

MEMORANDUM

Agenda Item No. 11(A)(37)

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**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

Resolution No. R-616-12

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

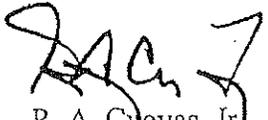


# MEMORANDUM

(Revised)

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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)(37)  
7-3-12

RESOLUTION NO. R-616-12

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 **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	<b>aye</b>	
	Audrey M. Edmonson, Vice Chairwoman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Lynda Bell	<b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz	<b>absent</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>absent</b>
Jean Monestime	<b>absent</b>	Dennis C. Moss	<b>aye</b>
Rebeca Sosa	<b>absent</b>	Sen. Javier D. Souto	<b>absent</b>
Xavier L. Suarez	<b>aye</b>		

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty