

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact workplace anti-
bullying legislation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(9)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)

11-3-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT WORKPLACE ANTI-BULLYING LEGISLATION

WHEREAS, during the 2008 session, the Florida Legislature passed an anti-bullying law, considered to be one of the strongest in the country, the Jeffrey Johnston Stand Up for All Students Act, Chapter 2008-123, Laws of Florida; and

WHEREAS, the Act was named for Jeffrey Johnston, who committed suicide in 2005 at age 15 after being victimized by a classmate's taunts, which were posted and remained on the Internet for more than a year; and

WHEREAS, the Act prohibited bullying and harassment of any public K-12 student or employee, and required school districts to adopt policies to protect students and school employees from the physical and psychological harm of bullying and harassment; and

WHEREAS, the recent suicide of Rutgers University student Tyler Clementi brought renewed attention to the problem of bullying, leading a number of states to enact anti-bullying laws or strengthen existing anti-bullying laws; and

WHEREAS, most of the focus has been on bullying at schools, but bullying in the workplace can have the same harmful impacts; and

WHEREAS, according to a Zogby International survey commissioned by the Workplace Bullying Institute, 35 percent of U.S. workers which equals an estimated 53 million Americans, have experienced bullying firsthand, while 13 percent of U.S. workers reported that they are currently being bullied in the workplace; and

WHEREAS, the Zogby survey reported that nearly half of all U.S. workers report that they have been affected by workplace bullying, either being a target themselves or having witnessed abusive behavior against a co-worker; and

WHEREAS, studies have documented that bullying in the workplace can have serious effects on targeted employees, including feelings of shame and humiliation, stress, loss of sleep, severe anxiety, depression, post-traumatic stress disorder, reduced immunity to infection and hypertension; and

WHEREAS, studies also have documented that abusive work environments can have serious consequences for employers, such as reduced employee productivity and morale, higher turnover and absenteeism rates, and significant increases in medical and workers' compensation claims; and

WHEREAS, legislation has been filed in 21 states that would make it unlawful to subject an employee to an abusive work environment; and

WHEREAS, such legislation would specify that an employer would be liable for workplace bullying committed by its employees; and

WHEREAS, to date, no state has passed a law prohibiting workplace bullying or the creation or maintenance of an abusive workplace environment; and

WHEREAS, this Board encourages the Florida Legislature to take the lead in passing legislation prohibiting workplace bullying,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact workplace anti-bullying legislation.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislation package to include this item and include this item in the 2013 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

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The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

