

MEMORANDUM

Agenda Item No. 7(J)

(Second Reading 5-5-20)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

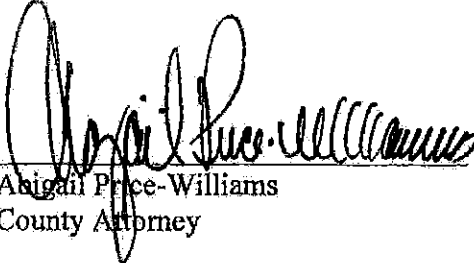
DATE: January 22, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to animals;
amending sections 5-1 and 5-19
of the Code; making clarifying
and technical changes;
reorganizing provisions of
section 5-19; providing
regulations pertaining to wild,
stray, or lost animals suspected
of having rabies; directing the
County Mayor to create a
website with information relating
to rabies incidents in the County;
requiring the County Mayor to
provide a report

Ordinance No. 20-42

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Sally A. Heyman and Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Fiscal Impact Statement for Ordinance Pertaining to Animals; Wild, Stray or Lost Animals Suspected of Having Rabies

The proposed ordinance amends Sections 5-1 and 5-19 of the Code of Miami-Dade County (Code) to make technical changes and provide regulations pertaining to wild, stray or lost animals suspected of having rabies. The proposed changes to the Code with regard to the quarantine procedures of an animal suspected of having rabies would not have a fiscal impact to the County as any expense would be incurred by the responsible party, as defined in the Code. For wild, stray or lost animals suspected of having rabies and for which there is not an identifiable responsible party, the County, as is current practice today, would be responsible for all expenses associated with quarantine and examination. Continuing this practice will not result in a measurable fiscal impact to the County.

Additionally, the proposed ordinance directs the County Mayor or the County Mayor's designee to create and maintain a website with up-to-date information pertaining to rabies-related incidents in Miami-Dade County. The Florida Department of Health (DOH) is the database custodian of all animal bites reported and rabies testing. The website maintained by the DOH captures the total number of animals confirmed as having rabies in each county, the species of each animal, whether the animal bit a human or domestic animal and if the animal was tested as part of a rabies surveillance program. This information can be included on the County's current rabies website and therefore will not have a fiscal impact to the County.

The additional information required by the ordinance that includes the general area of the County the animal originated from, how many bite victims each animal was responsible for and the outcome of each bite incident will require coordination with the DOH, but can be included as part of ongoing monitoring.

A handwritten signature in black ink, appearing to read "Jennifer Moon", written over the printed name.

Jennifer Moon
Deputy Mayor


02720

Memorandum



Date: May 5, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Pertaining to Animals; Wild, Stray or Lost Animals
Suspected of Having Rabies

The implementation of this ordinance would provide a benefit to the community, as information would be clarified and procedures for the Animal Services Department are defined as it relates to animals suspected of having rabies. The ordinance also directs that a website be created with information relating to rabies incidents in the County.


Jennifer Moon
Deputy Mayor

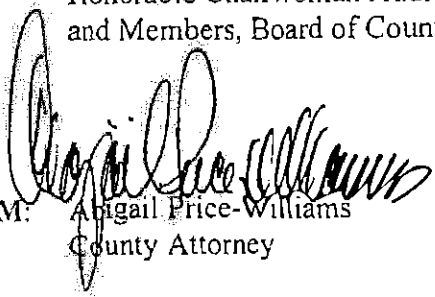
02720



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(J)

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. 7(J)
5-5-20

ORDINANCE NO. 20-42

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-1 AND 5-19 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MAKING CLARIFYING AND TECHNICAL CHANGES; REORGANIZING PROVISIONS OF SECTION 5-19; PROVIDING REGULATIONS PERTAINING TO WILD, STRAY, OR LOST ANIMALS SUSPECTED OF HAVING RABIES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE A WEBSITE WITH INFORMATION RELATING TO RABIES INCIDENTS IN THE COUNTY; REQUIRING THE COUNTY MAYOR TO PROVIDE A REPORT; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, rabies is a lethal disease that affects mammals, including humans, dogs, and cats; and

