

**JOINT MEETING  
CHILD SAFETY BOARD & SCHOOL ADVISORY BOARD  
MAY 17, 2005**

**1. ROLL CALL**

The meeting was called to order at 6:45 p.m. Board members present were Alice Harrington, Marlon Luis, Marcy Fallahzadeh, Rebecca Orlando, Kimberly Sereda, Barbara Ann Tilley, Margie Maine, Sharon Zane and Lynn Marie Watters. Also present were Councilmembers Susan Starkey and Judy Paul, Attorney Andre Parke, Police Chief John George, Major Ed Taylor, Sergeant John Nasta, Jr., and Board Secretary Jenevia Edwards recording the meeting. Lisa Mustelier, Richard Colgan, John Pisula, Jeffrey Jacobs, Cynthia Frost, Jill Fiorentino, Lawrence Jay Davis and Jeanette Davis were absent.

**2. DAVIE CHILD SAFETY ACT**

Councilmember Starkey explained that the purpose of the meeting was to allow everyone the opportunity to review the ordinance that was approved by Council at first reading. She explained the reason for the ordinance as it related to the protection of children against sexual offenders, and advised that she had been working with the Police Department and the Town Attorney's Office for some time observing the action of other municipalities and what they were implementing. Councilmember Starkey explained that if all municipalities sent a strong message and began passing resolutions, the State would be forced to make improvements at the State level for enforcement along with improvements that would enable the police to do a better job in protecting children. In light of recent events involving children, the Town Council wanted to continue to seek better protection for children.

Councilmember Starkey indicated that the schools were doing a good job of training children how to be safe, and referred to a recent attempted abduction of a child in Forest Ridge and how this was foiled. She commented that the ordinance was a tool showing the community that the Town would do all it could to protect children in the best possible manner. Councilmember Starkey advised that there were certain requirements by the State concerning notification, boundaries and distance separation; however, the Town's requirement was better than the State which was evidenced by the Police Department's mapping system. She commented that the Child Safety Act would be an ongoing issue regarding the protection of children. Council felt that a task force formed by both Boards would be able to provide ideas as to what the Town could do better along with the assistance of the Police Department. Councilmember Starkey added that this was the initial step, and with the ordinance being between first and second reading, Council was asking for the opinion of both Boards. She indicated that there were representatives from the Town Attorney's Office and the Police Department in case Boardmembers had questions of a technical or legal nature.

Councilmember Paul indicated that there had been talk of merging the Child Safety Board and the School Advisory Board and this was an opportunity for both Boards to work on a mutual project. She added that this was also an opportunity for the Child Safety Board to apprise the School Advisory Board of projects that it had accomplished. Councilmember Paul highlighted some of the accomplishments of the Child Safety Board adding that the Child Safety Board was always active at Town events and was actively involved in the issue of predators and child safety. She hoped that the Child Safety Board would share with the School Advisory Board all it had accomplished and both Boards could work together to make improvements, and perhaps add some more ideas on the issue.

Councilmember Starkey indicated that there should be some connection between the schools, the School Advisory Board, the Child Safety Board and the Police Department. She added that without the education component, the opportunity to educate all families on these issues would be missed.

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Mr. Luis asked about the new expansion of 2,500 feet and how it would affect someone already living in the area. Mr. Parke commented that he had spoken with the attorneys for the City of Miami Beach and the City of Sweetwater and they were acting from an Iowa case which provided legal precedence to move forward with an ordinance. He commented that the City of Miami Beach was the first municipality to move forward with this type of ordinance.

A lengthy discussion ensued regarding retroactive action of the ordinance, with Mr. Parke explaining that the City of Miami Beach had no plans to apply the ordinance to people who were already in residence. He added that in the Iowa case, there was a grandfather clause in the executive State Statute and this was never heard in the Courts. Mr. Parke commented that neither Davie nor the City of Miami Beach, and possibly the City of Sweetwater, had found any case law that provided direction on the issues. He advised that the Town would be seeking an Attorney General Opinion (AGO) to provide guidance on the matter. Mr. Parke explained that the AGO would be shared with Council, the Board and the attorneys of the City of Miami Beach and Sweetwater. He added that he did not believe the Town should be the only municipality to move forward without having any type of guidance.

