# MEMORANDUM

Agenda Item No. 11(A)(8)

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| **TO:** | Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners | **DATE:** | February 18, 2010 |
| **FROM:** | R. A. Cuevas, Jr. County Attorney | **SUBJECT:** | Resolution urging passage of legislation or adoption of rules providing guidelines and procedures for schools in managing children's food allergies |

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/up

# MEMORANDUM
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** February 18, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(8)

**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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
2-18-10

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS, THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENTS OF EDUCATION AND HEALTH TO PASS LEGISLATION OR ADOPT RULES PROVIDING GUIDELINES AND PROCEDURES FOR SCHOOLS IN MANAGING CHILDREN'S FOOD ALLERGIES

**WHEREAS**, in the U.S., more than 2.2 million school-aged children have food allergies, according to the Asthma and Allergy Foundation of America (AAFA); and

**WHEREAS**, the incidence of food allergy and food-induced anaphylaxis has been rising in recent years and the number of American children under five years of age with peanut allergy doubled between 1999 and 2004 according to the AAFA; and

**WHEREAS**, food allergy is the most common cause of anaphylaxis outside of the hospital and is responsible for approximately 30,000 anaphylactic episodes and 150 to 200 deaths each year in the U.S.; and

**WHEREAS**, food allergies disproportionately affect children due to the immaturity of their immune systems, with an estimated six to eight percent of children versus only less than four percent of adults have food allergies; and

**WHEREAS**, studies of fatalities due to anaphylaxis have shown that the majority of cases occurred outside the home, with a significant number occurring at schools; and

**WHEREAS**, the State of Florida has some policies in place related to schools dealing with children's food allergies, including policies:

1. Ensuring students' right to carry and self-administer prescribed anaphylaxis medication; and

2. Requiring schools to identify and maintain records for students with chronic conditions and requiring procedures for updating health records periodically; and
3. Requiring schools to maintain allergy incident reports for reactions, attacks, and medications that are administered; and

**WHEREAS**, other states have done more to assist children with food allergies, including Connecticut, Massachusetts, New Jersey, Rhode Island, Vermont and Washington all of which have comprehensive allergy programs in place for schools in these states; and

**WHEREAS**, legislation also has been filed at the federal level addressing food allergies at schools, including S. 456 by Senator Christopher Dodd (D – Connecticut) and H.R. 1378 by Representative Nita Lowey (D – New York), that directs the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools,

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

Section 1. Urges the U.S. Congress to pass S. 456, H.R. 1378 or similar legislation directing the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools.

Section 2. Urges the Florida Legislature to pass legislation or the Florida Departments of Education and Health to adopt rules creating guidelines and procedures for schools in with children's food allergies.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Governor, Florida Senate President, Florida House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Florida Commissioner of Education and the State Surgeon General.

Section 4. Directs the County's federal and state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2010 Federal and State Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

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| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of February, 2010. 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. JMM

Jess M. McCarty

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