

MEMORANDUM

Agenda Item No. 7(B)
(Second Reading: 10-5-21)
July 8, 2021


TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE:

FROM: Geri Bonzon-Keenan
County Attorney

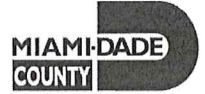
SUBJECT: Ordinance relating to water
rescue stations; creating section
21-30.02 of the Code; prohibiting
certain acts relating to water
rescue stations, including
tampering with, damaging, or
destroying water rescue stations
at County-owned facilities;
amending section 8CC-10;
providing a penalty

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


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: October 5, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Fines associated with Water Rescue Station Tampering

It is not anticipated that the implementation of this ordinance will have a fiscal impact to Miami-Dade County. The ordinance establishes fines for damaging, tampering, or destroying water rescue stations. It is difficult to determine the collection of fines and associated amounts resulting from this ordinance.

A handwritten signature in blue ink that reads "JD Patterson".

JD Patterson
Chief Public Safety Officer


FIS 211652

Memorandum



Date: October 5, 2021


To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Water Rescue Stations #211652

On July 21, 2020, the Board passed Resolution No. R-747-20 directing the County Mayor to develop a plan and provide a report regarding the installation of water rescue stations at County-owned facilities located near the water, available funds to do so, and a penalty for tampering with such water stations.

The proposed ordinance seeks to prohibit acts and enforce penalties relating to water rescue stations at County-owned facilities as outlined in Chapter 8CC of the County Code. The County desires to provide additional safety features at County-owned facilities near the water, including beaches and fishing piers, to prevent drownings during those times when the water locations are unguarded. Installation of the water rescue stations will have a positive impact by providing potentially life-saving devices, which may be used to prevent drownings. The proposed ordinance seeks to protect the investment that the County has made in installing water rescue stations. Moreover, the community can benefit from the presence of water rescue stations that are free from damage and are always fully operational. This ordinance is not anticipated to create any social equity benefit or burden.



J.D. Patterson
Chief Public Safety Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 5, 2021

FROM: 
Gen. Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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. 7(B)
10-5-21

ORDINANCE NO. _____

ORDINANCE RELATING TO WATER RESCUE STATIONS;
CREATING SECTION 21-30.02 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; PROHIBITING CERTAIN ACTS
RELATING TO WATER RESCUE STATIONS, INCLUDING
TAMPERING WITH, DAMAGING, OR DESTROYING WATER
RESCUE STATIONS AT COUNTY-OWNED FACILITIES;
AMENDING SECTION 8CC-10; PROVIDING A PENALTY;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, on July 21, 2020, this Board passed Resolution No. R-747-20 directing the County Mayor to develop a plan and provide a report regarding the installation of water rescue stations at County-owned facilities located near the water, available funds to do so, and a penalty for tampering with such water stations; and

WHEREAS, on May 4, 2021, this Board accepted the report provided by the County Mayor setting forth the plan outlined in Resolution No. R-747-20; and

WHEREAS, the County Mayor's report stated that the cost of an individual water rescue station is approximately \$825.00; and

WHEREAS, the County Mayor's report recommended that a provision should be added to Miami-Dade County Code Section 8CC-10 to provide a penalty for tampering with, damaging, or destroying water rescue stations at County-owned facilities; and

WHEREAS, this Board wishes to protect the investment the County has made and will make in water rescue stations by providing for a penalty for tampering, damaging, or destroying them,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 21-30.02 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>**Sec. 21-30.02 – Tampering with, damaging or destroying
water rescue stations prohibited.**

(a) It is unlawful for any individual to tamper with, damage, or destroy any water rescue station located on County-owned facilities.

(b) Enforcement.

(1) Every violation of this section shall be subject to fines in accordance with chapter 8CC and to any penalties or remedies provided in section 1-5 and chapter 8CC, as applicable.<<

Section 3. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. – Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	
21-30.01(h)(3)	Violation of spray paint or marker sale injunction	100.00
>>21-30.02	<u>Tampering with, damaging, or destroying water rescue stations</u>	<u>500.00</u> <<<
21-31.1	Disorderly conduct and loitering	100.00
	* * *	

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK
MJS

Prepared by:

Melanie J. Spencer

Prime Sponsor: Commissioner Joe A. Martinez