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

# MEMORANDUM

Agenda Item No. 11(A)(12)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** March 2, 2010

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

**SUBJECT:** Resolution directing County Mayor to develop and implement a pilot Miami-Dade County certified Life Safety Techniques Decal Program for restaurants located in Miami-Dade County

**Resolution No. R-261-10**

This item was amended at the 2-11-10 Health, Public Safety and Intergovernmental committee to insert language indicating that it is not the intent of the County to impose upon restaurants or their employees a legal duty to render emergency assistance, or for restaurants or their employees to be held liable for civil damages for an act or omission in connection with rendering emergency assistance when acting reasonably under the circumstances.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

# MEMORANDUM
**(Revised)**

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** March 2, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(12)

**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
Veto _____
Override _____

Agenda Item No. 11(A)(12)
3-2-10

RESOLUTION NO. **R-261-10**

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT A PILOT MIAMI-DADE COUNTY CERTIFIED LIFE SAFETY TECHNIQUES DECAL PROGRAM FOR RESTAURANTS LOCATED IN MIAMI-DADE COUNTY; URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING RESTAURANTS TO HAVE AVAILABLE AT LEAST ONE EMPLOYEE PER SHIFT WHO IS TRAINED IN CERTAIN LIFE SAFETY TECHNIQUES

**WHEREAS**, choking is responsible for numerous emergency medical situations each year across the country; and

**WHEREAS**, the failure to receive immediate and proper first aid for a choking incident can result in death; and

**WHEREAS**, it is reported that one of the top causes of deaths among children is choking; and

**WHEREAS**, the ability to recognize the signs of a person who is choking and swiftly provide first aid is of vital importance; and

**WHEREAS**, section 509.213 of the Florida Statutes requires that every public food service establishment post a sign illustrating and describing the Heimlich Maneuver procedure for rendering emergency first aid to a choking victim; and

**WHEREAS**, section 509.213 of the Florida Statutes also requires that such a sign be placed in a conspicuous place in each public food establishment which is accessible to employees and that the establishment familiarize its employees with the method of rendering such first aid; and

**WHEREAS**, it would be further beneficial to the public if at least one employee per shift at a restaurant obtain some training in life safety techniques, including the Heimlich Maneuver and cardio pulmonary resuscitation (CPR); and

**WHEREAS**, Fire Rescue, local public hospitals and the Red Cross may be sources of free or affordable courses in life safety techniques; and

**WHEREAS**, the County could develop a program whereby restaurants that choose to have at least one employee per shift trained in life safety techniques would receive special recognition from the County by way of a decal to be placed in a prominent location in the restaurant[[~~,~~]][1]>>("Life Safety Techniques Decal Program"); and

**WHEREAS**, it is not the intent of such Life Safety Techniques Decal Program to impose upon a public food service establishment or employee thereof a legal duty to render emergency assistance, or for any such establishment or employee to be held liable for any civil damages as the result of such act or omission when the establishment or employee acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances,<<

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

**Section 1.** Directs the County Mayor or Mayor's Designee to develop and implement a pilot County certified [[~~life safety techniques decal program~~]]>>Life Safety Techniques Decal Program<< geared at encouraging restaurants in Miami-Dade County to have at least one

[1] Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or »double arrowed« constitute the amendment proposed.

employee per shift who is trained in life safety techniques, including the Heimlich Maneuver and CPR; and to report back to this Board within sixty (60) days.

**Section 2.** Urges restaurants in Miami-Dade County voluntarily to have at least one employee per shift who is trained in life safety techniques, including the Heimlich Maneuver and CPR, available in the event there is a choking incident at the restaurant.

**Section 3.** Urges the Florida Legislature to pass legislation requiring restaurants to have at least one employee per shift who is trained in life safety techniques, including the Heimlich Maneuver and CPR, available in the event there is a choking incident.

**Section 4.** 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 Delegation, and the Florida Restaurant Association.

**Section 5.** Directs the County's state lobbyists to advocate for the passage of legislation set forth in Section 3 above, and directs the Office of Intergovernmental Affairs to include this item in the 2010 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Sen. Javier D. Souto. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman**, and upon being put to a vote, the vote was as follows:

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

5

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Martin Sybblis