

# **\*Student Dating Violence Policy**

**Procedural Manual 2011-12**



**Dr. Joanne Harrison**

Deputy Superintendent, Educational Programs and Student Support

**Kathrine Francis**

Executive Director, Student Support Services

**Amalio Nieves**

Prevention Curriculum Specialist, Diversity, Cultural Outreach and Prevention

**(\*Addressing Florida Statute 1006.148)**

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**SBBC POLICY AGAINST STUDENT DATING VIOLENCE OR ABUSE**  
**PROCEDURAL GUIDELINES**

The purpose of this procedural manual is to provide school personnel and other interested parties with both the current Student Dating Violence or Abuse policy as well as the related procedural guidelines. This procedural information will be updated periodically by the **Division of Educational Programs and Student Support**.

Suggestions and questions are welcomed and should be sent to the following Executive Director:

Kathrine Francis, Student Support Services - 754-321-2560  
e-mail: [kathrine.francis@browardschools.com](mailto:kathrine.francis@browardschools.com)

**I. INTRODUCTION**

Consistent with the intent and requirements of Section 1006.148, Florida Statutes, SBBC upholds that dating violence and/or abuse will not be tolerated and shall be grounds for disciplinary action. This Policy shall be interpreted and applied consistently with all applicable State and Federal laws and Board policies. Conduct that constitutes dating violence or abuse, as defined herein is prohibited.

It is essential that a basic universal prevention curriculum be in place so that every school will receive a foundation of prevention upon which to build a culture of health, wellness, safety, respect and excellence. Each school shall provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n).

## II. Defining Dating Violence or Abuse

***“Dating Violence or Abuse”*** means a pattern of emotional, verbal, sexual, or physical abuse or threat of abuse used by one student in a current or past dating relationship to exert power and control over another student. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and/or coercive behavior to gain power and maintain control over the dating partner. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental, or both.

***“Dating Violence and/or Abuse”*** also encompasses:

1. retaliation against a student by another student for asserting or alleging an act of dating violence or abuse;
2. retaliation also includes reporting a baseless act of dating violence and/or abuse not made in good faith; and/or
3. perpetuation of conduct listed in the definition of dating violence and/or abuse by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student by:
  - a. incitement or coercion;
  - b. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system; or
  - c. acting in a manner that has an effect substantially similar to the effect of dating violence or abuse.

**SEE GLOSSARY FOR OTHER RELATED TERMS**

## III. Expectations

The District ensures that schools sustain healthy, positive, and safe learning environments for all students.

Each school will change the social climate of the school and the social norms with regards to dating violence or abuse. This requires the efforts of everyone who affects the school environment – students, parents, teachers, administrators, counselors, school nurses, as well as other non-teaching staff (such as bus drivers, custodians, cafeteria workers, school resource officers, and/or instructional aides).

Expectations for School-Based Administrators:

1. Each School Administrator shall:
  - a. receive investigative training and conduct investigations;
  - b. utilize the school’s designated Prevention Liaison in the dissemination of dating violence and/or abuse prevention curriculum;
  - c. ensure the trainings set forth in this Policy are administered; and
  - d. ensure multiple methods of anonymous reporting are made available as detailed in the Student Dating Violence Policy.

