

**MEMORANDUM**

Agenda Item No. 11(A)(36)

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

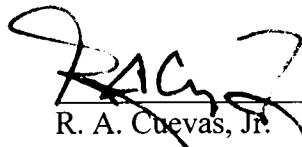
**DATE:** November 3, 2011

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

**SUBJECT:** Resolution urging the Florida  
Legislature to pass SB 256, HB  
291 or similar legislation  
improving safeguard for high  
school athletes who may have  
suffered concussions

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

  
\_\_\_\_\_  
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)(36)

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

Agenda Item No. 11(A)(36)

Veto \_\_\_\_\_

11-3-11

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
PASS SB 256, HB 291 OR SIMILAR LEGISLATION  
IMPROVING SAFEGUARD FOR HIGH SCHOOL ATHLETES  
WHO MAY HAVE SUFFERED CONCUSSIONS

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) define a concussion as a type of traumatic brain injury that is caused by a bump, blow or jolt to the head that can change the way the brain normally works; and

**WHEREAS**, the CDC estimate there are 135,000 emergency-room visits per year for traumatic brain injuries among youths age 5 to 18, but it is believed that many more concussions go unreported or even undetected among this age group; and

**WHEREAS**, the CDC estimates that there may be as many as 3.8 million sports and recreation-related concussions in the U.S. each year; and

**WHEREAS**, according to the Brain Injury Association of Florida:

- More than 40 percent of high school athletes who are seriously injured in the head return to participate in sports before they are fully recovered;
- Approximately 400,000 high school athletes received concussions from sports activities during the 2005 to 2008 school years;
- From 1997 to 2007, the number of youth athletes seen with sports-related concussions in emergency rooms doubled and for those between ages 14 and 19, it more than tripled;
- High school athletes with three or more concussions are nine times more likely to have permanent mental changes; and
- Children and teens are more likely to get a concussion and take longer to recover than adults; and

**WHEREAS**, advocates for legislation related to youths receiving sports-related concussions promote the following three components:

- Education on the dangers of concussions;
- Removal from participation for players who receive a head injury; and
- Delayed return until a medical professional provides a clearance; and

**WHEREAS**, named for a young football player who sustained serious injury after he returned to play too soon following a concussion, the “Zackery Lystedt Law” has been adopted in several states, including Washington and Oregon, and is under consideration in several other states, as well as before the U.S. Congress; and

**WHEREAS**, on June 3, 2010, this Board adopted Resolution No. 635-10 setting policy for Miami-Dade County that, for any youth team sports taking place at Miami-Dade County facilities, the Parks, Recreation and Open Spaces Department shall provide information regarding traumatic brain injury and concussion prevention in the form of pamphlets and other documents, make such information available at various Parks Department locations and accessible on the Department’s website; and

**WHEREAS**, Resolution No. 635-10 also directed the Mayor or Designee to create an educational campaign about the dangers of concussions for athletes, parents and coaches who participate in youth team sports at Miami-Dade County Parks or other County owned or operated facilities; and

**WHEREAS**, bills were considered during the Florida Legislature’s 2011 session, SB 730 by Senator Anitere Florida (R – Miami) and HB 301 by Representative Ronald “Doc” Renuart (R – Ponte Vedra Beach) that would have required physicians or osteopaths to issue medical clearances, prior to a head-injured student’s return to play, and would have required the Florida

High School Athletic Association and independent sanctioning authorities of youth athletic teams to adopt policies regarding educating athletes, parents and administrators on sports-related concussions and head injuries; and

**WHEREAS**, while both the House and Senate passed versions of this legislation, both chambers did not pass the same bill, resulting in no legislation passing the Florida Legislature during the 2011 session; and

**WHEREAS**, such legislation related to youth athletes and concussions has been refiled for consideration during the 2012 session, SB 256 by Senator Flores and HB 291 by Representative Renuart; and

**WHEREAS**, this Board supports passage of this 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 256, HB 291 or similar legislation improving safeguards for high school athletes who may have suffered concussions.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, Senator Anitere Florida, the Chair and remaining members of the Miami-Dade State Legislative Delegation, and Representative Ronald “Doc” Renuart.

**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 legislative package to include this item.



The Prime Sponsor of the foregoing resolution is Chairman 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:

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 3<sup>rd</sup> 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