WHEREAS, rabies is most frequently transmitted through the bite of a rabid animal; and

WHEREAS, in the past year, there has been an increased incidence of rabies reports in Miami-Dade County, with eight raccoons, two cats, and one otter testing positive for rabies; and

WHEREAS, in the past year, there have been four incidents in the County of a human coming into contact with an animal infected with rabies, including one person who was bitten by a rabid otter; and

WHEREAS, section 5-19 of the Code of Miami-Dade County sets forth various requirements imposed on the County and on members of the public for handling animals suspected of having rabies and responding to incidents when a person or animal is bitten by a rabid animal, including quarantine procedures; and

WHEREAS, while section 5-19 sets forth an individual's responsibilities when handling his or her own pet that is suspected of having rabies, section 5-19 is less clear as to an individual's responsibilities with respect to wild, stray, or lost animals that an individual finds and suspects of having rabies; and

WHEREAS, this Board wishes to establish regulations for reporting wild, stray, or lost animals suspected of having rabies; and

WHEREAS, this Board also wishes to clarify and reorganize other requirements, procedures, and defined terms used in section 5-19, such as "responsible party," which is defined in section 5-1(27) of the Code as "any person owning, harboring, or having custody or control of an animal"; and

WHEREAS, this Board further wishes to provide the public with up-to-date, reliable, and centralized information about rabies incidents in Miami-Dade County,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 5-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 5-1. – Definitions.

As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:

* * *

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.

- (9) *Department* means the Miami-Dade County Animal Services Department >>or its successor department<<.
- (10) *Director* means the Director of the Miami-Dade County Animal Services Department >>or its successor department<<.

* * *

Section 3. Section 5-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 5-19. - ~~[[Rabies quarantine; report of animal bites]]>>Animal bites; animals suspected of having rabies; quarantine<<~~

- (a) It shall be the duty of every attending practitioner licensed to practice medicine, osteopathic medicine, or veterinary medicine, and every other person knowing of or witnessing an incident, to promptly report to the Department of Health every instance in which a human is bitten by an animal.
- (b) Any animal that has bitten a human shall be captured alive, if possible. ~~[[If the animal shows signs of rabies during the quarantine period provided herein, the animal shall be humanely euthanized in accordance with Section 5-24 of this chapter, and its head shall be detached without mutilation and submitted to the local Department of Health laboratory without delay. An animal that dies before capture or during the quarantine period shall also have its head detached and submitted to the Department of Health. Notwithstanding any other provision in this chapter, stray, abandoned, or surrendered animals may be humanely euthanized and have their heads submitted for testing immediately at the end of the applicable confinement period set forth in Section 5-18 of this chapter.~~
- (e)]] Any animal that has bitten a human shall be, at the discretion of the Director >>of the Animal Services Department<< or the Director of the >>Florida<< Department of ~~[[Public]]~~ Health impounded and quarantined for >>10<< ~~[[ten (10)]]~~ days from the date of the bite at the ~~[[responsible party's]]~~ expense >>of the responsible party, as defined in section 5-1(27),<< at a place designated for that purpose by the Director of the Animal Services Department or by the

Director of the Department of Health; or placed in the custody of a licensed veterinarian; or quarantined at the responsible party's home.

~~[(c)]~~ >>(c)<< Any animal >>that has an owner or other responsible party and that either is<< suspected of having rabies or ~~[[any animal that]]~~ has been bitten by a known rabid animal shall be ~~[[impounded and]]~~ quarantined at the responsible party's expense at a place designated by the Director of the Animal Services Department or the Director of ~~[[Public]]~~>>the Department of<< Health for that purpose or placed in the custody of a licensed veterinarian for ~~[[ten (10) days]]~~>>the appropriate rabies quarantine period as established by the state.