#### **IV. Reporting an Act of Dating Violence and/or Abuse**

1. Each school's Principal or administrative Designee shall document in writing and/or via the specified data system all complaints regarding dating violence or abuse, as with all infractions of the Code of Student Conduct, to ensure problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
2. Each school's Principal or administrative Designee is responsible for ensuring multiple methods for anonymous reporting are made available. **Formal disciplinary action may not be based solely on the basis of an uncorroborated anonymous report.** The methods for anonymous reporting to be made available at each school are:
  - a. utilization of the Broward County Public Schools approved methods of reporting via the Report Form, which can be found on the School District's website [www.browardschools.com](http://www.browardschools.com), at each school's front office, and [www.browardprevention.org](http://www.browardprevention.org);
  - b. via the Special Investigative Unit (SIU) website at [www.broward.k12.fl.us/siu/tips/](http://www.broward.k12.fl.us/siu/tips/), Emergency/Silence Hurts Tipline at (754) 321-0911, email to [school911@browardschools.com](mailto:school911@browardschools.com), or via text message by texting 'SBBC' [space], plus the text message to CRIMES (274637); and
  - c. through each school's "Reporting and Shout Out Box" placed at the single point of entry.
3. When the Principal or Designee has reason to suspect an alleged violation of this policy may constitute a crime, he/she shall immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime can be referred to the school-based SRO/Deputy, SIU, and/or to law enforcement with the recommendation of erring on the side it being a criminal complaint.
4. In cases involving an alleged perpetrator who is of adult age and an alleged victim who is a minor, the investigating Principal/administrator must report their suspicions of child abuse to the Florida Abuse Hotline and/or local law enforcement pursuant to Section 39.201, Florida Statutes.

## V. Investigative Procedures and Accommodations

Each school Principal or administrative Designee(s) who has been trained in investigative procedures will be the **only** party to conduct investigations. The Designee(s) may not be a relative of the accused perpetrator or alleged victim.

The Principal/Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous or oral complaints. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).

The Principal/Designee shall begin a thorough investigation and meet with the alleged victim, complainant and accused within two (2) school days of receiving a notification of complaint. The school Principal or Designee will document interviews of the victim, complainant, alleged perpetrator, and witnesses which are to be conducted separately and confidentially. **At no time will the name of the complainant be revealed and at no time will the parties be interviewed together.**

The Principal/Designee shall provide written notification to the parent/guardian of the alleged victim and accused within two (2) school days of receiving a notification of complaint.

- a. If such notification is not in the best interest or impairs the safety of the students involved, the Principal may determine an exception will be made while adhering to all threat assessment protocols. Determination as to why parents/guardians are not notified will be documented and the records retained.

Whenever possible, face-to-face contact between the alleged victim and alleged perpetrator will be avoided. If changes need to be made, attention should be given to the victim's preference. **The burden for any bus, classroom, or other schedule changes should be on the alleged perpetrator, not the alleged victim.**

When meeting with each individual party, the investigating administrator will:

- a. allow the party to respond in writing to the allegations;
- b. identify and implement consequences and/or interventions that will help to prevent further incidents;
- c. refer the parties and parent(s)/guardian(s) to available help and support within the school and community;
- d. address the seriousness of retaliations against any parties;
- e. provide for increased supervision of the alleged perpetrator and victim; and
- f. document the meeting and action plans on all relevant electronic data collecting systems.

Within twelve (12) school days of receiving the notification of complaint, there shall be a written decision by the Principal/Designee regarding the completion and determination of the investigation. The Principal/Designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Discipline Matrix.

## V. Investigative Procedures (continued)

The Principal/Designee will inform all relevant parties in writing of the decision and the right to appeal in writing within five (5) school days. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to, the School Environmental Safety Incident Reporting system (SESIR).

Referral for accommodations may be made verbally or in writing to any school employee and these requests should be taken to the Principal or Principal's Designee who will document the request in writing. Accommodations may include, but are not limited to, class schedule changes, change of lunch schedule, private space for meeting with school guidance counselor or other appropriate school personnel, or safe egress/regress from school and within the school.

Accommodations for safety shall be considered even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.

When a referral for accommodation is made, the school shall provide a written decision to the student as soon as possible, but in all cases a decision must be made within five school days of the request and be kept confidential.

A denial to a request for accommodation must include the reason(s) for the denial. At no time shall the school personnel notify the alleged perpetrator of the student's request for accommodation, nor shall the school require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system. **All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodations at any time by notifying the Principal or Designee.** The student shall not be subject to any retribution or disciplinary action for such decision and shall not lose the right to request and receive future accommodations.

