

# MEMORANDUM

Agenda Item No. 11(A)(15)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

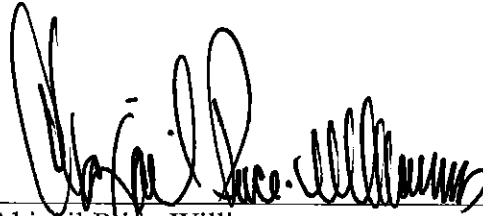
**DATE:** April 10, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to limit the maximum  
time for an owner to reclaim a  
lost or stray animal from a  
private custodian

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

  
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Abigail Price-Williams  
County Attorney

APW/lmp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** April 10, 2018

**FROM:**   
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County Attorney

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

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
- ☐ Statement of social equity 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)(15)  
4-10-18

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
LIMIT THE MAXIMUM TIME FOR AN OWNER TO RECLAIM  
A LOST OR STRAY ANIMAL FROM A PRIVATE CUSTODIAN

**WHEREAS**, Florida law considers animals to be property; and

**WHEREAS**, chapter 705 of the Florida Statutes provides regulations governing lost or abandoned property; and

**WHEREAS**, section 705.104(1) of the Florida Statutes generally provides that an owner of lost or abandoned property has a 90-day period, following the required notice, within which to reclaim the property from the finder, and that the finder does not become the new owner until the end of that custodial period; and

**WHEREAS**, the only provision in chapter 705 that addresses animals is section 705.19, which only applies to animals that have been left in the custody of a licensed veterinarian or boarding kennel and which provides a 10-day reclamation period following required notice; and

**WHEREAS**, the only other statute that specifically addresses lost or abandoned animals is section 588.17, which addresses a county's obligations to impound stray livestock and which only requires a county to hold stray livestock for 3 days from the date of required notice; and

**WHEREAS**, many private citizens want to care for lost or stray animals, primarily dogs and cats, without having to turn them in to a county or municipal animal shelter; and

**WHEREAS**, Florida law does not provide any specific guidance to those private custodians of lost or stray animals as to how much time they must give a possible owner to reclaim the animal before the custodian can either adopt the animal or find a permanent home for the

animal, and in fact Florida law appears to require private animal custodians to abide by the 90-day reclamation period that generally applies to property; and

**WHEREAS**, in Ordinance No. 17-05 (codified as Section 5-18.1), this Board adopted a procedure for private custodians to notify the County when they are in possession of lost or stray dogs, so that the County may make that information available to any owners that may be looking for their lost pets, but given the uncertainty in state law, the County did not prescribe any particular reclamation period; and

**WHEREAS**, the needs of animals as living creatures and their unique relationship with humans warrants providing a shorter reclamation period than the law requires for inanimate objects such as cars; and

**WHEREAS**, if a private custodian reports the animal to a local government shelter in accordance with an established procedure, such that the local government can provide the same information to possible owners as the local government would if it had impounded the animal itself, then the private custodian's reclamation period should be no longer than the minimum hold period that the local government shelter provides,

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

**Section 1.** Urges the Florida Legislature to specify that the amount of time a private custodian of a stray or lost animal must provide for a possible owner to reclaim the animal is less than the 90-day reclamation period that applies to property generally, and that, where a local government has an established procedure for reporting animals held by private custodians, then private custodians who follow that procedure will be subject to a reclamation period that is no longer than the minimum hold period established for that local government's public shelter.

**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 State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the actions set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2019 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
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 10<sup>th</sup> day of April, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Dennis A. Kerbel

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