

MEMORANDUM

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(B) (Second Reading: 1-22-25) September 4, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to the feeding and abandonment of animals at the Dante B. Fascell Port of Miami-Dade ("PortMiami"); amending section 28A-13.12 of the Code

The accompanying ordinance was prepared by Port of Miami and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney


GBK/ks

Memorandum



Date: January 22, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Ordinance Relating to the Feeding and Abandonment of Animals at the Dante B. Fascell Port of Miami-Dade (PortMiami); Amending Section 28A-13.12 the Code of Miami-Dade County, Florida

Executive Summary

The purpose of this item is to gain authorization from the Board of County Commissioners (Board) to amend Section 28A-13.12 of the Code of Miami-Dade County to address the feeding and abandonment of animals at PortMiami. Currently, this Section of the Code prohibits the feeding of animals at PortMiami but does not address abandoned animals.

Thus, this item (1) allows for the lawful feeding of stray animals at PortMiami by authorized individuals acting pursuant to County-established programs, and (2) prohibits the unlawful abandonment of animals at PortMiami. The proposed ordinance ensures alignment with existing County policies on animal welfare and control by incorporating the recitals and approving them as part of the legislative framework.

Recommendation

It is recommended that the Board adopt the proposed amendments to Section 28A-13.12 of the Code of Miami-Dade County to align PortMiami's regulations on feeding and abandonment of animals with the County's policies on animal welfare.

Scope

PortMiami is located within District 5, which is represented by Commissioner Eileen Higgins. The impact of this agenda item is countywide as PortMiami is a regional asset and generates employment for residents throughout Miami-Dade County.

Fiscal Impact/Funding Source

This ordinance has no fiscal impact on PortMiami revenue.

Background

PortMiami faces challenges related to abandoned animals and the unlawful feeding of animals despite the current Section 28A-13.12 of the Code of Miami-Dade County. There have been multiple domestic animals abandoned at PortMiami which have propagated. As is common when stray animals live among places of business, untrained individuals feed these animals. Unfortunately, this has led to unhealthy feeding conditions for certain animals.

The Seaport Department has partnered with the Animal Services Department to roll out a Cat Feeder Program (Program) at PortMiami. This Program trains volunteers to provide the proper amount of food and monitor the eating habits of cats for a healthy lifestyle.

However, since Section 28A-13.12(g) of the Code of Miami-Dade County prohibits the feeding of animals at PortMiami, an amendment to this Section is needed to allow for the lawful feeding of certain stray animals by trained volunteers in accordance with established County feeding programs.


Additionally, there has been an observed increase in abandoned animals at the port, which poses welfare, health, sanitation and safety concerns. While the County has legislation that prohibits a responsible party from abandoning animals at any public place in Section 5-4(b)(6) of the Code of Miami-Dade County, PortMiami does not have similar language in Section 28A of the same Code. Therefore, this ordinance proposes a new subsection within Section 28A-13.12 with language that prohibits any animal from being abandoned at PortMiami.

Track Record/Monitor

The Seaport Department staff members responsible for monitoring this amended ordinance are Deputy Director Frederick P. Wong, Jr. and Assistant Director Becky Hope.

Delegation of Authority

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no delegated authorities beyond those specified in the ordinance, which include the authority for the County Mayor or County Mayor's designee to execute.




Jimmy Morales
Chief Operating Officer

Memorandum



Date: January 22, 2025


To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Related to the Feeding and Abandonment of Animals at the Dante B. Fascell Port of Miami-Dade (PortMiami), Amending Section 28A-13.12 the Code of Miami-Dade County, Florida

The proposed Ordinance seeks to amend Section 28A-13.12 of the Code of Miami-Dade County to address the feeding and abandonment of animals at PortMiami. Currently, this Section of the Code prohibits the feeding of animals at PortMiami and does not address abandoned animals. The proposed Ordinance allows for the lawful feeding of stray animals at PortMiami by authorized individuals acting pursuant to County-established programs and prohibits the unlawful abandonment of animals at PortMiami. The proposed Ordinance ensures alignment with existing County policies on animal welfare and control by incorporating the recitals and approving them as part of the legislative framework.

The proposed Ordinance creates a social benefit for the County staff, port partners, tenants and cruise passengers by eliminating the unlawful feeding of animals and replacing with a structured Feeding Program. The program will train volunteers to provide the proper amount of food and monitor the eating habits of the cats for a healthy lifestyle. Without the amendment to the County Code, individuals will continue to illegally feed animals.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 ____, majority plus one ____, 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) ____, 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. 7(B)
1-22-25

ORDINANCE NO. _____

ORDINANCE RELATING TO THE FEEDING AND
ABANDONMENT OF ANIMALS AT THE DANTE B. FASCELL
PORT OF MIAMI-DADE (“PORTMIAMI”); AMENDING
SECTION 28A-13.12 OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, countless stray domestic animals reside in Miami-Dade County (the
“County”); and

WHEREAS, animal welfare is a priority of the County; and

WHEREAS, on December 15, 2020, this Board adopted Resolution No. R-1255-20, the
Save Charlie Act, which established the Miami-Dade County No Kill Animal Shelter Policy; and

WHEREAS, multiple domestic animals have been abandoned at PortMiami; and

WHEREAS, the animals abandoned at PortMiami have since propagated; and

WHEREAS, section 28A-13.12(g) of the Code of Miami-Dade County currently prohibits
the feeding of animals at PortMiami; and

WHEREAS, in order to harmonize County policy on the treatment of animals, this Board
desires to allow for the lawful feeding of certain stray animals by authorized individuals at
PortMiami pursuant to lawfully established County feeding programs; and

WHEREAS, section 5-4(b)(6) of the Code of Miami-Dade County prohibits a responsible
party from abandoning animals at any public place; and

WHEREAS, this Board desires to specify that the abandonment of animals at PortMiami
is prohibited,

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

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 28A-13.12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 28A-13.12 Animals.

- (a) No person, other than a person who is blind, visually impaired or otherwise disabled with a seeing eye or other specially trained dog, or who is accompanied by a trained dog used for law enforcement purposes under the control of an authorized law enforcement officer, shall enter the cruise terminal building with a domestic animal, unless such animal is to be or has been transported by sea and is kept restrained by a leash or otherwise confined so as to be completely under control.

* * *

- (g) >>Other than authorized individuals acting pursuant to animal feeding programs or policies lawfully established by the County,<< no person shall feed or do any other act to encourage the congregation of birds or other animals on or in the vicinity of the port.

- >>(h) No person shall place, dump, abandon or leave any animal, either wild or domestic, on the grounds of the port.<<

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.

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.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained, that the provisions of this ordinance shall become and be made a 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:

Christian J. Fernandez-Andes

EW4 for
CJF