

MEMORANDUM

Agenda Item No. 11(A)(14)

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

**DATE:** April 4, 2011

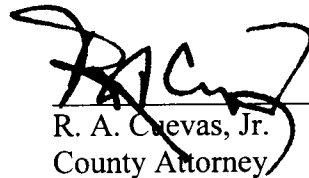
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature and the Florida  
Department of Education to  
pass legislation and promulgate  
regulations, respectively,  
requiring that cafeteria workers  
in public schools be certified in  
Life Safety Techniques

Resolution No. R-264-11

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

DATE: April 4, 2011

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

SUBJECT: Agenda Item No. 11(A) (14)

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)(14)  
4-4-11

RESOLUTION NO. R-264-11

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF EDUCATION TO PASS LEGISLATION AND PROMULGATE REGULATIONS, RESPECTIVELY, REQUIRING THAT CAFETERIA WORKERS IN PUBLIC SCHOOLS BE CERTIFIED IN LIFE SAFETY TECHNIQUES, SUCH AS CARDIAC PULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER; AND FURTHER URGING MIAMI-DADE COUNTY SCHOOLS TO HAVE AVAILABLE AT LEAST ONE EMPLOYEE PER SHIFT WORKING IN SCHOOL CAFETERIAS WHO IS TRAINED IN SUCH 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 signage illustrating and describing the Heimlich Maneuver procedure for rendering emergency first aid to a choking victim; and

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

**WHEREAS**, although the aforementioned laws are helpful, the Florida Legislature should pass legislation further requiring that cafeteria workers in public elementary, middle and high schools throughout the state be trained in certain life safety techniques, including, but not limited to, the Heimlich Maneuver and cardio pulmonary resuscitation (CPR) (“Life Safety Techniques”); and

**WHEREAS**, the Miami-Dade County School Board requires that each school have at least two individuals who are certified emergency care providers and that such individuals’ names be posted in several areas throughout the school; and

**WHEREAS**, it also would be beneficial if at least one employee per shift at each Miami-Dade County public elementary, middle and high school cafeteria are trained in Life Safety Techniques; and

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

**WHEREAS**, it would not be the intent of such Life Safety Technique training to impose upon any school or employee thereof a legal duty to render emergency assistance, or for any such school or employee to be held liable for any civil damages as the result of such act or omission when the school 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.** Urges the Florida Legislature and the Florida Department of Education to pass legislation and promulgate regulations respectively requiring that cafeteria workers in public elementary, middle and high schools throughout the state be trained in certain Life Safety

Techniques such that at least one trained employee is available during all shifts in the event there is a choking incident at a school cafeteria.

**Section 2.** Urges Miami-Dade County School Board to require that at least one cafeteria worker per shift at each public elementary, middle and high school in Miami-Dade County obtain some training in the aforementioned Life Safety Techniques and be available in the event there is a choking incident at a school cafeteria.

**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 Delegation, the Florida Commissioner of Education, the Chair and Members of the Miami-Dade County School Board and the Superintendent of Miami-Dade County Public Schools.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of legislation and the promulgation of rules as set forth in Sections 1 and 2 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 State Legislative Package.

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

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	Lynda Bell	aye
Jose "Pepe" Diaz	Carlos A. Gimenez	aye
Sally A. Heyman	Barbara J. Jordan	aye
Jean Monestime	Dennis C. Moss	aye
Rebeca Sosa	Sen. Javier D. Souto	aye

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of April, 2011. 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

**DIANE COLLINS**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "M. W. Sybblis", written over a horizontal line.

Martin W. Sybblis