Councilmember Starkey indicated that the ordinance would only become a problem or a challenge when it was implemented and the Town was confident that by implementing the ordinance, it was sending a strong message. She added that procedural details concerning implementation would be worked out by the Town Attorney and the Police Department as to how far they could go. Councilmember Paul commented that even if the ordinance could not be effective retroactively, the Town needed to be vigilant in the continuing education of the community on the issue.

Chief George indicated that he and Sergeant Nasta have been working with the Town's GIS Division in creating overlap maps to show the residence of predators and the different ranges. He explained that the trail systems, daycare centers and school bus stops where children congregated had not been identified because the maps were not complete. Chief George explained that from the maps, the strength of the ordinance would preclude anybody from moving into the community; however, he was not sure if that was the intent of the ordinance. Mr. Parke commented that if someone lost their residency because they moved, they would not be able to return. Chief George explained that there were serious issues involved because this was such a transient community.

Following a discussion regarding school bus stops, Councilmember Paul commented that these were prime targets. Chief George commented that it was brought to the attention of the Police Department that there was a bus stop located across from an offender's house and the School Board was now in the process of relocating that bus stop.

Ms. Maine asked about the difference between a sexual offender and a sexual predator. A brief discussion followed with Sergeant Nasta providing an explanation adding that the 1,000 foot rule only applied to sexual predators whose victim was a child. Sergeant Nasta explained that the Florida Department of Law Enforcement (FDLE) website indicated that there were currently 46 offenders and predators in Davie, however this was incorrect as 36 were in Davie and the remainder were in Dania Beach and unincorporated Broward. He indicated that quarterly sweeps were conducted by the Police Department and in the past month, three had moved out of the area; however, the FDLE website had not yet been updated. Chief George advised that a team from the Department of Corrections and detectives from the Davie Police Department were conducting a search of homes of people who were on probation, 13 of whom were still regulated by the Department of Corrections. He added that the predator was the most serious designation.

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There was a brief discussion regarding a teenager who had committed a sex crime with Chief George indicating that he was considered an offender unless he committed another sex crime and was designated a predator by a judge. Ms. Sereda expressed concern that this individual was being excluded from family support and family and community support were needed to enable rehabilitation. Councilmember Starkey indicated that her concern was for the children who resided in the Town. She explained that because of the "Romeo and Juliet" law, teenage offenders would not have a sexual offense as a permanent record unless they became repeat offenders.

Ms. Maine asked if there was any data available on the length of residency for offenders presently residing in Davie. Chief George explained that the website could provide that information; however, additional research would be done by the Police Department. Councilmember Paul commented that the offender in her neighborhood grew up in Davie and his family had lived there for 37 years. She hoped that all of the Board's concern would be presented to Council at the next Council meeting. Councilmember Paul reported that she attended a homeowner's association meeting where residents expressed concern regarding sexual offenders. She indicated that individual managers of mobile home parks indicated that they screened prospective residents and did not rent to anyone with a criminal background. The question of legality was discussed and the managers were advised by the police officers present that the procedure was not illegal as long the same procedure was followed for everyone. A brief discussion followed regarding background checks with Ms. Maine commenting that in communities with homeowners' associations, background checks were carried out.

Councilmember Starkey explained that Council's intent was not for the ordinance to be aggressive but to be broad enough and similar to the ordinance of other municipalities based on their solid legal research to be used as a tool to send a strong message and to be used by the police department to perform certain enforcement. She hoped that in the future the State would implement a similar ordinance; however, following discussions she had had at the State level as to why an ordinance had not been implemented, she was told that every municipality in the State of Florida was different. There was a lengthy discussion regarding type of municipalities, prevention and safety issues within the ordinance and the legal issues and penalty for the crime. Mr. Luis asked if the penalty could be stronger. Chief George explained that ordinance violations that were prosecuted by the Town Attorney's Office were second degree misdemeanors with escalating costs for first and second offences which was the limit of ordinance violations. He added that if more cities took the legal action to enact some of the restricted laws, the State and legislative bodies would observe this and follow suit. Councilmember Starkey commented that the Town Attorney and the Police Department believed that the draft ordinance was on solid ground and the Town would not go too far beyond the ordinance until the outcome of the Iowa case was reached. Chief George commented that the Town was providing knowledge to the community and he had received a call from a reporter requesting a copy of the maps; however, this was still a work in progress and when they were completed, copies would be provided. He added that the map would be printed in the Davie Update when completed.

