

# Memorandum



**Date:** October 2, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Anti-Bullying Awareness, Education, Training, Reporting and Signage

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At the April 8, 2014 Board of County Commissioners (Board) meeting, the Board approved Resolution No. R-355-14 (Attachment 1) directing the County Mayor or County Mayor's designee to establish an awareness campaign at County parks to educate children about bullying. The awareness campaign should include:

- 1) promoting the use of respectful language;
- 2) attempting to foster an understanding of and respect for diversity;
- 3) posting signage at all County parks that these facilities are "Bully Free" Zones; and
- 4) creating a system for reporting incidents of bullying, harassment, and intimidation of children on County property.

At the July 17, 2014 Board meeting carried over from July 15, the Board approved R-692-14, (Attachment 2) directing the Mayor or Mayor's designee that:

- 1) staff at County parks, summer and winter camp volunteers, and those who coach children in sports played at County parks are educated about bullying;
- 2) any contract between the Parks, Recreation and Open Spaces Department and a sports league for children include a provision requiring that all of the league's coaches certify that they have undergone anti-bullying training through either a national youth sports organization or any similar training that may be offered by the Parks, Recreation and Open Spaces Department;
- 3) a component be included on how to identify and handle bullying as part of any training provided to both staff at County parks that have direct contact with children and also any volunteers at summer or winter camps and to require that those staff and volunteers report any instances of bullying that they observe;
- 4) individuals using public internet at all County-owned facilities do not use that internet access to engage in cyber-bullying;
- 5) includes cyber-bullying as a prohibited use within the "Defamatory or Abusive Language" section in the Terms of Service that individuals must accept before being provided public internet access by Miami-Dade County; and
- 6) bans the media access control (MAC) address of any private device using public internet provided by Miami-Dade County determined to violate the Terms of Service.

The following provides information on legislation regarding bullying, the Parks, Recreation and Open Spaces Department's (PROS) plan of action on establishing anti-bullying awareness and training by the Juvenile Services Department (JSD) for staff and coaches at County parks, and discouraging cyber-bullying through the terms of service that individuals must accept on public internet access provided by Miami-Dade County.

## Legislation and Background

Miami-Dade County is concerned about the health, safety, and welfare of its citizens and, in particular, the children in Miami-Dade County. There is a growing awareness that bullying is a serious problem affecting today's youth. Approximately one out of every three students in the United States between the 6<sup>th</sup> and 12<sup>th</sup> grade say that they have been bullied at school. An equal number of students admit that they have bullied others. Studies compiled by the US Department of Health and Human Services show that children who are bullied are more likely to experience depression and anxiety, increased feelings of sadness and loneliness, a loss of interest in activities that they previously enjoyed, and a decrease in academic achievement and school participation. Those same studies have also shown

that there are long-term effects on the children who bully other children, such as being more likely as adults to abuse alcohol and drugs, have criminal convictions, and physically abuse their spouse or children.

The Florida legislature has recently undertaken efforts to address bullying by passing the Jeffrey Johnson Stand Up For All Students Act, Florida Statutes Section 1006.147 (Attachment 3), which prohibits bullying and harassment of any student or employee of a public K-12 school. The Board has previously expressed its desire to address bullying by declaring the third week of April as "Anti-Bullying Week" in Miami-Dade County by R-165-11 (Attachment 4), and urging the Florida legislature to extend the Jeffrey Johnson Stand Up For All Students Act to all private schools by R-1091-11 (Attachment 5). The Board's resolution stated that Miami-Dade County should supplement those existing efforts by doing more to educate children about bullying and making sure that public facilities such as parks and libraries are bullying-free zones that are safe and supportive. These measures are needed because children in Miami-Dade County should not feel in danger of being bullied simply because they may perceive themselves to be different from their peers.

The State law expressly defines bullying as the act of systematically or chronically inflicting physical harm or emotional distress on one or more students or school employees. It is further defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, dehumanizing gesture by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation that includes a noted power differential. Bullying may involve, but is not limited to: teasing, social exclusion, threats, intimidation, stalking, physical violence, theft, sexual, religious, or racial harassment, public humiliation, destruction of property, cyber-stalking, and cyber-bullying.

#### Anti-bullying Awareness Campaign and Training

PROS staff has undergone anti-bullying training offered by JSD for the 2014 summer program and will partner with JSD to provide an anti-bullying awareness component to the curriculum of its Fit2Play® Camps for youth at 22 parks, to promote the use of respectful language and foster an understanding of and respect for diversity. JSD has also done several presentations to children enrolled in the PROS summer program. The presentations included handouts, age appropriate activity sheets and pre and post surveys. PROS will post information on anti-bullying awareness on its County website, and have print material available at County parks with youth programming and activities or a large youth presence. PROS will also ensure that coaches certify that they have undergone anti-bullying training through either a national youth sports organization or training that may be offered by PROS in partnership with JSD.