Requests for intervention may also be made verbally or in writing to any school employee and these requests should be taken to the Principal or Principal's Designee who will document the request in writing. Interventions may include, but are not limited to, identified staff for communication, outside support and/or counseling, empathy training, anger management, or any assistance and support provided to parents/guardians, if deemed necessary and appropriate,

All steps necessary to protect the victim from further violations of this policy will be taken. They may include, but are not limited to, assignment of the perpetrator to a different school from that where the offense occurred. **Only the Superintendent/Designee may make such a reassignment. In such cases of reassignment, transportation will be provided by the District.**

**Broward County Public Schools  
DATING VIOLENCE INVESTIGATIVE PROCESS**

**INVESTIGATION PROCESS:  
(Initiated when complaint received)**

**Begin Investigation Within 2 School Days:**

- document and notify guardians “in writing”
- meet separately with alleged offender and victim



Document all interviews with parties and witnesses throughout the investigation (complainant, accused, victim, witnesses and parents).



**Additional Procedural Questions:**

- Are all threat assessment protocols being adhered to?
- Are any changes in schedules, lockers, etc. needed for safety or as an accommodation?
- Are any referrals to outside agencies needed?
- Is there a restraining order? If not, provide a copy of F.S. 784.046 and a blank “Petition for Injunction for Protection Against Repeat Violence, Sexual Violence, or Dating Violence.”



**Complete Investigation Within 10 School Days:**

- document determination as to the results of the investigation
- take any actions pursuant to the Discipline Matrix
- refer parties for interventions as needed
- refer parties to outside agencies/departments as needed
- notify the accused and victim in writing of the determination and if their right to appeal to the Area Superintendent/Designee in writing



**Process for referral to or cooperation with external investigation:**

If a crime has been committed, the police and SIU will be immediately notified. If the alleged act in violation of this policy is also the subject of an investigation by law enforcement, the investigation by the school shall proceed in full cooperation, and without interference, with the criminal investigation.

A student or their guardian should inform the school that a restraining order or an order of protection has been issued. The Principal or Designee will notify law enforcement or campus police immediately if they have a reasonable belief that a criminal or civil restraining order has been violated.

**VI. Dating Violence and/or Abuse Prevention Training**

Annual trainings on identifying, preventing, and responding to dating violence and/or abuse will be made available to students, parents, teachers, area/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers.

Annual trainings will be offered to all school administrators on the proper identification, investigation, and intervention of dating violence and/or abuse incidents that fall within the jurisdiction of the school. **Only those administrative employees designated and trained in dating violence and abuse procedures may conduct investigations.**

## **GLOSSARY**

**“Accused”** is defined as any SBBC student who is reported to have committed an act of dating violence or abuse.

**“Complainant”** is defined as any SBBC employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of dating violence or abuse.

**“Cyberbullying”** is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism. \*Note: Per F.S. 810.145, voyeurism, which may be utilized in cyberbullying, in and of itself, is a criminal offense

**“Cyberstalking”**, as defined in Florida State Statute 784.048(d), means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

**“Days”** shall be construed to be school days as determined by the applicable school calendar whenever mentioned in this policy.

**“Harassment”** means any threatening, insulting, demeaning, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. places a student in reasonable fear of harm to his or her person or damage to his or her property;
2. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits;
3. has the effect of substantially negatively impacting a student’s emotional or mental well-being; or
4. has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

**“Student”** is defined as any individual who is enrolled in a Broward County Public School program, regardless of age.

**“Third party”** is defined as a person who is neither the victim nor the accused, but someone who is involved not as a principal party.

**“Victim”** is defined as any SBBC student who is reported to have been the target of an act of dating violence or abuse.

Select Year: 2010 

## The 2010 Florida Statutes(including Special Session A)

[Title XLVIII](#)[Chapter 1006](#)[View Entire Chapter](#)

K-20 EDUCATION CODE

SUPPORT FOR LEARNING

**1006.148 Dating violence and abuse prohibited.—**

(1) Each district school board shall adopt and implement a dating violence and abuse policy. The policy shall:

(a) Prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.

(b) Provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.

(c) Define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, according to s. [1003.42\(2\)\(n\)](#), with emphasis on prevention education.

(d) Be implemented in a manner that is integrated with a school district's discipline policies.

(2) By January 1, 2011, the Department of Education shall develop a model policy to serve as a guide for district school boards in the development of the dating violence and abuse policy described in subsection (1).

(3) Each district school board shall provide training for teachers, staff, and school administrators to implement this section.

**History.**—s. 2, ch. 2010-217.

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Select Year:

## The 2010 Florida Statutes(including Special Session A)

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[Title XLVI](#)

[Chapter 784](#)

[View Entire Chapter](#)

CRIMES

ASSAULT; BATTERY; CULPABLE NEGLIGENCE

### **784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; dating violence investigations, notice to victims, and reporting; pretrial release violations.—**

(1) As used in this section, the term:

(a) “Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.

(b) “Repeat violence” means two incidents of violence or stalking committed by the respondent, one of which must have been within 6 months of the filing of the petition, which are directed against the petitioner or the petitioner’s immediate family member.

(c) “Sexual violence” means any one incident of:

1. Sexual battery, as defined in chapter 794;
2. A lewd or lascivious act, as defined in chapter 800, committed upon or in the presence of a person younger than 16 years of age;
3. Luring or enticing a child, as described in chapter 787;
4. Sexual performance by a child, as described in chapter 827; or
5. Any other forcible felony wherein a sexual act is committed or attempted,

regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

(d) “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

1. A dating relationship must have existed within the past 6 months;
2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

(2) There is created a cause of action for an injunction for protection in cases of repeat violence, there is created a separate cause of action for an injunction for protection in cases of dating violence, and there is created a separate cause of action for an injunction for protection in cases of sexual violence.

(a) Any person who is the victim of repeat violence or the parent or legal guardian of any minor child who

is living at home and who seeks an injunction for protection against repeat violence on behalf of the minor child has standing in the circuit court to file a sworn petition for an injunction for protection against repeat violence.

(b) Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child, has standing in the circuit court to file a sworn petition for an injunction for protection against dating violence.

(c) A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf or on behalf of the minor child if:

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

(d) A cause of action for an injunction may be sought whether or not any other petition, complaint, or cause of action is currently available or pending between the parties.

(e) A cause of action for an injunction does not require that the petitioner be represented by an attorney.

(3)(a) The clerk of the court shall provide a copy of this section, simplified forms, and clerical assistance for the preparation and filing of such a petition by any person who is not represented by counsel.

(b) Notwithstanding any other law, the clerk of the court may not assess a fee for filing a petition for protection against repeat violence, sexual violence, or dating violence. However, subject to legislative appropriation, the clerk of the court may, each quarter, submit to the Office of the State Courts Administrator a certified request for reimbursement for petitions for protection issued by the court under this section at the rate of \$40 per petition. The request for reimbursement shall be submitted in the form and manner prescribed by the Office of the State Courts Administrator. From this reimbursement, the clerk shall pay the law enforcement agency serving the injunction the fee requested by the law enforcement agency; however, this fee may not exceed \$20.

(c) No bond shall be required by the court for the entry of an injunction.

(d) The clerk of the court shall provide the petitioner with a certified copy of any injunction for protection against repeat violence, sexual violence, or dating violence entered by the court.

