

MEMORANDUM

Agenda Item No. 11(A)(37)

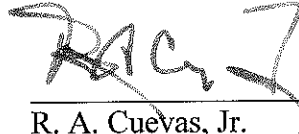
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 3, 2012

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

SUBJECT: Resolution urging the Florida
Legislature to reinstate a
universal motorcycle helmet law

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/jls



MEMORANDUM

(Revised)

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

DATE: July 3, 2012

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

SUBJECT: Agenda Item No. 11(A)(37)

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)(37)

Veto _____

7-3-12

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
REINSTATE A UNIVERSAL MOTORCYCLE HELMET LAW

WHEREAS, in 2010, the 4,502 motorcyclists killed in motorcycle crashes made up 14 percent of all road traffic deaths, yet motorcycles accounted for less than 1 percent of all vehicle miles traveled according to the Centers for Disease Control and Prevention (“CDC”); and

WHEREAS, a recent CDC report concludes that helmet use consistently has been shown to reduce motorcycle crash-related injuries and deaths, and that the most effective strategy to increase helmet use is enactment of universal helmet laws; and

WHEREAS, universal helmet laws require all motorcyclists to wear helmets whenever they ride; and

WHEREAS, the findings in the CDC report indicate that fatally injured motorcycle riders were less likely to wear helmets in states that do not have universal helmet laws; and

WHEREAS, from 2008 to 2010, fatally injured motorcyclists in states with a partial helmet law were more than five times as likely not to have been wearing a helmet as those in states with a universal helmet law, 64 percent as opposed to 12 percent, according to the CDC; and

WHEREAS, fatally injured motorcyclists in states with no helmet law were more than six times as likely not to have been wearing a helmet as those in states with a universal helmet law, 79 percent as opposed to 12 percent; and

WHEREAS, from 1967 to 2000, the State of Florida had a universal helmet law, requiring all motorcyclists to wear a helmet; and

WHEREAS, during the 2000 session, the Florida Legislature passed Chapter 2000-313, Laws of Florida (HB 1911), which authorized persons over the age of 21 to operate or ride on a motorcycle without protective headgear provided such persons had an insurance policy of \$10,000 for medical benefits; and

WHEREAS, research has shown that when a state repeals its helmet law or opts for less restrictive requirements, helmet use decreases and motorcycle-related deaths, injuries, and costs increase; and

WHEREAS, during the two years after Florida law was changed, the motorcyclist death rate per 10,000 registered motorcycles in Florida increased by 21 percent, deaths among motorcycle riders less than 21 years of age nearly tripled and hospital admissions of motorcyclists with injuries to the head, brain, and skull increased by 82 percent, according to the CDC; and

WHEREAS, in addition, gross costs charged to hospital-admitted motorcyclists with head, brain, or skull injuries in Florida more than doubled, from \$21 million to \$50 million during these two years following repeal of Florida's universal motorcycle helmet law; and

WHEREAS, in light of these findings, this Board urges the Florida Legislature to reinstate a universal motorcycle helmet law in Florida,

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 reinstate a universal motorcycle helmet law.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, 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 passage of the legislation and action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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 July, 2012. 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