

## MEMORANDUM

Agenda Item No. 7(E)

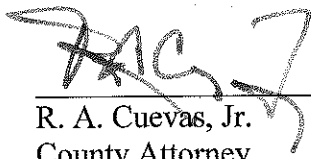
**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**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  
Ordinance No. 13-85

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

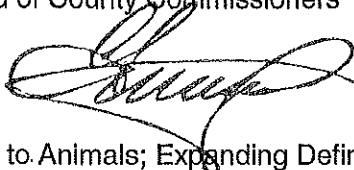
# Memorandum

MIAMI-DADE  
COUNTY

**Date:** September 17, 2013

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

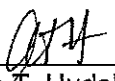
**From:** Carlos A. Gimenez  
Mayor



**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

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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. 13-85

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:<sup>1</sup>

**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

<sup>1</sup> 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: September 17, 2013

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