(4)(a) The sworn petition shall allege the incidents of repeat violence, sexual violence, or dating violence and shall include the specific facts and circumstances that form the basis upon which relief is sought. With respect to a minor child who is living at home, the parent or legal guardian seeking the protective injunction on behalf of the minor child must:

1. Have been an eyewitness to, or have direct physical evidence or affidavits from eyewitnesses of, the specific facts and circumstances that form the basis upon which relief is sought, if the party against whom the protective injunction is sought is also a parent, stepparent, or legal guardian of the minor child; or
2. Have reasonable cause to believe that the minor child is a victim of repeat sexual or dating violence to form the basis upon which relief is sought, if the party against whom the protective injunction is sought is a person other than a parent, stepparent, or legal guardian of the minor child.

(b) The sworn petition must be in substantially the following form:

Statutes & Constitution :Laws of Florida ...  
PETITION FOR INJUNCTION FOR PROTECTION  
AGAINST REPEAT VIOLENCE, SEXUAL  
VIOLENCE, OR DATING VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name), who has been sworn and says that the following statements are true:

1. Petitioner resides at (address) (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

2. Respondent resides at (address).

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has:  
(enumerate incidents of violence)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: (enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner’s immediate family, including any injunctions or directives to law enforcement agencies.

(5) Upon the filing of the petition, the court shall set a hearing to be held at the earliest possible time. The respondent shall be personally served with a copy of the petition, notice of hearing, and temporary injunction, if any, prior to the hearing.

(6)(a) When it appears to the court that an immediate and present danger of violence exists, the court may grant a temporary injunction which may be granted in an ex parte hearing, pending a full hearing, and may grant such relief as the court deems proper, including an injunction enjoining the respondent from committing any acts of violence.

(b) In a hearing ex parte for the purpose of obtaining such temporary injunction, no evidence other than the verified pleading or affidavit shall be used as evidence, unless the respondent appears at the hearing or has received reasonable notice of the hearing.

(c) Any such ex parte temporary injunction shall be effective for a fixed period not to exceed 15 days. However, an ex parte temporary injunction granted under subparagraph (2)(c)2. is effective for 15 days following the date the respondent is released from incarceration. A full hearing, as provided by this section, shall be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the ex parte injunction and the full hearing before or during a hearing, for good cause shown by any party.

(7) Upon notice and hearing, the court may grant such relief as the court deems proper, including an injunction:

(a) Enjoining the respondent from committing any acts of violence.

(b) Ordering such other relief as the court deems necessary for the protection of the petitioner, including injunctions or directives to law enforcement agencies, as provided in this section.

(c) The terms of the injunction shall remain in full force and effect until modified or dissolved. Either party may move at any time to modify or dissolve the injunction. Such relief may be granted in addition to other civil or criminal remedies.

(d) A temporary or final judgment on injunction for protection against repeat violence, sexual violence, or dating violence entered pursuant to this section shall, on its face, indicate that:

1. The injunction is valid and enforceable in all counties of the State of Florida.

2. Law enforcement officers may use their arrest powers pursuant to s. 901.15(6) to enforce the terms of the injunction.

3. The court had jurisdiction over the parties and matter under the laws of Florida and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person's right to due process.

4. The date that the respondent was served with the temporary or final order, if obtainable.

(8)(a)1. The clerk of the court shall furnish a copy of the petition, notice of hearing, and temporary injunction, if any, to the sheriff or a law enforcement agency of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of an injunction that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. In addition, if the sheriff is in possession of an injunction for protection that has been certified by the clerk of the court, the sheriff may transmit a facsimile copy of that injunction to a law enforcement officer who shall serve it in the same manner as a certified copy. The clerk of the court shall be responsible for furnishing to the sheriff such information on the respondent's physical description and location as is required by the department to comply with the verification procedures set forth in this section. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the chief judge's jurisdiction to effect this type of service and to receive a portion of the service fee. No person shall be authorized or permitted to serve or execute an injunction issued under this section unless the person is a law enforcement officer as defined in chapter 943.

2. When an injunction is issued, if the petitioner requests the assistance of a law enforcement agency, the court may order that an officer from the appropriate law enforcement agency accompany the petitioner and assist in the execution or service of the injunction. A law enforcement officer shall accept a copy of an

injunction for protection against repeat violence, sexual violence, or dating violence, certified by the clerk of the court, from the petitioner and immediately serve it upon a respondent who has been located but not yet served.

