

# MEMORANDUM

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** June 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution directing the County Attorney's Office to advise the Miami-Dade County Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural under section 193.461, Florida Statutes, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Vice-Chairman Oliver G. Gilbert, III, Commissioner Kionne L. McGhee and Senator Javier D. Souto.



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Geri Bonzon-Keenan  
County Attorney

GBK/uw



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)(4)  
6-1-22

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

RESOLUTION DIRECTING THE COUNTY ATTORNEY'S OFFICE TO ADVISE THE MIAMI-DADE COUNTY PROPERTY APPRAISER WHENEVER A COURT HAS ENTERED A FINAL ORDER OR JUDGMENT IN FAVOR OF MIAMI-DADE COUNTY IN A CASE INVOLVING ANIMAL CRUELTY OR NEGLECT THAT HAS TAKEN PLACE ON LAND THAT HAS BEEN CLASSIFIED AS AGRICULTURAL UNDER SECTION 193.461, FLORIDA STATUTES, SO THAT THE PROPERTY APPRAISER CAN INVESTIGATE WHETHER THE LAND IS STILL PROPERLY CLASSIFIED AS AGRICULTURAL

**WHEREAS**, Miami-Dade County, through its Animal Services Department and Police Department, enforces animal cruelty laws codified in the Florida Statutes and chapter 5 of the Code of Miami-Dade County; and

**WHEREAS**, despicable acts of animal cruelty and neglect sometimes take place on agricultural lands, particularly in cases involving horses or livestock; and

**WHEREAS**, the Miami-Dade County Property Appraiser classifies lands as agricultural under section 193.461, Florida Statutes, if the lands are "used primarily for bona fide agricultural purposes," which means "good faith commercial agricultural use of the land"; and

**WHEREAS**, section 193.461, Florida Statutes, provides special treatment for property tax purposes to agricultural land meeting certain requirements, allowing the property to be assessed at less than its fair market value, and instead be assessed based on its actual use; and

**WHEREAS**, under Florida law, the Property Appraiser shall reclassify land as nonagricultural if the land is "diverted from an agricultural to a nonagricultural use" or "no longer being utilized for agricultural purposes"; and

**WHEREAS**, to promote fairness in the classification of land under section 193.461, this Board wishes to direct the County Attorney’s Office to advise the Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Attorney’s Office to advise the Miami-Dade County Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural under section 193.461, Florida Statutes, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsors are Vice-Chairman Oliver G. Gilbert, III, Commissioner Kionne L. McGhee and Senator Javier D. Souto. 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

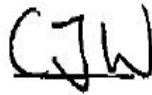
The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> day of June, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an 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.



Christopher J. Wahl  
Daija Page Lifshitz