PROS has teamed up with partner sponsors, the University of Miami Health System (UHealth), the UM Miller School of Medicine, and The Children's Trust to provide the Fit2Play® camp program. Children learn the fundamentals of living a healthy lifestyle through nutrition, fitness and exercise, as well as safety and prevention. In addition, children learn about the health benefits of going green as they discover that a healthy planet is essential for a healthy life by learning the basics of recycling, water conservation and other eco-friendly behaviors. PROS camp staff will also implement an anti-bullying awareness component as part of all Fit2Play® program activities. PROS will also partner with JSD on training for PROS' Program Partners operating in County parks to ensure youth in their programs are aware of the anti-bullying campaign.

#### Posting "Bully-Free" Zone Signage at County Parks

PROS currently has 260 parks in its inventory including nature preserves, community, and regional parks. Installing the Bully-Free Zone signs at all parks is estimated to cost \$35,000 including sign and post materials, sign fabrication, installation, and employee labor time. Larger regional parks such as Tropical Park or Kendall Soccer Park may require additional signage to ensure coverage in all areas

where youth activities take place. While funding is not currently available in the FY2014-2015 budget, PROS will make a budget request in the FY2015-16 Budget to get Capital Outlay Reserve (COR) funding to do signs in the future.

Incident Reporting System on County Property

The County will implement an awareness campaign for reporting incidents of bullying, harassment, and intimidation of children on County property to the Miami-Dade Police Department (MDPD). If the incident is an emergency, persons will be instructed to call 911. If an incident is not an emergency, persons will be instructed to call the police non-emergency number 305-4POLICE to report the incident. Reports of bullying will be distributed to the Department Directors with jurisdiction over the County property where the bullying incident occurs.

Internet Access Terms of Service and Cyber-bullying

A recent 2014 study by McAfee on teenage internet behavior found that cyber-bullying is a growing problem with approximately 87% of children surveyed stating that they have witnessed cyber-bullying, which is a threefold increase from the results in a similar 2013 survey. Cyber-bullying is defined as engaging in a course of conduct by means of technology or electronic communication (such as e-mails, text messages, instant messages, and postings on social networking sites) that serves no legitimate purpose, and systematically and chronically inflicts physical harm or emotional distress on a child. Cyber-bullying raises a particular concern because it can occur with relative anonymity, at any time of day, and it can be extremely difficult to delete or remove offensive or harassing material once it has been posted online. The County currently offers guest Wi-Fi at Aviation and Transit and wired terminals at Libraries. Attachment 6 lists the County terms of service for guest internet access and includes cyber-bullying as a prohibited use within the "Defamatory or Abusive Language" section in the terms of service. The Information Technology Department (ITD) will work with County Departments to update their log-on or splash pages with the updated terms of service. Identifying a specific MAC address to an individual and a specific device is challenging and some social media and other companies do not release this information without a subpoena or court order. MAC addresses of devices provided to the County determined to be originating or participating in prohibited activities will be blocked from accessing Miami-Dade County public Wi-Fi services.

If additional information is needed, please contact Jack Kardys, Director, Miami-Dade County Parks, Recreation and Open Spaces Department at (305) 755-7903.

Attachments: Resolution R-355-14, Attachment 1  
Resolution R- 692-14, Attachment 2  
Florida Statutes 1006.147, Attachment 3  
Resolution R-165-11, Attachment 4  
Resolution R-1091-11, Attachment 5  
Terms of Service for Guest Internet Access, Attachment 6

c: Alex Ferro, Chief of Staff, Office of the Mayor  
Michael Spring, Senior Advisor, Office of the Mayor, and Director, Department of Cultural Affairs  
Russell Benford, Deputy Mayor  
Ed Marquez, Deputy Mayor  
Michael Hernandez, Director, Communications  
Morris Copeland, Director, Juvenile Services Department  
Jack Kardys, Director, Parks, Recreation and Open Spaces Department  
J.D. Patterson, Director, Miami-Dade Police Department  
Angel Petisco, Director, Information Technology Department

**MEMORANDUM**

Agenda Item No. 11(A)(10)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

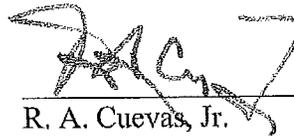
**DATE:** April 8, 2014

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

**SUBJECT:** Resolution directing the County Mayor to create an awareness campaign at County Parks to educate children about bullying; directing the County Mayor to create a system for reporting incidents of bullying, harassment, and intimidation of children on county property; urging municipalities to join in the County's Awareness Campaign

