

## MEMORANDUM

Amended  
Agenda Item No. 7(F)

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

**DATE:** (Second Reading 11-2-21)  
September 1, 2021

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

**SUBJECT:** Ordinance relating to animals;  
amending sections 5-4 and  
8CC-10 of the Code;  
enumerating additional acts  
that constitute animal cruelty;  
making clarifying changes;  
increasing civil penalties for  
certain animal cruelty violations

Ordinance No. 21-120

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins, and Co-Sponsors Chairman Jose "Pepe" Diaz, Vice-Chairman Oliver G. Gilbert, III, Commissioner Sally A. Heyman, Commissioner Raquel A. Regalado, Commissioner Rebeca Sosa and Senator Javier D. Souto.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm

# Memorandum



**Date:** November 2, 2021

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

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Animals; Amending Sections 5-4 and 8CC-10 of the Code; Enumerating Additional Acts that Constitute Animal Cruelty; Making Clarifying Changes; Increasing Civil Penalties for Certain Animal Cruelty Violations - File No. 212014

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It is difficult to monetize the revenue anticipated as a result of amending the fines. It is anticipated that the implementation of this ordinance will not have a significant fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Morris Copeland".

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Morris Copeland  
Chief Community Services Officer

**Date:** November 2, 2021

# Memorandum

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor



**Subject:** Social Equity Statement for Ordinance Relating to Animals; Amending Sections 5-4 and 8CC-10 of the Code; Enumerating Additional Acts that Constitute Animal Cruelty; Making Clarifying Changes; Increasing Civil Penalties for Certain Animal Cruelty Violations - File No. 212014

The proposed ordinance causes the ordinance to mirror state statute, affording greater protection to animals in Miami-Dade County. The proposed ordinance aligns with the No-Kill mission of the County by protecting animals from cruelty and abuse, crimes frequently linked to child maltreatment, elder abuse, and domestic violence. By providing greater authority to code enforcement officers for the purpose of addressing animal cruelty related crimes the proposed ordinance is expected to provide a social benefit to all residents of Miami-Dade County.



Morris Copeland  
Chief Community Services Officer



# MEMORANDUM

(Revised)

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

**DATE:** November 2, 2021

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

**SUBJECT:** Amended  
Agenda Item No. 7(F)

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 \_\_\_\_\_

Amended  
Agenda Item No. 7(F)  
11-2-21

ORDINANCE NO.     **O-21-120**

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-4 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ENUMERATING ADDITIONAL ACTS THAT CONSTITUTE ANIMAL CRUELTY; MAKING CLARIFYING CHANGES; INCREASING CIVIL PENALTIES FOR CERTAIN ANIMAL CRUELTY VIOLATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, cats, dogs, and other animals are an important part of the community in Miami-Dade County; and

**WHEREAS**, the County promotes the health and safety of animals, including, when necessary, protecting animals from acts of cruelty; and

**WHEREAS**, unfortunately, animal cruelty continues to threaten our community, and thus the County must continue to combat it, not only to protect animals, but also because studies have shown that people who commit acts of animal cruelty may likely also commit violent crimes against other people; and

**WHEREAS**, the Miami-Dade Police Department investigates animal-cruelty crimes, which are set forth in chapter 828, Florida Statutes, and participates in the criminal prosecution of offenders; and

**WHEREAS**, the Miami-Dade County Animal Services Department assists in these efforts but also has the separate authority to take civil enforcement action against violations of the County's animal-cruelty regulations in section 5-4 of the Code of Miami-Dade County, Florida (the "Code"); and

**WHEREAS**, such civil enforcement authority includes the issuance of administrative civil citations under chapter 8CC of the Code and the filing of civil lawsuits seeking judicially imposed civil penalties, injunctive relief, and other remedies; and

**WHEREAS**, section 5-4 of the Code lists a number of different acts or omissions that constitute prohibited animal cruelty; and

**WHEREAS**, these enumerated prohibitions are modeled after the animal-cruelty crimes enumerated within the Florida Statutes, but not all these statutory crimes have been expressly listed as Code violations, even though the statutory crimes would still be prohibited under the Code's general prohibition against animal cruelty; and

**WHEREAS**, for example, the acts that constitute illegal animal fighting are detailed in the Florida Statutes with more specificity than in the Code; and

