



**MEMORANDUM**

Agenda Item No. 11(A)(15)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to allow proceeds  
from the existing \$5 surcharge  
on civil penalties for violating  
animal control and cruelty  
ordinances to be used for animal  
shelter operating expenses

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

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** February 17, 2009  
and Members, Board of County Commissioners

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.11(A) (15)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11 (A) (15)  
2-17-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
ALLOW PROCEEDS FROM THE EXISTING \$5 SURCHARGE  
ON CIVIL PENALTIES FOR VIOLATING ANIMAL  
CONTROL AND CRUELTY ORDINANCES TO BE USED FOR  
ANIMAL SHELTER OPERATING EXPENSES

**WHEREAS**, section 828.27, Florida Statutes, currently authorizes counties and municipalities to impose a \$5 surcharge on civil penalties for animal control and cruelty ordinances; and

**WHEREAS**, the statute currently requires the proceeds from this existing \$5 surcharge to be used solely to pay the costs of training for animal control officers; and

**WHEREAS**, city and county animal services departments have come under increasing budget pressures in recent years; and

**WHEREAS**, expanding the uses of the existing \$5 surcharge so that it could be used for shelter operating expenses in addition to training of Animal Control Officers and other enforcement related duties, can greatly assist city and county animal control departments in carrying out their mission,

**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 allow proceeds from the existing \$5 surcharge on civil penalties for violating animal control and cruelty ordinances to be used for animal shelter operating expenses in addition to training of Animal Control Officers and other enforcement related duties.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair and Members of the

Miami-Dade County State Legislative Delegation, and the Executive Directors of the Florida Association of Counties and the Florida League of Cities.

**Section 3.** Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

- |                      |                                 |
|----------------------|---------------------------------|
|                      | Dennis C. Moss, Chairman        |
|                      | Jose "Pepe" Diaz, Vice-Chairman |
| Bruno A. Barreiro    | Audrey M. Edmonson              |
| Carlos A. Gimenez    | Sally A. Heyman                 |
| Barbara J. Jordan    | Joe A. Martinez                 |
| Dorrin D. Rolle      | Natacha Seijas                  |
| Katy Sorenson        | Rebeca Sosa                     |
| Sen. Javier D. Souto |                                 |

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of February, 2009. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.  
Jess M. McCarty



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