Resolution No. R-355-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Commissioner Barbara J. Jordan, Commissioner Jean Monestime and Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/Imp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

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

**SUBJECT:** Agenda Item No. 11(A) (10)

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 Mayor'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)(10)  
4-8-14

RESOLUTION NO. R-355-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO CREATE AN AWARENESS CAMPAIGN AT COUNTY PARKS TO EDUCATE CHILDREN ABOUT BULLYING; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO CREATE A SYSTEM FOR REPORTING INCIDENTS OF BULLYING, HARASSMENT, AND INTIMIDATION OF CHILDREN ON COUNTY PROPERTY; URGING MUNICIPALITIES TO JOIN IN THE COUNTY'S AWARENESS CAMPAIGN

**WHEREAS**, Miami-Dade County is concerned about the health, safety, and welfare of its citizens and, in particular, the children in Miami-Dade County; and

**WHEREAS**, there is a growing awareness that bullying is a serious problem affecting today's youth; and

**WHEREAS**, approximately 1 out of every 3 students in the United States between 6th and 12th grade say that they have been bullied at school; and

**WHEREAS**, an equal number of students admit that they have bullied others; and

**WHEREAS**, studies compiled by the US Department of Health and Human Services show that children who are bullied are more likely to experience depression and anxiety, increased feelings of sadness and loneliness, a loss of interest in activities that they previously enjoyed, and a decrease in academic achievement and school participation; and

**WHEREAS**, some of those children—such as Rebecca Sedgwick, Jeffrey Johnson, and Celina Okwuone—choose to tragically take their own lives as a result of being bullied; and

**WHEREAS**, those same studies have also shown that there are long-term effects on the children who bully other children, such as being more likely as adults to abuse alcohol and drugs, have criminal convictions, and physically abuse their spouse or children; and

**WHEREAS**, the Florida legislature has recently undertaken efforts to address bullying by passing the Jeffrey Johnson Stand Up For All Students Act (Fla. Stat. § 1006.147), which prohibits bullying and harassment of any student or employee of a public K-12 school; and

**WHEREAS**, the Board of County Commissioners has previously expressed its desire to address bullying by declaring the third week of April as “Anti-Bullying Week” in Miami-Dade County (R-165-11) and urging the Florida legislature to extend the Jeffrey Johnson Stand Up For All Students Act to all private schools (R-1091-11); and

**WHEREAS**, Miami-Dade County should supplement those existing efforts by doing more to educate children about bullying and making sure that public facilities (such as parks and libraries) are bullying-free zones that are safe and supportive; and

**WHEREAS**, these measures are needed because children in Miami-Dade County should not feel in danger of being bullied simply because they may perceive themselves to be different from their peers,

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

**Section 1.** The Board of County Commissioners hereby reaffirms its desire to foster a healthier, more positive and safer atmosphere for children by addressing bullying.

**Section 2.** The Board of County Commissioners directs the County Mayor or Mayor’s designee to establish an awareness campaign at County parks that will educate children about

bullying by (1) promoting the use of respectful language, (2) attempting to foster an understanding of and respect for diversity, and (3) posting signage at all County parks that these facilities are "Bully Free" Zones.

**Section 3.** The Board of County Commissioners also directs the County Mayor or Mayor's designee to create a system for reporting incidents of bullying, harassment, and intimidation of children on county property.

**Section 4.** The Board of County Commissioners urges municipalities to join in the County's anti-bullying awareness campaign.

**Section 5.** The Board of County Commissioners directs the Clerk of the Board to transmit certified copies of the resolution to the Mayor and/or City Manager of each municipality in Miami-Dade County and to the President of the Miami-Dade County League of Cities.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsors are Commissioner Barbara J. Jordan, Commissioner Jean Monestime and Senator Javier D. Souto. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day April, 2014. 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MBV

Michael B. Valdes

ATTACHMENT 2

MEMORANDUM

Agenda Item No. 14(A)(6)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** July 15, 2014

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

**SUBJECT:** Resolution directing the County  
Mayor to require that any sports  
league for children contracting  
with the Parks, Recreation and  
Open Spaces Department provide  
certification that their coaches  
have undergone anti-bullying  
training

Resolution No. R-692-14

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** July 15, 2014

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

**SUBJECT:** Agenda Item No. 14(A)(6)

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 Mayor'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. 14(A)(6)  
7-15-14

RESOLUTION NO. R-692-14

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO REQUIRE THAT ANY SPORTS LEAGUE FOR CHILDREN CONTRACTING WITH THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT PROVIDE CERTIFICATION THAT THEIR COACHES HAVE UNDERGONE ANTI-BULLYING TRAINING; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE ANTI-BULLYING TRAINING AND REPORTING REQUIREMENTS TO STAFF AT COUNTY PARKS AND VOLUNTEERS AT COUNTY SUMMER OR WINTER CAMPS; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROHIBIT CYBER-BULLYING OVER COUNTY-PROVIDED PUBLIC INTERNET ACCESS