(b) There shall be created a Domestic, Dating, Sexual, and Repeat Violence Injunction Statewide Verification System within the Department of Law Enforcement. The department shall establish, implement, and maintain a statewide communication system capable of electronically transmitting information to and between criminal justice agencies relating to domestic violence injunctions, dating violence injunctions, sexual violence injunctions, and repeat violence injunctions issued by the courts throughout the state. Such information must include, but is not limited to, information as to the existence and status of any injunction for verification purposes.

(c)1. Within 24 hours after the court issues an injunction for protection against repeat violence, sexual violence, or dating violence or changes or vacates an injunction for protection against repeat violence, sexual violence, or dating violence, the clerk of the court must forward a copy of the injunction to the sheriff with jurisdiction over the residence of the petitioner.

2. Within 24 hours after service of process of an injunction for protection against repeat violence, sexual violence, or dating violence upon a respondent, the law enforcement officer must forward the written proof of service of process to the sheriff with jurisdiction over the residence of the petitioner.

3. Within 24 hours after the sheriff receives a certified copy of the injunction for protection against repeat violence, sexual violence, or dating violence, the sheriff must make information relating to the injunction available to other law enforcement agencies by electronically transmitting such information to the department.

4. Within 24 hours after the sheriff or other law enforcement officer has made service upon the respondent and the sheriff has been so notified, the sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the department.

5. Within 24 hours after an injunction for protection against repeat violence, sexual violence, or dating violence is lifted, terminated, or otherwise rendered no longer effective by ruling of the court, the clerk of the court must notify the sheriff or local law enforcement agency receiving original notification of the injunction as provided in subparagraph 2. That agency shall, within 24 hours after receiving such notification from the clerk of the court, notify the department of such action of the court.

(9)(a) The court shall enforce, through a civil or criminal contempt proceeding, a violation of an injunction for protection. The court may enforce the respondent's compliance with the injunction by imposing a monetary assessment. The clerk of the court shall collect and receive such assessments. On a monthly basis, the clerk shall transfer the moneys collected pursuant to this paragraph to the State Treasury for deposit in the Crimes Compensation Trust Fund established in s. 960.21.

(b) If the respondent is arrested by a law enforcement officer under s. 901.15(6) for committing an act of repeat violence, sexual violence, or dating violence in violation of an injunction for protection, the respondent shall be held in custody until brought before the court as expeditiously as possible for the purpose of enforcing the injunction and for admittance to bail in accordance with chapter 903 and the applicable rules of criminal procedure, pending a hearing.

(10) The petitioner or the respondent may move the court to modify or dissolve an injunction at any time.

(11) Any law enforcement officer who investigates an alleged incident of dating violence shall assist the victim to obtain medical treatment if such is required as a result of the alleged incident to which the officer responds. Any law enforcement officer who investigates an alleged incident of dating violence shall advise the victim of such violence that there is a domestic violence center from which the victim may receive services.



The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available on a standard form developed and distributed by the Department of Law Enforcement. As necessary, the Department of Law Enforcement shall revise the Legal Rights and Remedies Notice to Victims to include a general summary of this section, using simple English as well as Spanish, and shall distribute the notice as a model form to be used by all law enforcement agencies throughout the state. The notice shall include:

(a) The resource listing, including telephone number, for the area domestic violence center designated by the Department of Children and Family Services; and

(b) A copy of the following statement: "IF YOU ARE THE VICTIM OF DATING VIOLENCE, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from dating violence which may include, but need not be limited to, provisions that restrain the abuser from further acts of abuse; direct the abuser to leave your household; and prevent the abuser from entering your residence, school, business, or place of employment."

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

(a) A description of physical injuries observed, if any.

