



## MEMORANDUM

Agenda Item No. 7(B)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Ordinance requiring licensed day care centers in Miami-Dade County to install alarms prompt drivers of vehicles transporting children to check for children upon vehicle shut off

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**This substitute differs from the original in that all references to the Community Action and Human Services Department are changed to reflect the Sustainability, Planning and Economic Enhancement Department.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman, and Co-Sponsors Commissioner Lynda Bell, Commissioner Esteban L. Bovo, Jr., Vice Chairwoman Audrey M. Edmonson and Commissioner Barbara J. Jordan.

  
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R. A. Cuevas, Jr.  
County Attorney


RAC/cp

# Memorandum



**Date:** January 24, 2012

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

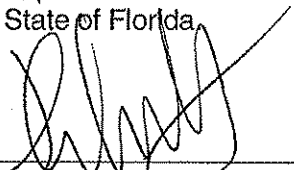
**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance requiring licensed day care centers to install alarms to prompt drivers of vehicles transporting children to check for children upon vehicle shut off

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The ordinance requires that all licensed Day Care Centers in Miami-Dade County that use vehicles to transport children install alarms to prompt drivers to check for children once the vehicle is shut off. The implementation of this ordinance will have a fiscal impact to the County. The Community Action and Human Services Department (CAHS) currently operate seven (7) vehicles for transporting children. It is estimated that it would cost approximately \$400 per vehicle to install the alarms, at a total cost of \$2,800.

Sustainability, Planning and Economic Enhancement Department (SPEED) will incorporate this new enforcement requirement as a part of its existing private school bus inspection program, with no negative fiscal impact. Written notification of ordinance requirements will be provided to a combined 2,000 private school bus chauffeurs registered with SPEED and child day care facilities registered with the State of Florida.

  
\_\_\_\_\_  
Office of the Mayor

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# MEMORANDUM

(Revised)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Agenda Item No. 7(B)

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. 7(B)

Veto \_\_\_\_\_

1-24-12

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE REQUIRING LICENSED DAY CARE CENTERS IN MIAMI-DADE COUNTY TO INSTALL ALARMS TO PROMPT DRIVERS OF VEHICLES TRANSPORTING CHILDREN TO CHECK FOR CHILDREN UPON VEHICLE SHUT OFF; AMENDING CHAPTER 8CC, SECTION 8CC-10, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE FOR PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, there is a risk a young child may be forgotten inside of a parked vehicle, especially if the child is quiet or has fallen asleep; and

**WHEREAS**, a young child left alone in a parked vehicle may die; and

**WHEREAS**, there have been news reports of children accidentally left in parked vehicles who have died; and

**WHEREAS**, Palm Beach County has enacted legislation to require day care centers in Palm Beach County to install alarms to prompt drivers of vehicles transporting children to check for children upon vehicle shut off; and

**WHEREAS**, pursuant to the Home Rule Charter of Miami-Dade County, the Board of County Commissioners has the power to establish, coordinate and enforce such regulations as are necessary for the protection of the public (Section 1.01(A) (12)) as well as perform any other acts which are in the common interest of the people of Miami-Dade County (Section 1.01(A)(23));and

**WHEREAS**, the Board of County Commissioners is concerned about children dying after being forgotten in parked vehicles; and

**WHEREAS**, the Board of County Commissioners desires to provide for the public health, safety and welfare of the people of Miami-Dade County,

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

Section 1. Section \_\_\_\_ of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**Sec. \_\_\_\_.**      **Definition.**

For purposes of this section, "Day Care Center" means any licensed building or shelter in which custodial care is rendered to six (6) or more children age five (5) or younger in Miami-Dade County.

**Sec. \_\_\_\_.**      **Child Safety Alarm.**

On or after December 1, 2012, all vehicles used by or on behalf of a licensed Day C are Center for the transportation of children must be equipped with a child safety alarm device that prompts the driver to inspect the vehicle for children and passengers upon vehicle shut off. The device must be properly maintained in working order at all times.

**Sec. \_\_\_\_.**      **Designated Department.**

The Miami-Dade [~~Community Action and Human Services~~]<sup>2</sup> >>Sustainability, Planning and Economic Enhancement<< Department ("Department") shall develop and adopt standards for the installation and performance of such devices.

<sup>2</sup>The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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**Sec. \_\_\_\_.**      **Violation.**

- A. On or after December 1, 2012, it shall be unlawful for any Day Care Center to transport a child in a vehicle that is not equipped with a child safety alarm device properly maintained in working order that prompts the driver to inspect the vehicle for children and passengers upon vehicle shut off. Violations shall be enforced through and in accordance with Chapter 8CC of the Miami-Dade County Code.
  
- B. The Director of the [~~Community Action and Human Services~~]  
>>Sustainability, Planning and Economic Enhancement<<  
Department is authorized to file any action in a court of competent jurisdiction to enforce the provisions of this ordinance and to seek appropriate remedies. In any such action the Department shall be entitled to recover its reasonable costs in the enforcement of this ordinance including reasonable attorney fees.

Section 2. Chapter 8CC, Section 8CC-10, of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Code Section	Description of Violation	Civil Penalty
>> _____	<u>Day Care Center transporting children without child safety alarm device</u>	<u>\$200</u> <<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Estephanie Resnik

Prime Sponsor: Commissioner Sally A. Heyman  
Co-Sponsors: Commissioner Lynda Bell  
Commissioner Esteban L. Bovo, Jr.  
Vice Chairwoman Audrey M. Edmonson  
Commissioner Barbara J. Jordan