(d) Procedures for quarantined or deceased animals. The following procedures shall apply to animals under quarantine or that die before or during quarantine:

- (1) If a quarantined animal shows signs of rabies during the quarantine period, the animal shall be humanely euthanized in accordance with section 5-24.
- (2) An animal that shows signs of rabies and that dies either before being captured or during the quarantine period shall have its head detached without mutilation and submitted to the local Department of Health laboratory without delay.
- (3) Notwithstanding any other provision in this chapter, stray, abandoned, or surrendered animals suspected of having rabies may be humanely euthanized and have their detached heads submitted for testing immediately at the end of the applicable confinement period set forth in section 5-18.
- (4) If, upon completion of the quarantine period, a quarantined animal has not shown signs of rabies, the responsible party promptly shall take the animal to a licensed veterinarian for certification that the animal is in good health and that its rabies vaccinations are current.
 - (i) The responsible party shall provide the veterinarian's certification to the Animal Services Department within 10 days of the veterinary examination.
 - (ii) In addition, the responsible party shall ensure that the animal has been implanted with a microchip, the microchip has been registered

with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Animal Services Department.<<

(e) If an animal is quarantined at the home of the responsible party pursuant to this section, the responsible party shall be liable for failing to properly confine the animal during the quarantine period.

(f) ~~[[Upon completion of the quarantine period, the responsible party shall take the animal to a licensed veterinarian for certification that the animal is in good health and that its rabies vaccinations are current. The responsible party shall provide the veterinarian's certification to the Department within ten (10) days of the veterinary examination. In addition, the responsible party shall ensure that the dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department.~~

(g)] >>Exceptions to quarantine requirements.<< Service animals and animals used for law enforcement purposes shall be exempt from the quarantine requirements of this section, provided that the animal's rabies vaccination is current and was administered in accordance with this chapter.

>>(g) Wild, stray, or lost animals. Any person who finds a wild, stray, or lost animal and who suspects the animal of having rabies shall immediately notify the Animal Services Department.

(1) Upon being notified of a wild, stray, or lost animal suspected of having rabies, the Animal Services Department shall take measures to protect the public from the reported animal, including, if appropriate, (i) taking custody of the reported animal and (ii) placing the animal under quarantine in accordance with the quarantine procedures set forth in this section.

(2) A person does not become a "responsible party" for a wild, stray, or lost animal based on the sole fact that the wild, stray, or lost animal was found on property

that the person owns or on property at which the person resides, nor does a person become a "responsible party" for a wild, stray, or lost animal based on the sole fact that the person has notified the Miami-Dade County Animal Services Department or other authority of the presence of the animal.<<

Section 4. The County Mayor or County Mayor's designee shall create and maintain a website that provides, in a reader-friendly format, up-to-date information about rabies-related incidents in Miami-Dade County, including, but not limited to: (1) on a monthly basis, the number of animals reported to have or to be suspected of having rabies in Miami-Dade County in the preceding month, beginning with the month prior to the effective date of this ordinance; (2) the species of each animal (e.g., dog, cat, raccoon, etc.); (3) the general area in the County where the animal was found; (4) whether the animal bit a human, and if so, how many humans; and (5) what the outcome of the incident was (e.g., whether the animal was confirmed to have rabies, whether the animal was euthanized, etc.). The County Mayor or County Mayor's designee shall maintain this website using information from County records, from calls made to the County's 311 Answer Center, and from records of any other governmental entity with jurisdiction over matters related to rabies, including, but not necessarily limited to, the Florida Department of Health and the Florida Fish and Wildlife Conservation Commission. If the County Mayor or County Mayor's designee does not have relevant records, the County Mayor or County Mayor's designee shall attempt to obtain relevant records, such as by making Public Records Act requests to other governmental entities with relevant records. Modifications to the requirements of this section may be made by resolution of this Board. The County Mayor shall provide a report advising of the status of the development of the website and place the report on an agenda of this Board pursuant to Ordinance No. 14-65 within 90 days of the effective date of this resolution.

Section 5. 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 6. 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 but excluding section 4, 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 7. 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: May 5, 2020

Approved by County Attorney as
to form and legal sufficiency:

APW

Prepared by:

CJW

Christopher J. Wahl
Dennis A. Kerbel

Prime Sponsor: Commissioner Joe A. Martinez
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Sally A. Heyman
Vice Chairwoman Rebeca Sosa