4, ch. 2000-369.

810.09 Trespass on property other than structure or conveyance. --

(1) (a) A person who, without being authorized, licensed, or invited, willfully enters upon or remains in any property other than a structure or conveyance:

1. As to which notice against entering or remaining is given, either by actual communication to the offender or by posting, fencing, or cultivation as described in s. 810.011; or

2. If the property is the unenclosed curtilage of a dwelling and the offender enters or remains with the intent to commit an offense thereon, other than the offense of trespass, commits the offense of trespass on property other than a structure or conveyance.

(b) As used in this section, the term “unenclosed curtilage” means the unenclosed land or grounds, and any outbuildings, that are directly and intimately adjacent to and connected with the dwelling and necessary, convenient, and habitually used in connection with that dwelling.

(2) (a) Except as provided in this subsection, trespass on property other than a structure or conveyance is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

PLANTATION POLICE DEPARTMENT

FLORIDA STATE TRESPASSING STATUTES 810.08 AND 810.09

810.09 Trespass on property other than structure or conveyance. --

(b) If the offender defies an order to leave, personally communicated to the offender by the owner of the premises or by an authorized person, or if the offender willfully opens any door, fence, or gate or does any act that exposes animals, crops, or other property to waste, destruction, or freedom; unlawfully dumps litter on property; or trespasses on property other than a structure or conveyance, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) If the offender is armed with a firearm or other dangerous weapon during the commission of the offense of trespass on property other than a structure or conveyance, he or she is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any owner or person authorized by the owner may, for prosecution purposes, take into custody and detain, in a reasonable manner, for a reasonable length of time, any person when he or she reasonably believes that a violation of this paragraph has been or is being committed, and that the person to be taken into custody and detained has committed or is committing the violation. If a person is taken into custody, a law enforcement officer shall be called as soon as is practicable after the person has been taken into custody. The taking into custody and detention in compliance with the requirements of this paragraph does not result in criminal or civil liability for false arrest, false imprisonment, or unlawful detention.

(d) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed is a construction site that is:

1. Greater than 1 acre in area and is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”; or

2. One acre or less in area and is identified as such with a sign that appears prominently, in letters of not less than 2 inches in height, and reads in substantially the following manner: “THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.” The sign shall be placed at the location on the property where the permits for construction are located. For construction sites of 1 acre or less as provided in this subparagraph, it shall not be necessary to give notice by posting as defined in s. 810.011(5).

(e) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is commercial horticulture property and the property is legally posted and identified in substantially the following manner: “THIS AREA IS DESIGNATED COMMERCIAL PROPERTY FOR HORTICULTURE PRODUCTS, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(f) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural site for testing or research purposes that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL SITE FOR TESTING OR RESEARCH PURPOSES, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(g) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is a domestic violence center certified under s. 39.905 which is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED RESTRICTED SITE AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

PLANTATION POLICE DEPARTMENT

FLORIDA STATE TRESPASSING STATUTES 810.08 AND 810.09

810.09 Trespass on property other than structure or conveyance. --

(h) Any person who in taking or attempting to take any animal described in s. 379.101(19) or (20), or in killing, attempting to kill, or endangering any animal described in s. 585.01(13) knowingly propels or causes to be propelled any potentially lethal projectile over or across private land without authorization commits trespass, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term “potentially lethal projectile” includes any projectile launched from any firearm, bow, crossbow, or similar tensile device. This section does not apply to any governmental agent or employee acting within the scope of his or her official duties.

(i) The offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property trespassed upon is an agricultural chemicals manufacturing facility that is legally posted and identified in substantially the following manner: “THIS AREA IS A DESIGNATED AGRICULTURAL CHEMICALS MANUFACTURING FACILITY, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY.”

(3) As used in this section, the term “authorized person” or “person authorized” means any owner, his or her agent, or a community association authorized as an agent for the owner, or any law enforcement officer whose department has received written authorization from the owner, his or her agent, or a community association authorized as an agent for the owner, to communicate an order to leave the property in the case of a threat to public safety or welfare.

History. --s. 35, ch. 74-383; s. 22, ch. 75-298; s. 3, ch. 76-46; s. 2, ch. 80-389; s. 34, ch. 88-381; s. 186, ch. 91-224; s. 2, ch. 94-263; s. 2, ch. 94-307; s. 48, ch. 96-388; s. 1818, ch. 97-102; s. 3, ch. 97-201; s. 5, ch. 2000-369; s. 2, ch. 2001-182; s. 47, ch. 2001-279; s. 36, ch. 2002-46; s. 14, ch. 2006-289; s. 1, ch. 2006-295; s. 2, ch. 2007-123; s. 205, ch. 2008-247.