

MEMORANDUM

Agenda Item No. 11(A)(5)

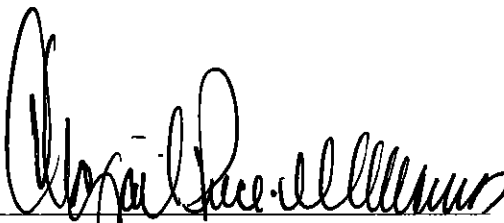
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the United States Congress, the United States Department of Justice, the Florida Legislature, and the Florida Building Commission to amend current disability laws to make playgrounds more accessible and inclusive for children of all abilities

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


Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

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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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(5)
2-19-20

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS, THE UNITED STATES DEPARTMENT OF JUSTICE, THE FLORIDA LEGISLATURE, AND THE FLORIDA BUILDING COMMISSION TO AMEND CURRENT DISABILITY LAWS TO MAKE PLAYGROUNDS MORE ACCESSIBLE AND INCLUSIVE FOR CHILDREN OF ALL ABILITIES

WHEREAS, promoting accessibility and inclusivity for children with disabilities in Miami-Dade County is an important public interest; and

WHEREAS, the availability of accessible and inclusive playground equipment in Miami-Dade County advances this interest by accommodating children with disabilities, promoting interaction among children of all abilities, and fostering the physical and social development of all children; and

WHEREAS, different types of accessible and inclusive playground equipment can benefit children in the following ways:

- Sensory play components, such as activity panels and other equipment with manipulative or interactive features, can accommodate children with autism or other mental disabilities that cause symptoms such as overstimulation and social anxiety;
- Quiet spaces in playgrounds, such as alcoves, train cars, playhouses, and other covered play areas, also can accommodate children with autism or other mental disabilities that cause symptoms such as overstimulation and social anxiety;
- Ramps with double rails allow for continuous gripping support and greater navigability for children who use wheelchairs and other mobility devices;

- Wheelchair-accessible play components, which provide a sufficient deck surface for wheelchairs, rather than a system for transfer from a wheelchair to a seat or entry point, can increase access for children who are unable to use transfer systems; and
- Therapeutic play components, such as therapeutic rings, can improve strength and mobility, thereby helping children with disabilities complete more tasks independently both on and off the playground; and

WHEREAS, the federal 2010 Americans with Disabilities Act Standards for Accessible Design (“ADA Standards”) and the Florida Accessibility Code for Building Construction (“Florida Standards”) establish regulations for the accessibility of playgrounds; and

WHEREAS, the ADA Standards and the Florida Standards currently do not require playgrounds to include sensory play components, quiet spaces, ramps with double rails, wheelchair-accessible play components, or therapeutic play components; and

WHEREAS, this Board wishes to increase the accessibility and inclusivity of playgrounds for children of all abilities,

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

Section 1. Urges the United States Congress to enact legislation to require that playgrounds include accessible and inclusive playground equipment to a greater extent than is currently required under the 2010 Americans with Disabilities Act Standards for Accessible Design; and urges the United States Department of Justice to amend the 2010 Americans with Disabilities Act Standards for Accessible Design to require the same.

Section 2. Urges the Florida Legislature to enact legislation to require that playgrounds include accessible and inclusive playground equipment to a greater extent than is currently required under the Florida Accessibility Code for Building Construction; and urges the Florida Building Commission to amend the Florida Accessibility Code for Building Construction to require the same.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, the Members of the Florida Congressional Delegation, the United States Attorney General, the Chief of the Civil Rights Division of the Department of Justice, the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Chair of the Florida Building Commission.

Section 4. Directs the County's federal and state lobbyists to advocate for the actions set forth in sections 1 and 2, respectively, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 Federal Legislative Package and the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl
Cristina M. Rabionet