

MEMORANDUM

Agenda Item No. 11(A)(28)

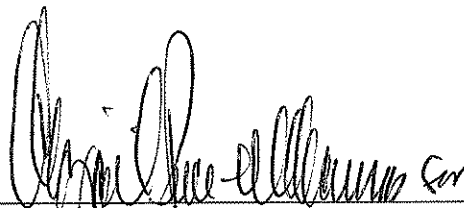
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Resolution urging Congress
and the Florida Legislature to
restrict private ownership of
exotic animals

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 11(A)(28)

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)(28)

Veto _____

1-24-12

Override _____

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS AND THE FLORIDA
LEGISLATURE TO RESTRICT PRIVATE OWNERSHIP OF
EXOTIC ANIMALS

WHEREAS, in October, 2011, an owner of exotic animals in Zanesville, Ohio freed 56 such exotic animals before killing himself; and

WHEREAS, significant public safety concerns were created, area residents were urged to remain inside and schools had to be closed; and

WHEREAS, although no person was killed or injured, 49 exotic animals eventually had to be killed by sheriff's deputies, including 18 tigers, 17 lions, six black bears, three mountain lions, two grizzly bears, one baboon and two wolves, according to the local sheriff; and

WHEREAS, the State of Ohio, along with the States of Alabama, Nevada, North Carolina, South Carolina, West Virginia and Wisconsin are generally considered to have the most lax state laws when it comes to ownership of exotic animals, where such ownership is largely unregulated; and

WHEREAS, the State of Florida prohibits private possession of some, but not all exotic animals; and

WHEREAS, in Florida, it is unlawful for a private person to possess "Class I" wildlife, which includes chimpanzees, gorillas, orangutans, baboons, leopards, jaguars, tigers, lions, bears, elephants and crocodiles unless the animal was in possession prior to August 1, 1980, with licensed zoos and certain licensed traveling wildlife exhibitors exempted; and

WHEREAS, in 2010, the Florida Legislature passed state regulations prohibiting importation, sale, possession and release of certain non-native species of venomous reptiles, such as various python species, Green Anaconda, Nile monitor and other reptiles designated by the commission as a conditional or prohibited species; and

WHEREAS, persons who hold permits issued before July 1, 2010 for these non-native species may legally possess the species for the remainder of the reptile's life in Florida; and

WHEREAS, with a permit from the Fish & Wildlife Conservation Commission, Florida allows private possession of "Class II" wildlife, which includes howler and guereza monkeys, macaques, cougars, bobcats, cheetahs, ocelots, servals, coyotes, wolves, hyenas and alligators; and

WHEREAS, the animals listed as Class II Wildlife in Florida are still potentially dangerous and endangered species; and

WHEREAS, the Florida Legislature should revise state law to prohibit private possession of Class II wildlife, with exemptions for zoos, researchers and licensed exhibitors; and

WHEREAS, at the federal level, Congress in 2003 passed the Captive Wildlife Safety Act, which banned the interstate transportation and commerce of lions, tigers, jaguars, cheetahs, leopards and cougars in the exotic pet trade; and

WHEREAS, Senator Barbara Boxer (D - California) has filed the Captive Primate Safety Act, S. 1324, for consideration during the 112th Congress, which would ban the interstate commerce of additional animals, including chimpanzees, monkeys, and other primates, as private pets; and

WHEREAS, the U.S. Fish and Wildlife Service currently is considering a proposed rule that would remove generic tigers from the list of species exempt from registration under federal captive-bred wildlife regulations; and

WHEREAS, because of this exemption, there is no oversight of interstate commerce in tigers bred in captivity from an unknown or mixed lineage; and

WHEREAS, according to the Humane Society of the U.S., there are likely more tigers living in captivity in the U.S. today than exist in the wild, though the total number of captive tigers is unknown because there is no comprehensive national reporting system; and

WHEREAS, by adopting the proposed rule, all tigers would be subject to the same rules as other endangered species and a person would need to obtain authorization from the U.S. Fish and Wildlife Service to possess such tigers,

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 and the Florida Fish & Wildlife Commission to revise state law to prohibit private possession of Class II wildlife, with exemptions for zoos, researchers and licensed exhibitors.

Section 2. Urges Congress to pass the Captive Primate Safety Act, S. 1324, or similar legislation banning the interstate commerce of chimpanzees, monkeys, and other primates as private pets.

Section 3. Urges the U.S. Secretary of the Interior to adopt rules that would remove generic tigers from the list of species exempt from registration under federal captive-bred wildlife regulations.

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Section 4. Directs the Clerk of the Board to transmit certified copies of this resolution to the members of the Florida Congressional Delegation, the U.S. Secretary of the Interior, the Chair and Members of the Miami-Dade State Legislative Delegation and the Executive Director of the Florida Fish and Wildlife Conservation Commission.

Section 5. Directs the County's state lobbyists to advocate for the action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 State Legislative Package to include this issue.

Section 6. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections 2 and 3 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2012 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsor is Commissioner Jose 'Pepe' Diaz. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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:

ADW for Jmm

Jess M. McCarty

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