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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Substitute
Agenda Item No. 11(A)(6)

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

DATE: September 16, 2008

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

SUBJECT: Resolution urging the Florida Fish and Wildlife Conservation Commission to name the 2009 Fish & Wildlife Legislative Package in honor of Osmany "Ozzie" Castellanos

Resolution No. R-974-08

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

This substitute differs from the original in that it urges the Florida Fish & Wildlife Commission and Florida Legislature to adopt a nine-year phase-in of boater safety education requirements.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: September 16, 2008

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

Substitute

Approved _____ Mayor

Agenda Item No. 11(A)(6)

Veto _____

9-16-08

Override _____

RESOLUTION NO. **R-974-08**

RESOLUTION URGING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO INCLUDE IN ITS LEGISLATIVE PACKAGE AND THE FLORIDA LEGISLATURE TO PASS LEGISLATION PHASING IN BOATER SAFETY EDUCATION FOR ALL VESSEL OPERATORS IN FLORIDA AND TO NAME THE 2009 LEGISLATION IN HONOR OF OSMANY "OZZIE" CASTELLANOS

WHEREAS, Osmany "Ozzie" Castellanos was a former Miami-Dade Parks lifeguard, who at age 23 died last summer in a tragic boating accident near Elliot Key; and

WHEREAS, Castellanos was born in Hialeah Hospital to his parents Isabel and Amado Castellanos, and had one brother, Alex; and

WHEREAS, Castellanos attended Everglades Elementary, West Miami Middle and Miami Coral Park Senior High School; and

WHEREAS, throughout high school, Castellanos held a job with the Miami-Dade Parks and Recreation Department, and aspired to one day become a firefighter; and

WHEREAS, Castellanos was someone who loved to be on the water and enjoyed boating and riding his jet ski; and

WHEREAS, Castellanos' death was one of 13 deaths related to boating accidents in Miami-Dade County during calendar year 2007; and

WHEREAS, statewide, Florida led the nation in deadly boating accidents in 2007 with 77 people killed in boating accidents according to statistics by the Florida Fish and Wildlife Conservation Commission (FWCC); and

WHEREAS, 16 times over the last two decades, Florida has lead the nation in deadly boating accidents; and

WHEREAS, FWCC statistics show that in 85 percent of the deadly boating accidents in 2007, the boat's operator had no basic boating safety education; and

WHEREAS, Florida law currently requires only those vessel operators who are 21 years of age or younger to take a boating safety course; and

WHEREAS, 25 states and U.S. territories have passed laws requiring safety education for all boat operators to be phased in either by requiring safety education for all vessel operators within a certain time period, such as ten (10) years, or by tying safety education requirements to all vessel operators born after a certain date; and

WHEREAS, over time, a phased-in regulation will ensure that all vessel operators have received safety education,

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

Section 1. Urges the Florida Fish and Wildlife Conservation Commission to include in its legislative package a nine-year phase-in of boater safety education requirements for all vessel operators in Florida and to name the 2009 Florida Fish and Wildlife Conservation Commission legislation in honor of Osmany "Ozzie" Castellanos.

Section 2. Urges the Florida Legislature to pass legislation with a nine-year phase-in of boater safety education requirements for all vessel operators in Florida and to name such legislation in honor of Osmany "Ozzie" Castellanos.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, and the Chairman and Members of the Florida Fish and Wildlife Conservation Commission.

Section 4. Directs the County's state lobbyists to advocate for the issue set forth in Sections 1 and 2 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Katy Sorenson** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**absent**	Dennis C. Moss	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairman thereupon declared the resolution duly passed and adopted this 16th day of September, 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. JMM

Jess M. McCarty