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RESOLUTION NO. 08-88

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING FOR AND ENCOURAGING THE STATE OF FLORIDA, THE SCHOOL BOARD AND INDIVIDUAL SCHOOLS, BOTH PUBLIC AND PRIVATE TO PROVIDE EDUCATION AND TRAINING TO STUDENTS IN ORDER TO PREVENT TEEN DATING VIOLENCE; SUPPORTING THE EFFORTS OF THE STATE IN ENACTING HB 313, THE "DATING VIOLENCE BILL," WHICH PROVIDES RIGHTS TO VICTIMS OF DATING VIOLENCE AND MAKES A VIOLATION OF THIS LAW A CRIMINAL OFFENSE; THANKING THE STATE LEGISLATURE FOR ENACTING THE "ANTI-BULLYING LAW AND THE DATING VIOLENCE LAWS, WHICH BECAME EFFECTIVE OCTOBER 1, 2008; THE VILLAGE DESIRES TO PROMOTE AND ENCOURAGE EDUCATIONAL PROGRAMS FOR TEENS TO BRING THE SERIOUSNESS OF THIS ISSUE TO THEIR ATTENTION AND TO INFORM TEENS OF THEIR RIGHTS AND OBLIGATIONS UNDER THE DATING VIOLENCE LAW; REQUESTING THE MIAMI-DADE SCHOOL BOARD TO TAKE GREATER ACTION ON THE ISSUE OF TEEN DATING VIOLENCE; PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Eugene P. Flinn, Jr.].

25 WHEREAS, the Mayor and Village Council wishes to bring to light the fact that many
26 students attending school are subjected to teen dating violence, which may include intentional
27 tormenting through verbal harassment, physical assault or other methods of coercion and
28 manipulation; and,
29

30 WHEREAS, although teen dating may involve direct attacks such as hitting, threatening,
31 intimidating, malicious teasing, name calling, sexual remarks and stealing or damaging of others'
32 belongings, there are also indirect attacks as well, and,
33

34 WHEREAS, the National Association of Attorneys General has sponsored an effort to
35 educate teens about teen dating violence in order to prevent the continuation of such activities; and,
36

37 WHEREAS, teen dating violence is a pattern of controlling and abusive behavior of one
38 person over another within a romantic relationship including verbal, emotional, physical, sexual and
39 financial abuse, and,
40

41 WHEREAS, lack of dating experience allows teens to be more vulnerable to dating violence
42 where they are less likely to recognize the abuse; and,
43

44 WHEREAS, teen dating violence has become a prevalent problem in high schools, junior
45 high schools and middle schools throughout the County, with one in three teens experiencing some
46 kind of abuse in their romantic relationships; and,

1
2 WHEREAS, girls and women between the ages of 16 and 24 experience the highest rate of
3 intimate partner violence and of the young murdered each year between the ages of 15 to 19, 30
4 percent are killed by their boyfriend or husband; and,
5

6 WHEREAS, recent studies have shown that teen dating violence is starting at an early age
7 with 11 to 14 year olds able to identify aspects of teen dating abuse in their social lives; and,
8

9 WHEREAS, early sexual experiences can be a precursor to dating violence and abuse among
10 older teens and can perpetuate a culture of acceptance of this type of behavior, and,
11

12 WHEREAS, abuse and violence in intimate partner relationships not only cause great
13 individual pain, but also breaks down families, communities and society at large; and,
14

15 WHEREAS, education is the best mechanism to stop teen dating violence and is crucial to
16 create a culture of intolerance for teen dating abuse; and,
17

18 WHEREAS, the Mayor and Village Council have been in the forefront in protecting the
19 children attending school in Palmetto Bay, Miami-Dade County, and the State, as seen by the
20 Village's efforts, via enacting Resolution 07-63, to support the State Legislature's SB 114 bill and HB
21 669 - Relating to School Safety, entitled "Jeffrey Johnston Stand Up for All Student Act," which bill
22 is also known as the Anti-Bullying Bill; and
23