(b) If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the grounds for not arresting anyone or for arresting two or more parties.

(c) A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.

Whenever possible, the law enforcement officer shall obtain a written statement from the victim and witnesses concerning the alleged dating violence. The officer shall submit the report to the supervisor or other person to whom the employer's rules or policies require reports of similar allegations of criminal activity to be made. The law enforcement agency shall, without charge, send a copy of the initial police report, as well as any subsequent, supplemental, or related report, which excludes victim or witness statements or other materials that are part of an active criminal investigation and are exempt from disclosure under chapter 119, to the nearest locally certified domestic violence center within 24 hours after the agency's receipt of the report. The report furnished to the domestic violence center must include a narrative description of the dating violence incident.

(13) Whenever a law enforcement officer determines upon probable cause that an act of dating violence has been committed within the jurisdiction, or that a person has violated a condition of pretrial release as provided in s. 903.047 and the original arrest was for an act of dating violence, the officer may arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not require consent of the victim or consideration of the relationship of the parties.

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

(b) If a law enforcement officer has probable cause to believe that two or more persons have committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. Arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner to protect

or defend himself or herself or another family or household member from dating violence.

- (15) A person who willfully violates a condition of pretrial release provided in s. [903.047](#), when the original arrest was for an act of dating violence as defined in this section, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#), and shall be held in custody until his or her first appearance.

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

**History.**—s. 1, ch. 88-344; s. 70, ch. 88-381; s. 12, ch. 91-23; s. 7, ch. 94-134; s. 7, ch. 94-135; s. 14, ch. 94-170; s. 10, ch. 95-182; s. 38, ch. 95-184; s. 13, ch. 95-195; s. 1198, ch. 97-102; s. 8, ch. 97-155; s. 54, ch. 99-193; s. 21, ch. 2002-55; s. 2, ch. 2003-117; s. 1, ch. 2004-17; s. 142, ch. 2005-2; s. 1, ch. 2005-246; s. 109, ch. 2006-1; s. 2, ch. 2008-252; s. 8, ch. 2009-215.

IN THE CIRCUIT COURT OF THE  
17TH JUDICIAL CIRCUIT IN AND  
FOR BROWARD COUNTY, FLORIDA

CASE NO: \_\_\_\_\_

\_\_\_\_\_  
Petitioner,

vs.

\_\_\_\_\_  
Respondent.  
\_\_\_\_\_ /

PETITION FOR INJUNCTION FOR PROTECTION  
AGAINST REPEAT VIOLENCE, SEXUAL  
VIOLENCE, OR DATING VIOLENCE  
(Section 784/046, Florida Statute)

Before me, the undersigned authority, personally appeared Petitioner  
\_\_\_\_\_(Name), who has been sworn and says that  
the following statements are true:

1. Petitioner resides at \* \_\_\_\_\_(address)  
(\*A petitioner for an injunction for protection against sexual violence may  
furnish an address to the court in a separate confidential filing if, for safety  
reasons, the petitioner requires the location of his or her current residence  
to be confidential pursuant to s. 119.071(2)(j), Florida Statutes.)

2. Respondent resides at \_\_\_\_\_  
\_\_\_\_\_(address).

3.a. Petitioner has suffered repeat violence as demonstrated by the fact  
that the respondent has: (enumerate incidents of violence)

\_\_\_\_\_  
\_\_\_\_\_

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b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: (enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release.)

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c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

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4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary

for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

STATE OF FLORIDA            )  
COUNTY OF BROWARD        )

BE IT KNOWN, that on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ before me a Notary Public in and for the State of Florida, duly commissioned and sworn, personally came and appeared \_\_\_\_\_, to me personally known, or who produced as identification \_\_\_\_\_ and known to me to be the same person described in and who executed the within Petition for Injunction For Protection against Repeat Violence, Sexual Violence, or Dating Violence.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal of office the day and year last above-written.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name of Notary

My Commission Expires: