

PROPOSED ORDINANCE NO. 2018-24

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING TITLE XI, OF THE CITY'S CODE OF ORDINANCES, ENTITLED "BUSINESS REGULATIONS," BY CREATING CHAPTER 125 TO BE ENTITLED "BLEEDING CONTROL KIT REQUIREMENTS FOR CHILD CARE FACILITIES"; CREATING SECTIONS 125.01 THROUGH 125.03 TO REQUIRE CHILD CARE FACILITIES TO COMPLY WITH "BLEEDING CONTROL KIT REQUIREMENTS FOR CHILD CARE FACILITIES"; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A TRANSITION PERIOD; PROVIDING FOR CODIFICATION; PROVIDING CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pembroke Pines (the "City") is concerned about the instances of trauma across the United States occurring more frequently within child care facilities; and,

WHEREAS, activity that occurs at child care facilities may jeopardize the lives, health, safety, welfare, of children, parents, employees, licensees, invitees and other persons who visit such facilities; and

WHEREAS, activity that may take place at child care facilities may result in physical injuries resulting in lacerations, abrasions and other bodily impacts that may result in bleeding; and

WHEREAS, uncontrolled bleeding accounts for the greatest number of preventable deaths; and

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WHEREAS, requiring the presence of Bleeding Control Kits (“BCK”) at child care facilities in the City will assist in managing preventable deaths caused by uncontrolled bleeding regarding traumatic injuries occurring in the City of Pembroke Pines; and

WHEREAS, the City Commission finds that requiring child care facilities to provide and maintain a BCK may improve the safety of children, parents, employees, property owners, licensees, invitees, and other persons visiting such facilities; and

WHEREAS, the City Commission finds that it is in the best interest of the health, safety, and welfare of the residents of the City of Pembroke Pines to require child care facilities in the City to provide and maintain a BCK which may decrease preventable deaths through bleeding control; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

Section 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2: Title XI, Chapter 125, of the Code of Ordinances of the City of Pembroke Pines, entitled, “Bleeding Control Kit Requirements for Child Care Facilities,” is hereby created as follows:

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§ 125.01 PURPOSE AND INTENT.

1. The Bleeding Control Kit requirements set forth in this section shall supplement all requirements, including but not limited to safety requirements, established by the Florida Department of Children and Families, as well as any other agency regulating child care facilities.
2. It is the purpose and intent of this chapter to:
 - a. Promote the public health, safety, and general welfare of the children, parents, employee, and visitors at child care facilities; and
 - b. Establish uniform requirements for child care facilities in the City of Pembroke Pines to keep and maintain BCKs on the premises of child care facilities.

§ 125.02 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **CHILD CARE FACILITIES** shall be defined in Section 402.302, F.S., as may be amended from time to time.
2. **BLEEDING CONTROL KIT (“BCK”)**. A collection of equipment that is used to attempt to control bleeding from an individual who has suffered a traumatic injury.

§ 125.03 BLEEDING CONTROL KIT REQUIREMENTS FOR CHILD CARE FACILITIES.

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1. It shall be the responsibility of the business owner to comply with having a BCK on the premises of the child care facility in accordance with the regulations set forth herein.
2. The BCK shall be:
 - a. Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons;
 - b. Located with or adjacent to the Automatic External Defibrillator if such device is required or present in the building.
3. A bleeding control kit shall contain the following equipment as a minimum:
 - a. One (1) commercially manufactured tourniquets;
 - b. Two (2) four-inch pressure dressings;
 - c. One (1) compressed gauze pads;
 - d. Two (2) pairs of extra-large medical gloves;
 - e. One (1) pair of trauma scissors; and
 - f. One (1) instruction card
4. Penalties. It shall constitute a violation of the City Code, punishable by a two hundred and fifty dollar (\$250.00) civil penalty for:
 - a. Intentionally or willfully rendering a BCK inoperative except during such time as the BCK is being serviced, except pursuant to court order;

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- b. Failure of maintain a complete kit in accordance with Section 125.03(3) above;
- c. Intentionally opening an encased BCK for any purpose other than to provide emergency medical care. It shall not be a violation of this subsection for an owner of property, or an agent thereof, to open their encased BCK for maintenance, repair, or inspection;
- d. Not complying with any requirement of Section 125 of the Code of Ordinances of the City of Pembroke Pines.

Section 3. TRANSITION PERIOD. All child care facilities in operation prior to the effective date of this ordinance shall have six months from the Effective Date of this ordinance to complete all requirements of this ordinance. New child care facilities shall not receive a certificate of occupancy until all provisions of this ordinance has been satisfied.

Section 4. CODIFICATION. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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Section 5. CONFLICT. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. SEVERABILITY. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 7. EFFECTIVE DATE. This Ordinance shall become effective upon passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA ON THE FIRST READING, THIS ____ DAY OF
_____, 2018.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING THIS ____
DAY OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

BY: _____
MAYOR FRANK C. ORTIS

ATTEST:

MARLENE GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

APPROVED AS TO FORM:

SCHWARTZ _____

GOOD _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

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