24 WHEREAS, the Anti-Bullying Bill was enacted by the State and signed into law by the
25 Governor on October 1, 2008, thus making it a criminal offense to bully or harass others during
26 educational programs or activities, on school buses, or through use of data or computer software
27 accessed through computer systems of certain educational institutions; and,
28

29 WHEREAS, the Mayor and Village Council thank the State for taking action to make it a
30 criminal offense to commit bullying within educational institutions; and,
31

32 WHEREAS, on October 1st, 2008, the State Legislature also enacted of HB 313, known as
33 the "Dating Violence" law, which law makes it a criminal offense to commit a dating violence
34 offense in Florida; and,
35

36 WHEREAS, the Florida Legislature passed HB 313 (copy attached) that imposes penalties
37 and provides rights to victims and the education program should educate on the points of this bill;
38 and,
39

40 WHEREAS, the Mayor and Village Council thank the State Legislature for taking action to
41 create HB 313, and the Mayor and Village Council support enactment of that law, as it would make
42 it a criminal offense to commit violence upon a party to a dating relationship; and,
43

44 WHEREAS, the Mayor and Village Council desire to pass this resolution in order to
45 encourage the individual private and public schools in Palmetto Bay, Miami-Dade County, within
46 the State of Florida, to provide education relating to teen dating violence, and information relating

1 to the enacted the "Dating Violence" as passed under HB 313, which provides rights to victims of
2 Dating Violence.
3
4

5 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
6 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
7

8 Section 1. The Village of Palmetto Bay supports the National Association of Attorneys
9 Generals' efforts to end teen violence and supports teen dating violence education in schools, and
10 also to lobby the community, the schools the school board, the County and the State to provide
11 funding to educate the community as to the rights provided for under the enacted HB 313, known
12 as the "Dating Violence" law, which provides rights to victims of dating violence and make
13 conviction of this law a criminal offense.
14

15 Section 2. The Village encourages the individual private and public schools, the School
16 Board and the state to work with local school districts to devise and implement teen dating violence
17 education policies, including by providing information as to the rights and obligations established
18 under the Dating Violence Law.
19

20 Section 3. The Village recommends that these teen dating violence education policies
21 include a mission statement emphasizing that dating violence is unacceptable and will not be
22 tolerated as well as the establishment of procedures, guidelines and discipline procedures to respond
23 to incidents taking place at school or on school grounds.
24

25 Section 4. The Village urges school districts to incorporate dating violence education
26 into health education curriculums in middle and/or high school.
27

28 Section 5. The Mayor and the Village Council seek the support of all neighboring
29 communities in Miami-Dade County, Broward County and Palm Beach County and all other
30 communities within Florida to lobby the Florida Legislature to provide funding for educating the
31 community as to the rights and obligations created under HB 313, the "Dating Violence" law.
32

33 Section 6. The Mayor and Village Council specifically thanks the State Legislature for
34 enacting HB 669/SB 114, the "Ant-Bulling Bill", officially known as the "Jeffrey Johnston Stand Up
35 for All Student Act" law which makes such activities prosecutable as criminal offenses, and which
36 this Council lobbied for enactment under Village Council Resolution 07-63.
37

38 Section 7. The Mayor and Village Council specifically thanks the State Legislature for
39 enacting HB 313, the Dating Violence law, which provides rights to victims of Dating Violence, and
40 creates criminal prosecution of those that commit such acts of violence.
41

42 Section 8. This resolution shall take effect immediately upon approval.

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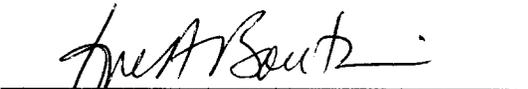
PASSED and ADOPTED this 6th day of October, 2008.