**WHEREAS**, Miami-Dade County is concerned about the health, safety, and welfare of its residents and, in particular, the children in Miami-Dade County; and

**WHEREAS**, there is a growing awareness that bullying is a serious problem affecting today's youth; and

**WHEREAS**, approximately 1 out of every 3 students in the United States between 6th and 12th grade say that they have been bullied at school; and

**WHEREAS**, an equal number of students admit that they have bullied others; and

**WHEREAS**, studies compiled by the U.S. Department of Health and Human Services show that children who are bullied are more likely to experience depression and anxiety, increased feelings of sadness and loneliness, a loss of interest in activities that they previously enjoyed, and a decrease in academic achievement and school participation; and

**WHEREAS**, some of those children—such as Rebecca Sedgwick, Jeffrey Johnson, and Celina Okwuone—choose to tragically take their own lives as a result of being bullied; and

**WHEREAS**, those same studies have also shown that there are long-term effects on the children who bully other children, such as being more likely as adults to abuse alcohol and drugs, have criminal convictions, and physically abuse their spouse or children; and

**WHEREAS**, a recent 2014 study by McAfee on teenage internet behavior found that cyber-bullying is a growing problem with approximately 87% of children surveyed stating that they have witnessed cyber-bullying, which is a threefold increase from the results in a similar 2013 survey; and

**WHEREAS**, for purposes of this resolution, cyber-bullying is defined as engaging in a course of conduct by means of technology or electronic communication (such as e-mails, text messages, instant messages, and postings on social networking sites) that serves no legitimate purpose, and systematically and chronically inflicts physical harm or emotional distress on a child; and

**WHEREAS**, cyber-bullying raises a particular concern because it can occur with relative anonymity at any time of day and it can be extremely difficult to delete or remove offensive or harassing material once it has been posted online; and

**WHEREAS**, the Florida legislature has recently undertaken efforts to address bullying by passing the Jeffrey Johnson Stand Up For All Student Act (Fla. Stat. § 1006.147), which prohibits bullying and harassment of any student or employee of a public K-12 school; and

**WHEREAS**, the Board of County Commissioners has previously expressed its desire to address bullying by declaring the third week of April as "Anti-Bullying Week" in Miami-Dade County (R-165-11), urging the Florida legislature to extend the Jeffrey Johnson Stand Up For All Student Act to all private schools (R-1091-11), establishing an awareness campaign at County parks that will educate children about bullying and creating a system for reporting incidents of

bullying, harassment, and intimidation of children on County property (R-355-14), and urging the Florida Legislature to address bullying in high school, college, and professional sports through passage of the Safe Athletics Education and Training Act of 2014 (R-284-14); and

**WHEREAS**, Miami-Dade County should supplement those existing efforts by doing more to make sure (1) that staff at County parks, summer and winter camp volunteers, and those who coach children in sports played at County parks are educated about bullying, and (2) that individuals using public internet at all County-owned facilities do not use that internet access to engage in cyber-bullying; and

**WHEREAS**, these measures are needed because children in Miami-Dade County should not feel in danger of being bullied simply because they may perceive themselves to be different from their peers,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** The Board of County Commissioners directs the County Mayor or Mayor's designee to require that any contract between the Parks, Recreation and Open Spaces Department and a sports league for children include a provision requiring that all of the league's coaches certify that they have undergone anti-bullying training through either a national youth sports organization or any similar training that may be offered by the Parks, Recreation and Open Spaces Department.

**Section 3.** The Board of County Commissioners also directs the County Mayor or Mayor's designee to include a component on how to identify and handle bullying as part of any training provided to both staff at County parks that have direct contact with children and also any

volunteers at summer or winter camps. The County Mayor or Mayor's designee is further directed to require that those staff and volunteers report any instances of bullying that they observe.

**Section 4.** The Board of County Commissioners directs the County Mayor or Mayor's designee to: (1) specifically include cyber-bullying as a prohibited use within the "Defamatory or Abusive Language" section in the Terms of Service that individuals must accept before being provided public internet access by Miami-Dade County; and (2) ban the media access control (MAC) address of any private device using public internet provided by Miami-Dade County determined to violate the Terms of Service.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner **Audrey Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2014. 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MBV

Michael B. Valdes

## ATTACHMENT 3

The 2013 Florida Statutes  
Title XLVIII, K-20 Education Code  
Chapter 1006, Support for Learning

1006.147 Bullying and harassment prohibited.—

(1) This section may be cited as the “Jeffrey Johnston Stand Up for All Students Act.”

