

RESOLUTION NO. 18-13

A RESOLUTION OF THE CITY OF CLEARWATER, FLORIDA, ENCOURAGING THE STATE LEGISLATURE TO CLARIFY THE PROPER APPLICATION AND USE OF FLORIDA STATUTE CHAPTER 776 PROVIDING FOR JUSTIFIABLE USE OF FORCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 19, 2018, Mr. Michael Drejka shot and killed Mr. Markeis McGlockton in Clearwater, Florida; in a dispute initiated by Mr. Drejka over the use of a handicap parking space; and

WHEREAS, a determination was made by the Pinellas Sheriff's office that Mr. Drejka was immune from arrest based on Sections 776.012 and 776.032(4), of the Florida Stand Your Ground Law; and

WHEREAS, this determination has resulted in uncertainty and concern in our community, as to the interpretation and application of the Stand Your Ground Law; and

WHEREAS, confusion as to application of the Stand Your Ground Law creates an atmosphere in which firearms may be used in an inappropriate manner and allow for disproportionate responses of self-defense, thereby creating a danger to the community as a whole; and

WHEREAS, the State Legislature is in position to address the confusion provided for in the law by clarifying its intended application regarding the party raising the stand your ground defense; and

WHEREAS, the State Legislature is also in position to clarify the process for making immunity determinations that arise under these circumstances; and

WHEREAS, providing such clarification would create a safer community by assuring proper implementation of the Stand Your Ground Law, and discourage disproportionate responses to minor incidents as exemplified by the death of Markeis McGlockton; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF CLEARWATER, FLORIDA:

Section 1. The Clearwater City Council requests the State Legislature to reconsider Senator Darryl Rouson's call for a special session of the State Legislature in order to consider and review making changes to Chapter 776 of the Florida Statutes.

Section 2. The City Council supports the State Legislature making changes to the Stand Your Ground Law in order to clarify its application, and to remove any

protection for those who intentionally provoke confrontation, and/or respond disproportionately with deadly force.

Section 3. The City Council supports making changes to the Stand Your Ground Law in order to clarify citizens' rights and responsibilities when exercising their rights under the Stand Your Ground Law.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 14th day of August, 2018.

George N. Cretekos
Mayor

Approved as to form:

Attest:

Pamela K. Akin
City Attorney

Rosemarie Call
City Clerk