Mr. Luis asked if the Police Department was notified immediately by the State when a new predator moved into the Town. Chief George responded that notification was provided within two days.

Ms. Zane asked if there had been any legal cases filed in Florida regarding challenges to these types of ordinances. Mr. Parke responded in the negative and explained that there had been cases regarding the distance issue but not regarding sexual predators and enforcement of the distance separation. Ms. Maine asked if another municipality had an ordinance almost identical to Davie's

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and they were sued, would a court decision on that municipality affect Davie's ordinance. Mr. Parke explained the different levels involving different counties and courts. Ms. Zane asked if it would be lawful to establish a joint legal defense fund with other municipalities. Mr. Parke responded in the affirmative.

Councilmember Starkey advised that she had been approached by elected officials in Broward County who were asking for copies of the Town's ordinance. She commented that as a Broward League of Cities Board of Director, she wanted to wait until similar ordinances were passed by other municipalities before presenting it to the League as a united front. Councilmember Starkey indicated that there was discussion at the State level on how offenders would be tracked when they moved into different states; however, she was not confident that the present system was efficient in keeping track of offenders and neither was the State. Councilmember Starkey advised of discussions by the chiefs association and law enforcement agencies of ways in which to educate parents and children on the issue and the forming of a task force at state level through FDLE.

Chair Harrington commented that raising awareness of children's residences was being addressed; however, she questioned what was being done to protect children in the areas where they congregate such as playgrounds and schools. A brief discussion followed with Chief George highlighting the radKIDS Program and how the Police Department was creating awareness. He added that the Police Department had an obligation to inform school principals, but they did not inform parents and this would have to be acted on by the School Board. Chief George spoke of other issues that created awareness, and hoped that these would enable the creation of a State Statute. He added that more awareness by the Police Department would enable more feedback. Chief George referred to "A Child Is Missing" a national organization that was helpful in notifying an entire community if a child was missing. He commented that this was the "grassroots" effort the enable the state legislature to make a difference and the Board had the opportunity to provide the Town Council, as local legislature, with feedback. Chief George suggested that Boardmembers contact State Legislators and Senators on the issue.

Ms. Waters expressed concern for children when they were taken on field trips to places like the Roller Rink and there was no close monitoring of people coming in and out of the area. She asked if businesses were notified of predators in the same manner as the schools and residents. Chief George commented that businesses were not informed but they had access to the information, and if they were in the business of children, they should be aware.

A lengthy discussion ensued regarding the Forest Ridge incident and the educating of parents, communities and children, what local municipalities would do to protect communities and how they would do it and the fact that more offense to children occurred during the summer months. Councilmember Starkey explained that the Town had plans with the parks to create additional programs that would educate coaches to be more observant. There was also the possibility of having a program for parents and children on the issue. She advised of discussion with School Board personnel and their willingness to do their share regarding the issue. Councilmember Starkey also advised of discussion with the National Safety Council's chief executive office who was willing to partner with the Town to implement additional programs.

Ms. Watters spoke of a predator and the three offenders residing within 1,000 feet of current schools in Davie and asked how the Police Department was handling the issue. Sergeant Nasta explained that the only current residency restriction related to sexual predators whose victim was a child and gained that designation after the law was passed; however, this did not apply to any predators or offenders currently residing in the Town. Ms. Zane asked about juvenile sexual

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offenders currently living with their parents whether the parents had to sell their property and move out of Davie. Chief George commented that it would depend on the term of the offender's release.