Attest:


Meghan Rader
Village Clerk


Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:


Eve A. Boutsis,
Nagin Gallop Figueredo, P.A.
Office of Village Attorney

FINAL VOTE AT ADOPTION:

- Council Member Ed Feller YES
- Council Member Paul Neidhart YES
- Council Member Shelley Stanczyk YES
- Vice-Mayor Linda Robinson YES
- Mayor Eugene P. Flinn Jr. YES

ENROLLED
HB 313

2008 Legislature

1 A bill to be entitled
2 An act relating to dating violence; providing a short
3 title; amending s. 784.046, F.S.; revising provisions
4 relating to dating violence incidents to provide
5 requirements for investigations, notice to victims, and
6 reporting similar to those for incidents of domestic
7 violence and to apply certain immunity provisions thereto;
8 prohibiting certain willful violations of conditions of
9 pretrial release; providing penalties; amending s. 901.15,
10 F.S.; providing for warrantless arrests of persons for
11 dating violence; conforming provisions; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. This act may be cited as the "Barwick-Ruschak
17 Act."

18 Section 2. Subsection (11) of section 784.046, Florida
19 Statutes, is renumbered as subsection (16), and a new subsection
20 (11) and subsections (12), (13), (14), and (15) are added to
21 that section, to read:

22 784.046 Action by victim of repeat violence, sexual
23 violence, or dating violence for protective injunction; dating
24 violence investigations, notice to victims, and reporting;
25 pretrial release violations ~~powers and duties of court and clerk~~
26 ~~of court; filing and form of petition; notice and hearing;~~
27 ~~temporary injunction; issuance; statewide verification system;~~
28 ~~enforcement.--~~

ENROLLED

HB 313

2008 Legislature

29 (11) Any law enforcement officer who investigates an
 30 alleged incident of dating violence shall assist the victim to
 31 obtain medical treatment if such is required as a result of the
 32 alleged incident to which the officer responds. Any law
 33 enforcement officer who investigates an alleged incident of
 34 dating violence shall advise the victim of such violence that
 35 there is a domestic violence center from which the victim may
 36 receive services. The law enforcement officer shall give the
 37 victim immediate notice of the legal rights and remedies
 38 available on a standard form developed and distributed by the
 39 Department of Law Enforcement. As necessary, the Department of
 40 Law Enforcement shall revise the Legal Rights and Remedies
 41 Notice to Victims to include a general summary of this section,
 42 using simple English as well as Spanish, and shall distribute
 43 the notice as a model form to be used by all law enforcement
 44 agencies throughout the state. The notice shall include:
 45 (a) The resource listing, including telephone number, for
 46 the area domestic violence center designated by the Department
 47 of Children and Family Services; and
 48 (b) A copy of the following statement: "IF YOU ARE THE
 49 VICTIM OF DATING VIOLENCE, you may ask the state attorney to
 50 file a criminal complaint. You also have the right to go to
 51 court and file a petition requesting an injunction for
 52 protection from dating violence which may include, but need not
 53 be limited to, provisions that restrain the abuser from further
 54 acts of abuse; direct the abuser to leave your household; and
 55 prevent the abuser from entering your residence, school,
 56 business, or place of employment."

ENROLLED
HB 313

2008 Legislature

57 (12) When a law enforcement officer investigates an
 58 allegation that an incident of dating violence has occurred, the
 59 officer shall handle the incident pursuant to the arrest policy
 60 provided in s. 901.15(7), and as developed in accordance with
 61 subsections (13), (14), and (16). Whether or not an arrest is
 62 made, the officer shall make a written police report that is
 63 complete and clearly indicates that the alleged offense was an
 64 incident of dating violence. Such report shall be given to the
 65 officer's supervisor and filed with the law enforcement agency
 66 in a manner that will permit data on dating violence cases to be
 67 compiled. Such report must include:

- 68 (a) A description of physical injuries observed, if any.
- 69 (b) If a law enforcement officer decides not to make an
 70 arrest or decides to arrest two or more parties, the grounds for
 71 not arresting anyone or for arresting two or more parties.
- 72 (c) A statement which indicates that a copy of the legal
 73 rights and remedies notice was given to the victim.