(2) Bullying or harassment of any student or employee of a public K-12 educational institution is prohibited:

(a) During any education program or activity conducted by a public K-12 educational institution;

(b) During any school-related or school-sponsored program or activity or on a school bus of a public K-12 educational institution;

(c) Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of a public K-12 educational institution; or

(d) Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim’s ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program.

(3) For purposes of this section:

(a) “Bullying” includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students and may involve:

1. Teasing;
2. Social exclusion;
3. Threat;
4. Intimidation;
5. Stalking;
6. Physical violence;
7. Theft;
8. Sexual, religious, or racial harassment;
9. Public or private humiliation; or
10. Destruction of property.

(b) “Cyberbullying” means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the

posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

(c) "Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct directed against a student or school employee that:

1. Places a student or school employee 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; or
3. Has the effect of substantially disrupting the orderly operation of a school.

(d) "Within the scope of a public K-12 educational institution" means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

(f) The definitions of "bullying" and "harassment" include:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in paragraph (a), paragraph (b), or paragraph (c) by an individual or group with intent to demean, dehumanize, embarrass, or cause physical harm to a student or school employee by:
  - a. Incitement or coercion;
  - b. Accessing or knowingly 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 bullying or harassment.

(4) By December 1, 2008, each school district shall adopt a policy prohibiting bullying and harassment of any student or employee of a public K-12 educational institution. Each school district's policy shall be in substantial conformity with the Department of Education's model policy mandated in subsection (5). The school district bullying and harassment policy shall afford all students the same protection regardless of their status under the law. The school district may establish separate discrimination policies that include categories of students. The school district shall involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of adopting the policy. The school district policy must be implemented in a manner that is ongoing throughout the school year and integrated with a school's curriculum, a school's discipline policies, and other violence prevention efforts.

The school district policy must contain, at a minimum, the following components:

- (a) A statement prohibiting bullying and harassment.

- (b) A definition of bullying and a definition of harassment that include the definitions listed in this section.
- (c) A description of the type of behavior expected from each student and employee of a public K-12 educational institution.
- (d) The consequences for a student or employee of a public K-12 educational institution who commits an act of bullying or harassment.
- (e) The consequences for a student or employee of a public K-12 educational institution who is found to have wrongfully and intentionally accused another of an act of bullying or harassment.
- (f) A procedure for reporting an act of bullying or harassment, including provisions that permit a person to anonymously report such an act. However, this paragraph does not permit formal disciplinary action to be based solely on an anonymous report.
- (g) A procedure for the prompt investigation of a report of bullying or harassment and the persons responsible for the investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.
- (h) A process to investigate whether a reported act of bullying or harassment is within the scope of the district school system and, if not, a process for referral of such an act to the appropriate jurisdiction. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.
- (i) A procedure for providing immediate notification to the parents of a victim of bullying or harassment and the parents of the perpetrator of an act of bullying or harassment, as well as notification to all local agencies where criminal charges may be pursued against the perpetrator.
- (j) A procedure to refer victims and perpetrators of bullying or harassment for counseling.
- (k) A procedure for including incidents of bullying or harassment in the school's report of data concerning school safety and discipline required under s. 1006.09(6). The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must include in a separate section each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents. The Department of Education shall aggregate information contained in the reports.
- (l) A procedure for providing instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.
- (m) A procedure for regularly reporting to a victim's parents the actions taken to protect the victim.

(n) A procedure for publicizing the policy, which must include its publication in the code of student conduct required under s. 1006.07(2) and in all employee handbooks.

(5) To assist school districts in developing policies prohibiting bullying and harassment, the Department of Education shall develop a model policy that shall be provided to school districts no later than October 1, 2008.

(6) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

(7)(a) The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.

(b) This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, or computer network when acting within the scope of his or her lawful employment or investigating a violation of this section in accordance with school district policy.

(8) Distribution of safe schools funds to a school district provided in the 2009-2010 General Appropriations Act is contingent upon and payable to the school district upon the Department of Education's approval of the school district's bullying and harassment policy. The department's approval of each school district's bullying and harassment policy shall be granted upon certification by the department that the school district's policy has been submitted to the department and is in substantial conformity with the department's model bullying and harassment policy as mandated in subsection (5). Distribution of safe schools funds provided to a school district in fiscal year 2010-2011 and thereafter shall be contingent upon and payable to the school district upon the school district's compliance with all reporting procedures contained in this section.

(9) On or before January 1 of each year, the Commissioner of Education shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this section. The report shall include data collected pursuant to paragraph (4)(k).

(10) Nothing in this section shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

History.—s. 1, ch. 2008-123; s. 1, ch. 2013-87.

