

PALM BEACH SHORES POLICE
PROPERTY/BUSINES OWNER
TRESPASS PROGRAM

PURPOSE:

Florida State Statute 810.09 (Trespass on property other than a structure or conveyance) provides for the protection of private property from unauthorized intrusion by a person. In addition, it is further dictated that the property owner, or his authorized agent, may order a person to leave the premises. Anyone defying the order is subject to arrest for trespass after warning.

GENERAL

In the interest of providing a safer environment for the business and property owners in the Town of Palm Beach Shores, this department has developed a program by which property/business owners within the Town may declare police officers of the Town of Palm Beach Shores as authorized agents of the property/business and may issue trespass warnings pursuant to Florida State Statute 810.09. Those property/business owners wishing to participate in the program must complete a NOTORIZED AFFIDAVIT, which declares any police officer of the Town of Palm Beach Shores agents of the property owner for the purpose of this program.

ADMINISTRATIVE

The original copy of the notarized affidavit will be given to and maintained by the Community Policing Division.

Once a month a list of property/business owners who are actively enrolled in the trespassing program will be forwarded to the Communications Division Supervisor, who will establish a database for all Communications operators to have quick and efficient access to. A copy of the list will be posted by a designated member of Communications, on the Departmental bulletin board.

PROCEDURES

The following procedures should be utilized by officers when responding to a call for service or an on view complaint of trespass violation.

Action will be contingent upon whether or not the property/business owner has an affidavit on file with the Department that authorizes officers to act as an agent of the property owner.

If the officer determines that the property owner has an affidavit on file the following action may be taken.

Once the officer makes contact with and identifies the subject(s) he/she should:

- 1- Contact Communications and request a query of the location for prior trespass warnings which may have been given by another officer to the subject for the property in question.
- 2- If no record of a prior warning can be found, the officer will advise the subject of the complaint and that the officer is an authorized agent of the property/business owner.
- 3- The officer will pursuant to F.S.S. 810.09 order the subject to leave the property and if he/she returns will be subject to arrest.
- 4- The officer will then issue a TRESPASS WARNING indicating that the subject has received a warning; a case number will also be assigned.
- 5- The officer will then stand by until the subject leaves.
- 6- If the officer determines that the subject has received a previous Trespass Warning, the officer may then arrest the subject for trespass after warning per Florida Statute 810.09.

COMMUNITY POLICING DIVISION

The Trespass program will be another mechanism to introduce the Community Policing Division to the property/business owner and the availability of other programs that include: a security survey (home and business), youth services and any other programs offered by this police department. At present only the Community Policing Sergeant is certified in Business and Residential Surveys.

The Community Policing Division will be responsible for contacting property/business owners and advising them of the program. Road Patrol should advise property/business owners of the trespass program during their daily contacts with the public.

The officer will explain the trespass laws (810.09 and 810.12 (4)).

The officers will help the property/business owner complete the Trespass Program Affidavit, and witness the signing.

TRESPASS (FLORIDA STATE STATUTE 810.09)

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GENERAL:

In the interest of providing a safer environment for the business and property owners in the Town of Palm Beach Shores, this department has developed a program by which the property/business owners within the Town may declare police officers of the Town of Palm Beach Shores as authorized agents of the property/business owner and can issue trespass warnings pursuant to Florida State Statute 810.09. Those property/business owners wishing to participate in the program must complete a Notarized Affidavit, which declares police officers of the Town of Palm Beach Shores agents of the property/business owner.

ADMINISTRATIVE:

The original copy of the Notarized Affidavit will be maintained on file in the Community Policing Division, with a copy kept in the Communications Division.

On a timely basis those enrolled in the program will be forwarded to the Road Patrol Officers along with the names and addresses of those enrolled. This information will be made readily available to all Officers.

Once the trespass Affidavit is signed by the property/business owner, a member of the Community Policing Unit should examine the property to be enforced, and determine the type and number of trespass signs that may be posted. The property/business owner will then be notified.

TRESPASS PROGRAM

The following procedures are needed to enroll your business/property in the Trespass Program.

- 1- The owner of the property or business owner must complete the attached Affidavit.
- 2- The Affidavit must be notarized.
- 3- Return completed to the Palm Beach Shores Police Community Policing Division.
- 4- The property/business should be posted with a sign which states:

In cooperation with the Palm Beach Shores Community Policing Program, all Palm Beach Shores Police Officers are authorized to advise any person to leave the property. Failure to leave the property after being instructed may result in arrest for *Trespass After Warning* pursuant to Florida Statute 810.09.

ATTACH OWNER AUTHORIZATION FOR TO THIS PAGE.

**PALM BEACH SHORES POLICE DEPARTMENT
OWNERS AUTHORIZATION OF ENTRY**

The undersigned represents to the Palm Beach Shores Police Department that he/she is the owner or owner's agent (hereinafter the "owner") of the property referenced herein (hereinafter the "Property"). Owner has authority to enter into this agreement and hereby grants to the Palm Beach Shores Police Department authorization of entry upon the Owner's Property to communicate to any person who loiters, prowls, or trespasses thereon, an order to leave the Property per Florida State Statute 810.09. This authorization is limited and does not grant any agency between the Town of Palm Beach Shores Police Department and the undersigned except as expressly provided herein. It also acknowledged that the owner will assist with the prosecution of those persons arrested.

PROPERTY DESCRIPTION

Location: (Street Address) _____

Property Name: (if applicable) _____

Print Name-Owner or Owner's Agent

Address (Owner/Owner's Agent)

Signature-Owner or Owner's Agent

City/State (Owner/Owner's Agent)

Date

Emergency Telephone Number

SWORN AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____

NOTARY PUBLIC/SWORN POLICE OFFICER
STATE OF FLORIDA
MY COMMISSION EXPIRES: _____