

**MEMORANDUM**

Agenda Item No. 11(A)(2)

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

**DATE:** October 20, 2009

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

**SUBJECT:** Resolution urging the Florida Legislature to increase the criminal penalties related to the unlawful slaughter of horses, impose mandatory minimum penalties for unlawfully killing a horse and unlawfully selling horse meat; authorize local governments to suspend or revoke local business licenses of restaurants, stores, or other businesses; and expand the scope of the prohibition on the unlawful sale of horse meat

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** October 20, 2009  
and Members, Board of County Commissioners

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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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(2)

Veto \_\_\_\_\_

10-20-09

Override \_\_\_\_\_

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO INCREASE THE CRIMINAL PENALTIES RELATED TO THE UNLAWFUL SLAUGHTER OF HORSES, IMPOSE MANDATORY MINIMUM PENALTIES FOR UNLAWFULLY KILLING A HORSE AND UNLAWFULLY SELLING HORSE MEAT; AUTHORIZE LOCAL GOVERNMENTS TO SUSPEND OR REVOKE LOCAL BUSINESS LICENSES OF RESTAURANTS, STORES, OR OTHER BUSINESSES; AND EXPAND THE SCOPE OF THE PROHIBITION ON THE UNLAWFUL SALE OF HORSE MEAT

**WHEREAS**, there has been a disturbing increase in the unlawful slaughter of horses in Miami-Dade County since the beginning of 2009; and

**WHEREAS**, this unlawful slaughter of horses may create an atmosphere of fear and distrust within the community of horse owners in Miami-Dade County; and

**WHEREAS**, law enforcement officers in Miami-Dade County are conducting ongoing investigations into these horse slaughters; and

**WHEREAS**, it is believed that these horses are being slaughtered in connection with the illegal sale of horse meat; and

**WHEREAS**, Section 500.451, Florida Statutes, provides that it is unlawful for any person to sell horse meat for human consumption in the markets of this state unless it is clearly stamped, marked, and described as horse meat for human consumption; and

**WHEREAS**, currently, any person who violates Section 500.451 is only guilty of a misdemeanor of the second degree; and

**WHEREAS**, crimes related to the illegal sale of horse meat may be deterred if they are made a third degree felony; and

**WHEREAS**, crimes related to the illegal sale of horse meat also may be deterred if they are subject to mandatory minimum fines and periods of incarceration; and

**WHEREAS**, the trade in illegally acquired horse meat may be deterred to a greater degree if the scope of Section 500.451 were expanded to include any person who knowingly transports, distributes, sells, purchases, or possesses horse meat that is not clearly stamped, marked, and described as horse meat for human consumption or horse meat that has not been acquired from a legally licensed slaughterhouse; and

**WHEREAS**, the illegal sale of horse meat may be deterred to a greater degree if Section 500.451 authorized local governments to revoke or suspend the local business licenses of restaurants, stores, or other businesses, under circumstances to be established by the Florida Legislature, after a person has been convicted of violating Section 500.451; and

**WHEREAS**, Section 828.125, Florida Statutes, makes it a second degree felony to willfully and unlawfully kill a registered breed horse, but does not impose any mandatory minimum fines or periods of incarceration; and

**WHEREAS**, the unlawful slaughter of horses may be deterred to a greater degree if the scope of Section 828.125 were expanded to make it a second degree felony to willfully and unlawfully kill any horse, including mixed breed horses as well as registered breed horses; and

**WHEREAS**, the unlawful slaughter of horses may be deterred to a greater degree if persons who violate Section 828.125 were subject to mandatory minimum fines and periods of incarceration; and

**WHEREAS**, this increase in criminal penalties may facilitate more vigorous enforcement and prosecution of crimes related to the illegal sale of horse meat and better protect the community of horse owners in Miami-Dade County,

**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:

(a) increase the criminal penalty for the illegal sale of horse meat under Section 500.451 to a third degree felony;

(b) impose mandatory minimum fines and periods of incarceration for violations of Section 500.451;

(c) expand the scope of Section 500.451 to include any persons who knowingly transport, distribute, sell, purchase, or possess horse meat which is not clearly stamped, marked, and described as horse meat for human consumption or horse meat which has not been acquired from a legally licensed slaughterhouse;

(d) authorize local governments to revoke or suspend local business licenses of restaurants, stores, or other businesses, under circumstances established by the Florida Legislature, after a person has been convicted of violating Section 500.451; and

(e) expand the scope of Section 828.125 to include mixed breed horses; and

(f) impose mandatory minimum fines and periods of incarceration for the killing of a horse in violation of Section 828.125.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the legislation set forth in Section 1, parts (a) through (f) above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2010 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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 20<sup>th</sup> day of October, 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.



Abbie N. Schwaderer