

ORDINANCE No. 2017-05

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE II OF CHAPTER 8, "BUSINESS," OF THE CITY'S CODE OF ORDINANCES BY CREATING DIVISION 3, "FIRST AID KITS IN PUBLIC LODGING ESTABLISHMENTS"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article VIII of the Florida Constitution provides, in part, that "[m]unicipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law"; and

WHEREAS, Section 166.021, Florida Statutes, further provides that municipalities shall have broad home rule powers, except those expressly prohibited by Florida's Constitution, general or special law, or county charter; and

WHEREAS, the City of Doral (the "City") has the authority and corresponding powers to protect the public health, safety, and welfare within its jurisdiction; and

WHEREAS, while it is recognized that the State of Florida has occupied the regulatory space involving public lodging and food establishments, the City's police powers extend to protecting visitors to the community who may be frequenting the City for family, business, or leisure purposes; and

WHEREAS, it is further recognized that the Code of Federal Regulations, in 29 CFR 1910.151(b), as part of the rules implementing the Occupational Safety and Health

Act of 1970, requires all employers, including public lodging establishments, to have adequate first aid supplies available for employees; and

WHEREAS, the Mayor and City Council have a desire to ensure that lodging patrons, not just employees of public lodging establishments, have access to first aid kits for the self-treatment of minor injuries that may occur while staying in a lodging establishment in the City, as well as readily available information about the location of local medical facilities; and

WHEREAS, the Mayor and City Council have determined that enacting the policies provided herein, to ensure that lodging patrons have access to first aid kits and information about medical facilities within the City, is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 8 - BUSINESS

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ARTICLE II. ~~FOOD AND FOOD~~ PUBLIC LODGING ESTABLISHMENTS

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DIVISION 3. - FIRST AID KITS IN PUBLIC LODGING ESTABLISHMENTS

Sec. 8-60.- Purpose and Intent.

The purpose of this division is to establish policies that strive to protect the health, safety, and welfare of the community, which is inclusive of guests of public lodging establishments temporarily visiting the City, by requiring public lodging establishments to maintain stocked first aid kits for the treatment of minor injuries

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that may befall guests and readily available information about the location of local medical facilities.

Sec. 8-61.- Definitions.

The following words, terms, phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context and/or reference to another legal authority clearly indicates a different meaning:

- (1) “Guest” means any patron, customer, business invitee, or occupant of a public lodging establishment;
- (2) “Operator” means the owner, licensee, proprietor, lessee, manager, designated supervising employee, and/or appointed agent of a public lodging establishment; and
- (3) “Public lodging establishment” means any business that is operated as, and offers to the public, temporary over-night living accommodations on a nightly and/or short-term rental basis, including, but not limited to, hotels, motels, vacation rentals, transient apartments, bed and breakfast inns, condominium hotels, and time-share projects.

Sec. 8-62. - First Aid Kit and Medical Information Requirement.

All public lodging establishments in the City shall maintain, at all times, on their business premises stocked first aid kits, which shall be readily available and accessible to, and dispensable by, the operator, upon the request of a guest of the public lodging establishment. The first aid kits should contain supplies adequate for the self-treatment of minor injuries, such as, without limitations, abrasions, cuts, burns, and sprains and shall contain no less materials and/or supplies than is required in generic first aid kit described in American National Standard (ANSI) Z308.1 "Minimum Requirements for Workplace First-aid Kits." Public lodging establishments shall have no obligation to include medication of any type in the first-aid kits. Public lodging establishments shall also maintain a listing of urgent and emergency medical facilities located within the jurisdiction of the City, along with corresponding physical address, hours of operation, and telephone number, for distribution to guests upon request.

Sec. 8-63. - Interpretation.

This section shall not be construed to impose upon a public lodging establishment, its operator or any employee thereof a legal duty to render first aid or any emergency assistance or treatment or provide any type of medication, to any lodging patron, guest, business invitee, or other such person that may be on its business premises.

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Section 3. Implementation. The City Manager is hereby directed to prepare a listing of urgent and emergency medical facilities within the City, along with their corresponding physical addresses, hours of operations, and telephone numbers, to be provided to public lodging establishments located within the City upon request and/or at the time of issuance of certificates of use and/or business tax receipts. The City Manager, City Clerk, and City Attorney are hereby otherwise authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Councilmember Rodriguez who moved its adoption. The motion was seconded by Councilmember Fraga upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 8 day of February, 2017.

PASSED AND ADOPTED on SECOND READING this 8 day of March, 2017.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY