

MEMORANDUM

Agenda Item No. 11(A)(30)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to immediately take
appropriate, lawful action to
control, and help prevent the
proliferation of, nuisance wildlife
in District 10, to conduct an
educational campaign about
nuisance wildlife, and to provide
a report

Resolution No. R-475-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(30)

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)(30)
5-4-21

RESOLUTION NO. R-475-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO IMMEDIATELY TAKE APPROPRIATE, LAWFUL ACTION TO CONTROL, AND HELP PREVENT THE PROLIFERATION OF, NUISANCE WILDLIFE IN DISTRICT 10, TO CONDUCT AN EDUCATIONAL CAMPAIGN ABOUT NUISANCE WILDLIFE, AND TO PROVIDE A REPORT

WHEREAS, although wildlife can be a natural part of the community that provides important ecological benefits, wildlife can also be a nuisance and potentially threaten public health and safety, such as when wild animals attack people or pets or spread diseases, including rabies, distemper, and roundworm; and

WHEREAS, the Florida Constitution vests the Florida Fish and Wildlife Conservation Commission ("FWC") with the power and duty to regulate wildlife; and

WHEREAS, provisions of the Florida Statutes and regulations promulgated by FWC govern the treatment of wildlife throughout the State of Florida, and FWC has jurisdiction to enforce those laws; and

WHEREAS, Miami-Dade County also plays a role in managing wildlife in our community; and

WHEREAS, for example, chapter 5 of the Code of Miami-Dade County, Florida, has regulations pertaining to wildlife, and chapter 26 of the Code has regulations governing the treatment of wildlife in County parks, including the general prohibition against feeding by any person of any exotic or native animal in a County park or in the public areas immediately adjacent to a County park; and

WHEREAS, as another example, County code enforcement officers enforce the regulations in chapter 19 of the Code governing the proper maintenance of private properties, and enforcement of those regulations could help prevent neglected properties or abandoned buildings and vehicles from becoming attractive sites for wildlife to live in; and

WHEREAS, in fact, the regulations in chapter 19 were designed to, among other things, “require the reasonable and effective control and regulation of excessive growth and accumulation of weeds, and other certain plant life to the extent and in such manner as to cause infestation by rodents and feral animals” due to “the neglect of property by property owners”; and

WHEREAS, in addition, County animal control officers trap animals that have showed signs of rabies or other dangerous diseases, whereas residents or business owners can hire private wildlife trappers to trap animals that are otherwise a nuisance; and

WHEREAS, the County can also maintain County-owned parks and outdoor spaces to help ensure that wildlife does not pose a threat to the public or otherwise constitute a nuisance; and

WHEREAS, in addition to responding to problems posed by wildlife, the County can educate the public about ways to prevent wildlife problems, such as maintaining homes, yards, and businesses in ways that do not attract wildlife; and

WHEREAS, various species of wild animals live throughout Miami-Dade County, including in District 10; and

WHEREAS, constituents in District 10 have recently complained about the presence of wildlife throughout the District, including racoons, bats, and foxes, and action needs to be taken to protect the quality of life in District 10 from nuisance wildlife; and

WHEREAS, this Board therefore wishes to direct the County Mayor or County Mayor's designee to immediately take appropriate, lawful action to control, and help prevent the proliferation of, nuisance wildlife in District 10, including, but not necessarily limited to: conducting community outreach to determine properties or areas where nuisance wildlife poses the biggest threat; enforcing appropriate County regulations, including those in chapters 19 and 26 of the Code; and conducting appropriate maintenance in County-owned parks and other County-owned outdoor spaces; and

WHEREAS, this Board also finds it necessary to direct the County Mayor or County Mayor's designee to conduct an educational campaign about: (1) how constituents in District 10 can maintain their homes, yards, and businesses in ways that do not attract nuisance wildlife; and (2) the assistance constituents in District 10 can obtain to help them control nuisance wildlife, including how to report nuisance wildlife to the County or other appropriate authorities and the role of private wildlife trappers in controlling wildlife,

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

Section 1. Directs the County Mayor or County Mayor's designee to immediately take appropriate, lawful action to control, and help prevent the proliferation of, nuisance wildlife in District 10, including, but not necessarily limited to: conducting community outreach to determine properties or areas where nuisance wildlife poses the biggest threat; enforcing appropriate County regulations, including those in chapters 19 and 26 of the Code; and conducting appropriate maintenance in County-owned parks and other County-owned outdoor spaces.

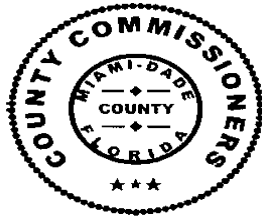
Section 2. Directs the County Mayor or County Mayor’s designee to conduct an educational campaign about: (1) how constituents in District 10 can maintain their homes, yards, and businesses in ways that do not attract nuisance wildlife; and (2) the assistance constituents in District 10 can obtain to help them control nuisance wildlife, including how to report nuisance wildlife to the County or other appropriate authorities and the role of private wildlife trappers in controlling wildlife.

Section 3. Directs the County Mayor or County Mayor’s designee to prepare a report summarizing the actions the County Mayor or County Mayor’s designee has taken to implement the directives in sections 1 and 2 of this resolution. The County Mayor or County Mayor’s designee shall provide the report to this Board within 60 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Jean Monestime** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Christopher J. Wahl