Councilmember Starkey commented that the purpose of the ordinance was to protect the community from the offender and not the offender from the community. Following Ms. Maine's question whether there was a minimum age for a sex offender, a lengthy discussion ensued with Chief George and Major Taylor providing information regarding juvenile offenders and how this was defined. Councilmember Starkey explained that the final definition would have to be determined by the federal government as to the various levels and criteria of convictions. Chief George commented that application of the law was very complicated as it changed from day-to-day.

Gerard Starkey posed two questions whether sending a letter notifying all apartment complexes in Davie that when the ordinance was passed they would not be able to rent to anyone who met the criteria outlined in the ordinance. He also asked if a notice could be served on offenders presently in residence informing them that if they move or change residence they would be in violation of the ordinance. Councilmember Starkey commented that through policy it might be possible to implement the second idea, but the Town was waiting to see what other municipalities were planning to do. Chief George commented that a special Davie Update was being mailed to all property owners and residents which would provide all pertinent information. He added that the Town was looking for feedback from the Board.

Ms. Sereda spoke about the radKIDS program and the long waiting list and asked if the program could be expanded and if the program was funded by the Police Department. A lengthy discussion followed with Chief George explaining the funding source and the different aspects of the program. He explained that the Police Department would like to expand the program but was limited by its resources. Councilmember Starkey indicated that there was presently a waiting list of 300 applicants. She commented that with the upcoming budget cycle the Town would look at providing additional funds to the Police Department to enable the cross-training of additional personnel for the radKIDS program. Mr. Luis asked what the radKIDS program did. Chief George explained that the program taught children self defense.

There was a brief discussion regarding victimization of children with Chief George commenting that many times it was not a stranger who committed the act, but either a friendly neighbor or a relative. Chief George referred to seminars held by the Child Safety Board that had a minimum showing by parents. Councilmember Starkey commented that the opportunity was now being presented to capture the attention of both parents and children to educate them in protecting themselves against predators. Chief George hoped that the enactment of the ordinance would bring public attention to the issue, whether positive or negative.

Councilmember Starkey suggested that the task force meet again in order to formulate an action plan and decide who should be invited to participate. Chief George suggested that the Police Department hold a community presentation showing the sexual offenders and predators within the community and also discuss the radKIDS program. A lengthy discussion ensued with Boardmembers making several suggestions for events and venues to provide information on the issue to parents and the community at large.

Ms. Maine commented that the main focus on child safety appeared to be abductions and self defense when the focus should be on the sexual offence as well. She suggested that this should be addressed at the next meeting. Chief George referred to a helmet law enacted by Council which received the attention of the community. He added that the present issue was today's focus and should be driven home and suggested that another safety summit might help. Ms. Waters suggested child care centers as venues to bring the issue to the attention of parents. There was a brief

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discussion regarding background checks, with Chief George commenting that the Town had begun more screening of candidates whether through Town related programs or parks programs.

Ms. Sereda asked about the operation of the Boards whether they would be working separately or jointly. Councilmember Starkey commented that Council wanted the Boards to meet between the first and second reading of the ordinance to discuss the issue. She added that the Boards should decide if they wanted to meet jointly only for the purpose of the issue or to discuss the issue separately. Chief George suggested that Boardmembers attend the upcoming Council meeting which was open to the public and discuss the issue to create public awareness.

Councilmember Starkey asked for a motion whether the Board was in favor of the ordinance.

Ms. Watters made a motion, seconded by Ms. Tilley that the Board was in favor of approval of the ordinance. In a voice vote, with Ms. Mustelier, Ms. Davis, Ms. Fiorentino, Dr. Jacobs, Mr. Colgan, Ms. Frost, Mr. Pisula and Mr. Davis being absent, all voted in favor. (**Motion carried 9-0**)

Councilmember Starkey commented that she would discuss the Boards unanimous support of the ordinance at the next Council meeting and the Boards should decide if they wanted to merge as one Board as a task force and address the Child Safety Act or if they preferred to remain separate. She indicated that the Boards should also decide if they wanted to have other people involved with the issue.

