

# MEMORANDUM

Agenda Item No. 11(A) (19)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Resolution urging Florida  
Legislature to amend Section  
828.122, Florida Statutes, to  
classify fighting or baiting  
animals as a first-degree felony

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Agenda Item No. 11(A) (19)

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 Mayor'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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(19)  
6-4-13

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

RESOLUTION URGING FLORIDA LEGISLATURE TO  
AMEND SECTION 828.122, FLORIDA STATUTES, TO  
CLASSIFY FIGHTING OR BAITING ANIMALS AS A FIRST-  
DEGREE FELONY

**WHEREAS**, animal fighting and/or baiting are especially heinous and intolerable acts of cruelty to animals; and

**WHEREAS**, “trunking” is one particularly heinous form of animal fighting and/or baiting; and

**WHEREAS**, section 828.122, Florida Statutes, currently makes the crime of animal fighting and/or baiting a third-degree felony, which is punishable by a term of imprisonment not to exceed 5 years and/or a fine not to exceed \$5,000.00; and

**WHEREAS**, penalties for animal fighting and/or baiting should be increased to reflect the severity and heinousness of the act,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** This Board urges the Florida Legislature to amend section 828.122, Florida Statutes, to classify fighting or baiting animals as a first-degree felony.

**Section 2.** This Board 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.** This Board directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of

Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of June, 2013. 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.

MM

Michael J. Mastrucci