MEMORANDUM

Agenda Item No. 11(A)(3)

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 pass SB 274, HB 419 or similar legislation requiring daycare vehicles used to transport children to install child safety alarms

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
11-3-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS SB 274, HB 419 OR SIMILAR LEGISLATION REQUIRING DAYCARE VEHICLES USED TO TRANSPORT CHILDREN TO INSTALL CHILD SAFETY ALARMS

WHEREAS, in August 2010, 2½ year old Haile Brockington died after being left in her car seat for nearly six hours in the back of a van of a Palm Beach County daycare facility as the outside temperature reached 91 degrees; and

WHEREAS, two weeks after Haile's death, another child was left unattended in a locked van belonging to a daycare center in Brevard County; and

WHEREAS, on July 12, 2011, 22-month-old Dominicue Andrews died at a daycare in Miami-Dade County after staying much of the day in a car seat in a daycare van as outside temperatures reached into the 90s; and

WHEREAS, in each case, it has been alleged that daycare van drivers forgot the child after other children were taken inside; and

WHEREAS, death by hyperthermia or overheating of the body has become much more prevalent since federal law required that children ride in the backseat due to the danger of front passenger seat airbags; and

WHEREAS, between 1998 and 2010, there have been approximately 495 child hyperthermia deaths in the U.S., with 49 deaths during the year 2010; and

WHEREAS, approximately 60 children have died in Florida in the last decade from being left in a vehicle and more than 150 have been injured; and

WHEREAS, criminal charges were filed in 58 percent of Florida cases; and

WHEREAS, states such as Wisconsin and Tennessee have enacted legislation requiring any daycare vehicle carrying six (6) or more passengers to be equipped with a child safety monitoring device designed to prompt the driver to inspect the vehicle for children before leaving; and

WHEREAS, the Palm Beach County Board of County Commissioners has enacted an ordinance requiring child safety monitoring equipment in daycare vans, and this Board currently has such an ordinance under consideration; and

WHEREAS, bills were filed for consideration during the 2011 session, SB 1140 by Senator Maria Lorts Sachs (D – Delray Beach) and HB 1131 by Representative Lori Berman (D – Delray Beach), which by January 1, 2012, would have required any daycare vehicle to be equipped with an alarm system that prompts the driver to inspect the vehicle for children before exiting; and

WHEREAS, the Florida Senate last session estimated the cost of installing such child safety monitoring equipment would be approximately $452 per vehicle; and

WHEREAS, the Florida Legislature did not pass SB 1140 or HB 1131 during the 2011 session, but Senator Sachs and Representative Berman have refiled these bills for consideration during the 2012 session as SB 274 and HB 419; and

WHEREAS, this Board would support passage of SB 274, HB 419 or similar legislation,

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 pass SB 274, HB 419 or similar legislation requiring any vehicle used by a daycare facility to be equipped with an alarm system that prompts the driver to inspect the vehicle for children before exiting the vehicle.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Maria Lorts Sachs and Representative Lori Berman.

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

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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	

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. JMM

Jess M. McCarty