**WHEREAS**, as another example, the Florida Statutes criminalize the leaving of poison in public areas or other people's yards, but chapter 5 of the Code does not specifically identify this as a Code violation; and

**WHEREAS**, also expressly set forth in the Florida Statutes, but not in the Code, are an express prohibition against simulated or bloodless bullfighting exhibitions and express prohibitions against the business of creating and selling dog and cat furs and pelts; and

**WHEREAS**, this Board wishes to further enumerate the animal-cruelty prohibitions in section 5-4 of the Code so that the County has clearer authority to take civil enforcement action against the same acts of animal cruelty that can be prosecuted as crimes under Florida law; and

**WHEREAS**, by clarifying this civil authority, animal control officers and law enforcement officers will have greater flexibility to address incidents of animal cruelty; and

**WHEREAS**, because animal cruelty is so despicable, and because acts of animal cruelty continue to occur in our community, this Board desires to increase the civil penalties for violation of the animal-cruelty prohibitions in the Code to better reflect the severity and public threat of those violations,

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

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

**Section 2.** Section 5-4 of the Code of Miami-Dade County, Florida, 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>><sub>1</sub>, including those acts specifically enumerated below and any act that is prohibited by chapter 828, Florida Statutes, as may be amended<<[[~~The following acts shall be deemed 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>>:
- (i)<< to instigate, promote, >>advertise, charge any admission fee for,<< 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, >>bet on, wager on,<< be a

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<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.

- 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>>;
- (ii) to bait, breed, train, transport, sell, own, possess, or use any animal for the purpose of engaging in animal fighting;
  - (iii) to own, possess, or sell equipment for the purpose of engaging in animal fighting;
  - (iv) to own, lease, manage, operate, or have control of any property kept or used for the purpose of engaging in animal fighting; or
  - (v) to otherwise participate in any way in animal fighting.<<

\* \* \*

- >>(11) For any person to leave or deposit any poison or any substance containing poison in any common street, alley, lane, or thoroughfare of any kind or in any yard or enclosure other than the yard or enclosure occupied or owned by such person.
- (12) To conduct or engage in a simulated or bloodless bullfighting exhibition.
- (13) To commit any of the following actions related to pelts or furs of dogs or cats:
- (i) to kill any dog or cat with the sole intent of selling or giving away the pelt of such animal;
  - (ii) to possess, import into this county, sell, buy, give away, or accept any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat;
  - (iii) to possess, import into the county, sell, buy, give away, or accept any dog or cat with the sole intent of killing such dog or cat, or having such dog or cat killed, for the purpose of selling or giving away the pelt of such animal;
  - (iv) to knowingly engage in the business of a dealer or buyer in the pelts or furs of any dog or cat in the county or to purchase such pelts or furs within the county;
  - (v) for a common carrier to knowingly ship or transport or receive for transportation any dog or cat pelts or furs within the county;



- (vi) to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, in this county any garment, or any item of clothing or apparel that is made, in whole or in part, from the fur of any dog or cat, or which contains or to which is attached any dog or cat fur; or
- (vii) to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, or to give away, in this county the pelt of any dog or cat.<<

\* \* \*

**Section 3.** 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.

\* \* \*

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	
5-4	Cruelty to animals	[[ <del>500.00</del> ]] >> <u>1,000.00</u> <<
	Animal fighting or baiting	[[ <del>1,000.00</del> ]] >> <u>2,500.00</u> <<
	Abuse of equine	[[ <del>5,000.00</del> ]] >> <u>7,500.00</u> <<
	“Trunking” of animals	[[ <del>2,000.00</del> ]] >> <u>5,000.00</u> <<

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * *	

**Section 4.** 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 5.** 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 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 6.** 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:

November 2, 2021

Approved by County Attorney as  
to form and legal sufficiency:

GBK  
CJW

Prepared by:

Christopher J. Wahl

Prime Sponsor: Commissioner Danielle Cohen Higgins  
Co-Sponsors: Chairman Jose "Pepe" Diaz  
Vice-Chairman Oliver G. Gilbert, III  
Commissioner Sally A. Heyman  
Commissioner Raquel A. Regalado  
Commissioner Rebeca Sosa  
Senator Javier D. Souto