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA

ATTACHMENT 4



MEMORANDUM

Agenda Item No. 11(A)(6)

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

**DATE:** March 1, 2011

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

**SUBJECT:** Resolution proclaiming the third  
week of the month of April of each  
public school academic school year  
"Anti-Bullying Week" in Miami-  
Dade County

Resolution Number: R-165-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez, and Co-Sponsors Commissioner Lynda Bell, Commissioner Jose "Pepe" Diaz, Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman and Senator Javier D. Souto

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** March 1, 2011

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

**SUBJECT:** Agenda Item No. 11(A)(6)

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)(6)  
3-1-11

RESOLUTION NO. R-165-11

RESOLUTION PROCLAIMING THE THIRD WEEK OF THE  
MONTH OF APRIL OF EACH PUBLIC SCHOOL ACADEMIC  
SCHOOL YEAR "ANTI-BULLYING WEEK" IN MIAMI-DADE  
COUNTY

**WHEREAS**, it is reported that approximately half of high school students have bullied someone in the past year, and nearly the same amount claim that they've been the victim of bullying; and

**WHEREAS**, in recent years, the internet has become an important tool where it concerns bullying because of its reach, permanence and the sense of anonymity that it provides users; and

**WHEREAS**, in January 2010, 15-year old Phoebe Prince of South Hadley, Massachusetts, committed suicide after enduring months of vicious bullying by several of her classmates; and

**WHEREAS**, more recently, in September 2010, a freshman college student at Rutgers University, 18-year-old-Tyler Clementi, jumped to his death from the George Washington Bridge after learning that his roommate streamed a webcam of some of his most private moments; and

**WHEREAS**, it is necessary for the community to address the problem of bullying; and

**WHEREAS**, on October 20, 2010, Barry University students gathered for a midday prayer vigil to honor victims of oppression; and

**WHEREAS**, it is reported that the Barry University vigil was one of several events in South Florida for "Spirit Day – It Gets Better" – a viral event that spread quickly through news on various social media; and

**WHEREAS**, it is reported that the Barry University vigil was one of several events in South Florida for "Spirit Day – It Gets Better" – a viral event that spread quickly through news on various social media; and

**WHEREAS**, it is necessary to raise public awareness about the consequences of bullying on the lives of young people in our community,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby proclaims the third week of April of each public school academic school year as "Anti-Bullying Week" in Miami-Dade County, and is calling upon each resident to help promote the need for a supportive social environment for all our young people and the importance of eliminating bullying in our communities.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez, and the Co-Sponsors are Commissioner Lynda Bell, Commissioner Jose "Pepe" Diaz, Vice Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman and Senator Javier D. Souto. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	<b>aye</b>
	Audrey M. Edmonson, Vice Chairwoman	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Lynda Bell <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Carlos A. Gimenez <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Natacha Seijas	<b>absent</b>	Rebeca Sosa <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of March, 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

**DIANE COLLINS**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "M. S.", written over a horizontal line.

Martin W. Sybblis



MEMORANDUM

Agenda Item No. 11(A)(12)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Resolution urging the Florida  
legislature to extend Florida's  
anti-bullying law to private schools

Resolution R-1091-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

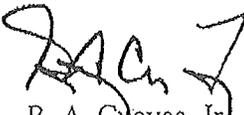


# MEMORANDUM

(Revised)

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

**DATE:** December 6, 2011

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

**SUBJECT:** Agenda Item No. 11 (A) (12)

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)(12)  
12-6-11

RESOLUTION NO. R-1091-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
EXTEND FLORIDA'S ANTI-BULLYING LAW TO PRIVATE  
SCHOOLS

**WHEREAS**, during the 2008 session, the Florida Legislature passed an anti-bullying law, 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 Act applied to public schools, and did not extend to bullying in private schools; and

**WHEREAS**, bullying is not solely a problem of public schools, bullying can also occur in the private schools; and

**WHEREAS**, last year, 11-year-old Celina Okwuone, a student at a private school in Port St. Lucie, Florida committed suicide allegedly as a result of bullying; and

**WHEREAS**, while many private schools, including Celina's school, have anti-bullying policies in place that mirror the Jeffrey Johnston Act, others do not; and

**WHEREAS**, the Florida Legislature should extend the Jeffrey Johnston Act to private schools,

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 extend Florida's anti-bullying law to private schools.

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 Barbara J. Jordan. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of December, 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in cursive script, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty

5

# ATTACHMENT 6

## Miami-Dade County Terms of Service for Guest Internet Access

### Access to the Service

The Service is a free public service provided by Miami- Dade County and its Hosts who provide Nodes and bandwidth ("Hosts"). Your access to the Service is completely at the discretion of Miami-Dade County, and your access to the Service may be blocked, suspended, or terminated at any time for any reason including, but not limited to, violation of this Agreement, actions that may lead to liability for Miami-Dade County or its Hosts, disruption of access to other Users or networks, and violation of applicable laws or regulations. Miami-Dade County may revise this Agreement at any time. By logging on to the system, you accept this Agreement, and it is your responsibility to review it for any changes each time.

