

RULES OF PROCEDURE
TRESPASS WARNING APPEAL HEARINGS

1. The request for a hearing shall be received within thirty (30) days of the date of the issuance of the trespass warning in any manner as indicated on the trespass warning form. The trespass warning shall remain in effect throughout the duration of the appeal and review process, including any hearing officer or judicial review.
2. The right to appeal applies only to an individual who has been trespassed from city property or Tampa Housing Authority property by a Tampa Police Department (“TPD”) officer. An appeal may be made by the by a parent or guardian should an individual trespassed be a minor.
3. TPD Legal Advisor shall be responsible for receiving and making the initial review of the trespass warning appeal. The TPD Legal Advisor may decide to rescind or modify the trespass warning based on the initial review or schedule the appeal for a hearing. The person issued a trespass warning will be informed of the decision in the same manner they request the appeal (via mail or email).
4. TPD Legal Unit is responsible for setting a hearing date and providing notice of the hearing.
5. At the hearing, the city will present evidence concerning the issuance of the trespass to a hearing officer.
6. The city shall bear the burden of proof by a preponderance of the evidence that the trespass warning was properly issued.
7. Formal rules of evidence shall not apply, but fundamental due process governs the proceedings.
8. A person issued a trespass warning shall have the opportunity to present evidence and testimony relevant to the issues, cross-examine witnesses, and may hire an attorney.
9. The hearing officer may consider documentation, video or photographic evidence, law enforcement records, department reports, etc.
10. A person issued a trespass warning is responsible for preserving the record of the appeal hearing and may have a court reporter present at his or her own expense.
11. Should the person requesting the trespass warning appeal fail to appear at a hearing after notice, the hearing officer may review the evidence presented by the city before making a decision.

12. A hearing officer may uphold the trespass warning, modify the trespass warning or rescind the trespass warning.
13. A copy of the hearing officer's Order will be prepared by the city following the hearing and will be sent to the TPD Legal Unit for distribution in accordance with TPD procedure to ensure any modifications or rescissions are documented in TPD record management system ("RMS") and the person is notified of the outcome.
14. TPD shall provide a clerk for the proceedings.
15. No fee is assessed for requesting a trespass warning appeal hearing.
16. Persons with disabilities needing special accommodation to participate in the appeal hearing must contact City of Tampa's ADA Coordinator at least 48 hours prior to the date of the hearing as provided on the Notice of Hearing in order to arrange for accommodations.
17. A person may exercise any legal rights as permitted under Florida or federal law once the appeal hearing process has been completed.

These Rules of Procedure shall remain in effect even with a successive City Attorney until repealed or modified.

Dated this 16 day of March, 2026.

e/s Scott I. Steady

Scott Steady, City Attorney

Reviewed for Legal Sufficiency By:

Megan Newcomb, Chief Legal Advisor