74

75 Whenever possible, the law enforcement officer shall obtain a
 76 written statement from the victim and witnesses concerning the
 77 alleged dating violence. The officer shall submit the report to
 78 the supervisor or other person to whom the employer's rules or
 79 policies require reports of similar allegations of criminal
 80 activity to be made. The law enforcement agency shall, without
 81 charge, send a copy of the initial police report, as well as any
 82 subsequent, supplemental, or related report, which excludes
 83 victim or witness statements or other materials that are part of
 84 an active criminal investigation and are exempt from disclosure

ENROLLED
HB 313

2008 Legislature

85 under chapter 119, to the nearest locally certified domestic
 86 violence center within 24 hours after the agency's receipt of
 87 the report. The report furnished to the domestic violence center
 88 must include a narrative description of the dating violence
 89 incident.

90 (13) Whenever a law enforcement officer determines upon
 91 probable cause that an act of dating violence has been committed
 92 within the jurisdiction, the officer may arrest the person or
 93 persons suspected of its commission and charge such person or
 94 persons with the appropriate crime. The decision to arrest and
 95 charge shall not require consent of the victim or consideration
 96 of the relationship of the parties.

97 (14) (a) When complaints are received from two or more
 98 parties, the officers shall evaluate each complaint separately
 99 to determine whether there is probable cause for arrest.

100 (b) If a law enforcement officer has probable cause to
 101 believe that two or more persons have committed a misdemeanor or
 102 felony, or if two or more persons make complaints to the
 103 officer, the officer shall try to determine who was the primary
 104 aggressor. Arrest is the preferred response only with respect to
 105 the primary aggressor and not the preferred response with
 106 respect to a person who acts in a reasonable manner to protect
 107 or defend himself or herself or another family or household
 108 member from dating violence.

109 (15) A person who willfully violates a condition of
 110 pretrial release provided in s. 903.047, when the original
 111 arrest was for an act of dating violence as defined in this
 112 section, commits a misdemeanor of the first degree, punishable

ENROLLED

HB 313

2008 Legislature

113 | as provided in s. 775.082 or s. 775.083, and shall be held in
 114 | custody until his or her first appearance.

115 | (16)~~(11)~~ A law enforcement officer acting in good faith
 116 | under this section and the officer's employing agency shall be
 117 | immune from all liability, civil or criminal, that might
 118 | otherwise be incurred or imposed by reason of the officer's or
 119 | agency's actions in carrying out the provisions of this section.

120 | Section 3. Subsection (7) of section 901.15, Florida
 121 | Statutes, is amended to read:

122 | 901.15 When arrest by officer without warrant is
 123 | lawful.--A law enforcement officer may arrest a person without a
 124 | warrant when:

125 | (7) There is probable cause to believe that the person has
 126 | committed an act of domestic violence, as defined in s. 741.28,
 127 | or dating violence, as provided in s. 784.046. The decision to
 128 | arrest shall not require consent of the victim or consideration
 129 | of the relationship of the parties. It is the public policy of
 130 | this state to strongly discourage arrest and charges of both
 131 | parties for domestic violence or dating violence on each other
 132 | and to encourage training of law enforcement and prosecutors in
 133 | these areas ~~this area~~. A law enforcement officer who acts in
 134 | good faith and exercises due care in making an arrest under this
 135 | subsection, under s. 741.31(4) or s. 784.047, or pursuant to a
 136 | foreign order of protection accorded full faith and credit
 137 | pursuant to s. 741.315, is immune from civil liability that
 138 | otherwise might result by reason of his or her action.

139 | Section 4. This act shall take effect October 1, 2008.