### Acceptable Use of the Service

Miami-Dade County supports the free flow of information and ideas over the Internet. Although Miami-Dade County has and accepts no obligation to monitor your use of the Service nor edit or censor content transmitted (via e-mail, downloading, uploading, posting, or otherwise) through the Service, your access to the Service is conditioned on legal and appropriate use of the Service. Your use of the Service and any activities conducted online through the Service shall not violate any applicable law or regulation or the rights of Miami-Dade County, its Hosts, or any third party. Media access control (MAC) addresses of devices provided to the County determined to be originating or participating in prohibited activities will be blocked from accessing Miami Dade County Public Wi-Fi Services.

The use of the Service for the following activities is prohibited:

### Spamming and Invasion of Privacy

Sending of unsolicited bulk and/or commercial messages over the Internet using the Service or using the Service for activities that invade another's' privacy.

Intellectual Property Right Violations

Engaging in any activity that infringes or misappropriates the intellectual property rights of others, including patents, copyrights, trademarks, service marks, trade secrets, or any other proprietary right of any third party.

### Obscene or Indecent Speech or Materials

Using Miami-Dade County's network to advertise, solicit, transmit, store, post, display, or otherwise make available obscene or indecent images or other materials. Miami-Dade County will notify and fully cooperate with law enforcement if it becomes aware of any use of the Service in any connection with child pornography or the solicitation of sex with minors.

### Defamatory or Abusive Language

Using the Service to transmit, post, upload, or otherwise making available defamatory, harassing, abusive, or threatening material or language that encourages bodily harm, cyber-bullying, destruction of property or harasses another.

### Forging of Headers

Forging or misrepresenting message headers, whether in whole or in part, to mask the originator of the message.

### Hacking

Accessing illegally or without authorization computers, accounts, equipment or networks belonging to another party, or attempting to penetrate security measures of another system.

This includes any activity that may be used as a precursor to an attempted system penetration, including, but not limited to, port scans, stealth scans, or other information gathering activity.

#### Distribution of Internet Viruses, Trojan Horses, or Other Destructive Activities

Distributing information regarding the creation of and sending Internet viruses, worms, Trojan Horses, pinging, flooding, mail bombing, or denial of service attacks. Also, activities that disrupt the use of or interfere with the ability of others to effectively use the Node or any connected network, system, service, or equipment.

#### Facilitating a Violation of this Agreement of Use

Advertising, transmitting, or otherwise making available any software product, product, or service that is designed to violate this Agreement, which includes the facilitation of the means to spam, initiation of pinging, flooding, mail bombing, denial of service attacks, and piracy of software.

#### Export Control Violations

The transfer of technology, software, or other materials in violation of applicable export laws and regulations, including but not limited to the U.S. Export Administration Regulations and Executive Orders.

#### Other Illegal Activities

Using the Service in violation of applicable law and regulation, including, but not limited to, advertising, transmitting, or otherwise making available ponzi schemes, pyramid schemes, fraudulently charging credit cards, pirating software, or making fraudulent offers to sell or buy products, items, or services.

#### Resale

The sale, transfer, or rental of the Service to customers, clients or other third parties, either directly or as part of a service or product created for resale.

#### Notice of Violations of the AUP

Miami-Dade County requests that anyone who believes that there is a violation of the AUP direct the information to: Miami-Dade 311. The Digital Millennium Copyright Act of 1998 (the "DMCA") provides recourse for copyright owners who believe that material posted on Internet sites infringes their rights under U.S. copyright law. If you believe in good faith that items, information or other materials appearing on the Service infringes your copyright, you (or your agent) may send Miami-Dade County Designated Agent a notice requesting that the item, information or material be removed, or access to it blocked. You can contact Miami-Dade County's Designated Agent at: (305) 468-5900, or via e-mail at 311@miamidade.gov

