

**MEMORANDUM**

Agenda Item No. 11(A)(1)

---

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 8, 2008

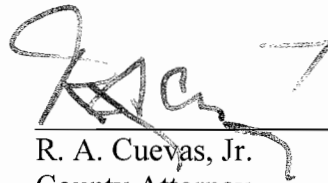
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution creating "Child  
Safety Awareness Week"

Resolution No: R-356-08

---

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Commissioner Dennis C. Moss, Commissioner Rebeca Sosa and Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/bw




# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 8, 2008

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

**SUBJECT:** Agenda Item No. 11(A) (1)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(1)

Veto \_\_\_\_\_

4-8-08

Override \_\_\_\_\_

RESOLUTION NO. R-356-08

RESOLUTION CREATING "CHILD SAFETY AWARENESS WEEK," DIRECTING THE COUNTY MAYOR OR HIS DESIGNEE TO COORDINATE ACTIVITIES ASSOCIATED THEREWITH AND MAKE RECOMMENDATIONS CONCERNING THE ESTABLISHMENT OF DESIGNATED ROADWAYS FOR ATV USAGE

**WHEREAS**, many children and adults in Miami-Dade County and around the nation have been injured or killed when not wearing their seat belts, not being in child car seats, or when placed in car seats improperly, while riding in vehicles; and

**WHEREAS**, many children and adults in this community and around the nation have been injured or killed while driving, riding upon or being struck by all terrain vehicles, mini-bikes, certain motorized scooters, such as gas-powered boards, motorized "toy" vehicles and other products of a similar nature; and

**WHEREAS**, according to the Centers for Disease Control and Injury Prevention (CDC), among children aged 14 years and younger, there were more than 1,450 deaths and approximately 203,000 injured from motor vehicle crashes in the United States in 2005, for an average of 4 deaths and 556 injuries each day. Nearly half of those killed were not wearing any type of restraint; and

**WHEREAS**, in Florida, there were approximately 257 reported deaths from 1982-2004 and approximately 68 reported deaths of children under the age of 16 from 1982-2004 on all terrain vehicles alone; and

**WHEREAS**, a multifaceted campaign consisting of awareness, education and enforcement components will serve to educate the community with respect to current law and safe practices and thereby reduce the number and severity of such accidents; and

**WHEREAS**, Section 316.2123, Florida Statutes, makes it legal for licensed drivers and minors under the supervision of a licensed driver to operate all terrain vehicles during the daytime on unpaved roadways where the posted speed limit is less than thirty-five miles per hour; and

**WHEREAS**, Section 316.2123(2), Florida Statutes, provides that “[a] county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section. Alternatively, a county may, by majority vote after such a hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use;” and

**WHEREAS**, Section 316.20, Florida Statutes, effective July 1, 2008, requires persons operating off-highway vehicles such as ATVs who are under the age of 16 to possess a certificate evidencing the satisfactory completion of an approved off-highway vehicle safety course; and

**WHEREAS**, the needs of ATV users for a safe environment in which to legally operate their vehicles, as well as public safety and environmental concerns, are best served by the designation of unpaved roadways specifically marked for ATV use and posted with appropriate speed limit signs; and

**WHEREAS**, mini-bikes, skateboards, some forms of scooters and other types of toy vehicles, all of which have been motorized, are a rapidly evolving category of development and distribution whose use has resulted in accidents involving children; and

**WHEREAS**, Section 316.2128, Florida Statutes, provides that commercial sellers of motorized scooters or miniature motorcycles in this state must prominently display at their place of business a notice that such vehicles are not legal to operate on public roads or sidewalks and may not be registered as motor vehicles. The required notice must also appear in all forms of

advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer's purchasing or becoming obligated to purchase a motorized scooter or a miniature motorcycle,

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

Section 1. Directs the Mayor or his designee to designate at least one calendar week each year as “Child Safety Awareness Week.”

Section 2. Directs the Mayor or his designee to coordinate awareness, education and enforcement components of “Child Safety Awareness Week.”

Section 3. Directs the Mayor or his designee to invite other law enforcement agencies operating in Miami-Dade County to participate in “Child Safety Awareness Week.”

Section 4. Directs the Mayor or his designee to prepare a brochure detailing current law and safe practices with respect to child car seats; auto safety belts; all terrain vehicles; mini-bikes; motorized scooters, such as gas-powered boards, with or without a steering handle, but not street-legal scooters; motorized “toy” vehicles and other products of a similar nature; and to encourage vendors of said products to provide said brochures to purchasers of said products; and to encourage the purchasers of said products to affirm by their signature their acknowledgement that they have received said brochure from the vendor.

Section 5. Directs the Mayor or his designee to return to this Board with recommended unpaved roadways for designated lawful ATV usage. The Board, after public hearing, may then designate said roadways for proper marking and ATV usage, in accordance with Section 316.2123(2), Florida Statutes.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez, Commissioner Jose "Pepe" Diaz, Commissioner Sally A. Heyman, Commissioner Dennis C. Moss, Commissioner Rebeca Sosa and Senator Javier D. Souto and offered by Commissioner

**Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	<b>aye</b>	
	Barbara J. Jordan, Vice-Chairwoman	<b>aye</b>	
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson	<b>aye</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Joe A. Martinez	<b>aye</b>	Dennis C. Moss	<b>absent</b>
Dorrian D. Rolle	<b>aye</b>	Natacha Seijas	<b>absent</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>absent</b>
Sen. Javier D. Souto	<b>absent</b>		

The Chairman thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of April, 2008. 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: **Kay Sullivan**  
Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "RJB".

Ronald J. Bernstein