

MEMORANDUM

Agenda Item No. 7(E)

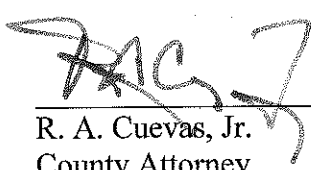
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 9-17-13)
June 4, 2013

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

SUBJECT: Ordinance pertaining to animals;
expanding definition of acts
deemed cruelty to animals;
increasing penalties for fighting
of animals; amending Sections
5-4 and 8CC-10 of the Code;
providing authority for
enforcement by civil penalty

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa, and Co-Sponsors Vice Chair Lynda Bell, Commissioner Esteban L. Bovo, Jr., Commissioner Jose "Pepe" Diaz, Commissioner Audrey M. Edmonson, and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

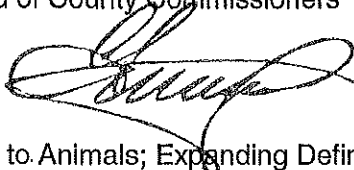
Memorandum

MIAMI-DADE
COUNTY

Date: September 17, 2013

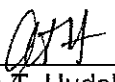
To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor



Subject: Ordinance Pertaining to Animals; Expanding Definition of Acts Deemed Cruelty to Animals; Increasing Penalties for Fighting of Animals; Amending Sections 5-4 and 8CC-10 of the Code; Providing Authority for Enforcement by Civil Penalty

The proposed ordinance expands the definition of acts deemed cruelty to animals; increases penalties for fighting of animals; amends Section 5-4 and 8CC-10 of the Code; and provides authority for enforcement by civil penalty. Enforcement of the regulations will be absorbed with existing staff within the Animal Services Department. Implementation of this ordinance may result in additional revenues to the County from civil penalties however, the amount is difficult to determine at this time.



Alina T. Hudak
Deputy Mayor

Fis8013



MEMORANDUM

(Revised)

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

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 7(E)

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

Agenda Item No. 7(E)

Veto _____

9-17-13

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS;
EXPANDING DEFINITION OF ACTS DEEMED
CRUELTY TO ANIMALS; INCREASING PENALTIES
FOR FIGHTING OF ANIMALS; AMENDING SECTIONS
5-4 AND 8CC-10 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA (CODE); PROVIDING AUTHORITY
FOR ENFORCEMENT BY CIVIL PENALTY;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE

WHEREAS, under Section 5-4(b) of the Code of Miami-Dade County, the use of
an animal for fighting is an act of cruelty to animals; and

WHEREAS, this Board has recently received information about an especially
heinous practice of dog fighting, called "trunking," in which two dogs are locked in the
trunk of a car that is driven around with music blasting while the dogs fight to the death in
the confined space; and

WHEREAS, this Board desires to increase the penalty for this act of cruelty,

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

Section 1. Section 5-4 of the Code of Miami-Dade County is hereby amended
to read as follows:¹

Sec. 5-4. - Cruelty to animals.

* * * *

(b) *Acts deemed cruelty to animals.* It shall be unlawful to commit any
act that constitutes cruelty to animals. The following acts shall be deemed

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored
and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in
effect and remain unchanged.

cruelty to animals (see Sections 828.12, 828.13 and 828.16, Florida Statutes):

(1) To torture, torment, mutilate, kill, or unnecessarily overdrive any animal or to cause the same to be done.

(1.1) To engage in animal fighting, including, without limitation, dog fighting or cock fighting. For purposes of this section, to be engaged in animal fighting means to instigate, promote, assist, hold, manage, stage, conduct, be employed in connection with, be present for the preparation of, provide an animal for, allow one's own real or personal property to be used for, gamble on, be a spectator at, or profit from an exhibition, contest, or event featuring the fighting of an animal with another animal during which an animal may be injured, maimed, or killed. >>The practice of "trunking," in which two animals are locked in the trunk of a car and induced to fight in the confined space, shall be deemed animal fighting.<<

* * * *

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	* * * *	
5-4	Cruelty to animals	500.00
	Animal fighting or baiting	1,000.00
	>> <u>"Trunking" of animals</u>	<u>2,000.00</u> <<
	* * * *	

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor:	Chairwoman Rebeca Sosa
Co-Sponsors:	Vice Chair Lynda Bell
	Commissioner Esteban L. Bovo, Jr.
	Commissioner Jose "Pepe" Diaz
	Commissioner Audrey M. Edmonson
	Commissioner Sally A. Heyman