#### Disclaimer

You acknowledge (i) that the Service may not be uninterrupted or error-free; (ii) that viruses or other harmful applications may be available through the Service; (iii) that Miami-Dade County does not guarantee the security of the Service and that unauthorized third parties may access your computer or files or otherwise monitor your connection; (iv) that Miami-Dade County's and that its Hosts' ability to provide the Service without charge is based on the limited warranty, disclaimer and limitation of liability specified in this Section and it would require a substantial charge if any of these provisions were unenforceable. THE SERVICE AND ANY PRODUCTS OR SERVICES PROVIDED ON OR IN CONNECTION WITH THE SERVICE ARE PROVIDED ON AN "AS IS", "AS AVAILABLE" BASIS WITHOUT WARRANTIES OF ANY KIND. ALL WARRANTIES, CONDITIONS, REPRESENTATIONS, INDEMNITIES AND GUARANTEES WITH RESPECT TO THE CONTENT OR SERVICE AND THE OPERATION, CAPACITY, SPEED, FUNCTIONALITY, QUALIFICATIONS, OR CAPABILITIES OF THE SERVICES, GOODS OR PERSONNEL RESOURCES PROVIDED HEREUNDER, WHETHER EXPRESS OR IMPLIED, ARISING BY LAW, CUSTOM, PRIOR ORAL OR WRITTEN STATEMENTS BY

MIAMI-DADE COUNTY, OR OTHERWISE (INCLUDING, BUT NOT LIMITED TO ANY WARRANTY OF SATISFACTORY QUALITY, MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT) ARE HEREBY OVERRIDDEN, EXCLUDED AND DISCLAIMED. SOME JURISDICTIONS DO NOT ALLOW THE EXCLUSION OF CERTAIN WARRANTIES, SO THE ABOVE EXCLUSIONS MAY NOT APPLY TO YOU.

No Consequential Damages

UNDER NO CIRCUMSTANCES WILL MIAMI-DADE COUNTY, ITS HOSTS, THEIR SUPPLIERS OR LICENSORS, OR THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND AFFILIATES BE LIABLE FOR CONSEQUENTIAL, INDIRECT, SPECIAL, PUNITIVE OR INCIDENTAL DAMAGES OR LOST PROFITS, WHETHER FORESEEABLE OR UNFORESEEABLE, BASED ON CLAIMS OF CUSTOMER, ITS APPOINTEES OR ITS OR THEIR CUSTOMERS (INCLUDING, BUT NOT LIMITED TO, UNAUTHORIZED ACCESS, DAMAGE, OR THEFT OF YOUR SYSTEM OR DATA, CLAIMS FOR LOSS OF GOODWILL, CLAIMS FOR LOSS OF DATA, USE OF OR RELIANCE ON THE SERVICE, STOPPAGE OF OTHER WORK OR IMPAIRMENT OF OTHER ASSETS, OR DAMAGE CAUSED TO EQUIPMENT OR PROGRAMS FROM ANY VIRUS OR OTHER HARMFUL APPLICATION), ARISING OUT OF BREACH OR FAILURE OF EXPRESS OR IMPLIED WARRANTY, BREACH OF CONTRACT, MISREPRESENTATION, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE. IN NO EVENT WILL THE AGGREGATE LIABILITY THAT MIAMI-DADE COUNTY OR ITS HOSTS MAY INCUR IN ANY ACTION OR PROCEEDING EXCEED \$100. THE LIMITATIONS, EXCLUSIONS AND DISCLAIMERS SET FORTH IN THIS SECTION WILL NOT APPLY ONLY IF AND TO THE EXTENT THAT THE LAW OR A COURT OF COMPETENT JURISDICTION REQUIRES LIABILITY UNDER APPLICABLE LAW BEYOND AND DESPITE THESE LIMITATIONS, EXCLUSIONS AND DISCLAIMERS.

Indemnity

You agree to indemnify and hold harmless Miami-Dade County, its Hosts, and its and their suppliers and licensors, officers, directors, employees, agents and affiliates from any claim, liability, loss, damage, cost, or expense (including without limitation reasonable attorney's fees) arising out of or related to your use of the Service, any materials downloaded or uploaded through the Service, any actions taken by you in connection with your use of the Service, any violation of any third party's rights or an violation of law or regulation, or any breach of this agreement. This Section will not be construed to limit or exclude any other claims or remedies that Miami-Dade County may assert under this Agreement or by law.

Interpretation

This Agreement shall not be construed as creating a partnership, joint venture, agency relationship or granting a franchise between the parties. This Agreement will be governed by and interpreted in accordance with Florida law, excluding its conflict of law principles. Except as otherwise provided above, any waiver, amendment or other modification of this Agreement will not be effective unless in writing and signed by the party against whom enforcement is sought. If any provision of this Agreement is held to be unenforceable, in whole or in part, such holding will not affect the validity of the other provisions of this Agreement. Miami-Dade County's performance of this Agreement is subject to existing laws and legal process, and nothing contained in this Agreement shall waive or impede Miami-Dade County's right to comply with law enforcement requests or requirements relating to your use of this Service or information provided to or gathered by Miami-Dade County with respect to such use. This Agreement constitutes the complete and entire statement of all terms, conditions and representations of the agreement between you and Miami-Dade County with respect to its subject matter and supersedes all prior writings or understanding.