

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to provide a report
regarding the implementation of
Ordinance No. 18-9, regarding
the prohibition on certain
offenders’ adoption of animals
from the County

Resolution No. R-226-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

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

DATE: March 1, 2022

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County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
3-1-22

RESOLUTION NO. _____ R-226-22

RESOLUTION DIRECTING THE COUNTY MAYOR TO
PROVIDE A REPORT REGARDING THE IMPLEMENTATION
OF ORDINANCE NO. 18-9, REGARDING THE PROHIBITION
ON CERTAIN OFFENDERS' ADOPTION OF ANIMALS FROM
THE COUNTY

WHEREAS, in furtherance of this Board's longstanding commitment to combatting animal cruelty, this Board adopted Ordinance No. 18-9 (the "Ordinance"), codified as part of section 5-5 of the Code of Miami-Dade County, Florida; and

WHEREAS, the Ordinance generally prohibits individuals from adopting or otherwise acquiring animals impounded by the County's Animal Services Department (the "Department") if the individual is an "offender," meaning a person who has committed any of a number of enumerated animal-related offenses, such as animal cruelty; and

WHEREAS, the Ordinance also provides that any animal rescue organization to which the Department wishes to transfer animals shall enter into a written agreement with the County that, among other things, includes a promise from the organization that it will prohibit offenders from acquiring animals from the organization; and

WHEREAS, the County Mayor's fiscal impact statement submitted during the adoption process for the Ordinance identified two potential methodologies to implement the screening requirements of the Ordinance: (1) the development of a searchable database by the County's Information Technology Department; and (2) the establishment of a practice by the Animal Services Department to conduct background searches on potential adopters on an as-needed basis through the Florida Department of Law Enforcement's Instant Criminal History Check; and

WHEREAS, in section 5 of the Ordinance, this Board also directed the County Mayor or County Mayor's designee to coordinate with the Clerk of Courts or the Miami-Dade County State Attorney's Office regarding information on individuals who have been convicted of the animal-related offenses set forth in the Ordinance and on making that information available to animal rescue organizations or other entities that acquire animals from the County for the purpose of finding permanent homes for them; the Ordinance required the County Mayor or County Mayor's designee to provide a report to this Board regarding that directive; and

WHEREAS, to ensure that the County is not adopting animals to prohibited offenders, this Board wishes to direct the County Mayor to provide a report regarding the implementation of the Ordinance,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor to provide a report regarding the implementation of Ordinance No. 18-9, including, but not necessarily limited to, the following information: (1) the methodology the Animal Services Department is using to screen for offenders; (2) whether the Department's screening has prevented offenders from adopting animals, and if so, how; and (3) the steps the Department has taken to ensure that animal rescue organizations with which the County collaborates are not adopting animals to offenders. The County Mayor 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 Commissioner Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, 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	absent	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	absent		

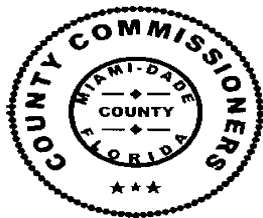
The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of March, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override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

Basia Pruna

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Christopher J. Wahl