Ms. Watters suggested inviting other members of the communities such as private schools, child care centers and places where children congregate especially in the summer. A lengthy discussion ensued regarding various businesses, their locations, some in the vicinity of a child care center, and their hours of operation. Complaints against some of these businesses had been forwarded to the Code Compliance Division. Ms. Watters commented that the State only mandated 45 hours of training for someone to work in a child care center, and this did not provide the education and training of many public school teachers who had four years of training. Mr. Luis suggested inviting someone from Nova Southeastern University as he had questions concerning the different signs to identify a sexual predator from an offender. Ms. Watters commented that NSU was also the coordinating agency for Broward County for all training for child care centers. Ms. Sereda suggested that churches be involved because the end of the school year was close and the Board would not be able to address enough information through the schools.

Councilmember Starkey suggested inviting Dr. Bob Barnes to a meeting. Mr. Luis asked if he was a child psychologist with Councilmember Starkey responding that he was a pastor. A brief discussion ensued with suggestions made as to the different people to contact with the possibility of attending a task force meeting. Mr. Starkey suggested contacting the Jimmy Rice Center and the State Attorney's Office to invite representatives to attend a meeting. He added that the State Attorney's Office would be able to answer the question posed by Mr. Luis regarding signs that identified a sexual predator from a sexual offender.

Ms. Watters commented that it appeared that the parents who were actively seeking information were being reached; however, the low-income families who needed the information were not reaching out and this made their children more vulnerable. Various suggestions were made as to how to reach those families. Councilmember Starkey suggested that the Board place an article in the next issue of the Davie Update concerning child safety as well as using brochures on hand that could be easily reproduced and distributed. She suggested many short term ideas since the end of the school year was so close. Councilmember Starkey commented on the possibility of the Board receiving grant funds from the School Readiness Coalition to purchase brochures on child safety.

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Ms. Maine commented that the Child Safety Board met bi-monthly and because of the Sunshine Law, there could be no discussion outside a meeting. She asked if a task force would have to follow the same guidelines. Councilmember Starkey commented that a task force had to follow the same guidelines; however, a fact-finding committee would allow Boardmembers to meet without violating Sunshine Laws.

Councilmember Starkey spoke of the frustration created when advisory boards made recommendations that did not go anywhere. She suggested that the Boards create a comprehensive plan on how to address this issue which should include a recommendation as well as short term and long term action plans which could be achieved before the end of the school year. Councilmember Starkey commented that the Board should also make a recommendation as to what would be done at the beginning of the new school year and decide whether to move forward with the task force and how often to meet. She explained that she would report back to Council the information garnered from this meeting.

Mr. Luis made a motion, seconded by Ms. Maine, that the Boards meet a few more times as a task force comprised of representatives from each Board including experts invited from the community, before school starts so that the board can comprehensively quantify ideas. In a voice vote, with Ms. Mustelier, Ms. Davis, Ms. Fiorentino, Dr. Jacobs, Mr. Colgan, Ms. Frost, Mr. Pisula and Mr. Davis being absent, all voted in favor. **(Motion carried 9-0)**

There was a lengthy discussion regarding whether the Boards should continue to meet as a task force or separate. Chair Harrington commented that Council approval was needed before the Boards could move forward with any plans. She added that the decisions made by these Boards were dependent on Council's approval and asked whether the Boards should decide tonight what the next step would be. Councilmember Starkey responded in the affirmative adding that the purpose of the task force should be stated. She indicated that the Board should decide which Boardmembers would contact the representatives from the various agencies. There was a brief discussion with Boardmembers suggesting which representative they would contact and how to approach them.

Ms. Sereda commented that a decision should be made as to future meeting dates before contacting the representatives mentioned. Ms. Watters suggested scheduling three upcoming meetings. Councilmember Starkey suggested that a secretary be chosen from among the Boards who would be able to attend the meetings. The Board scheduled May 23rd, May 31st and June 6th as the future meetings dates with meetings beginning at 6:30 p.m.

**6. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:00. p.m.

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Date Approved

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Chair/Board Member