

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: June 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Attorney's Office to advise the Miami-Dade County Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural under section 193.461, Florida Statutes, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural

Resolution No. R-544-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Vice-Chairman Oliver G. Gilbert, III, Commissioner Kionne L. McGhee and 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: June 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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)(4)
6-1-22

RESOLUTION NO. _____ R-544-22

RESOLUTION DIRECTING THE COUNTY ATTORNEY'S OFFICE TO ADVISE THE MIAMI-DADE COUNTY PROPERTY APPRAISER WHENEVER A COURT HAS ENTERED A FINAL ORDER OR JUDGMENT IN FAVOR OF MIAMI-DADE COUNTY IN A CASE INVOLVING ANIMAL CRUELTY OR NEGLECT THAT HAS TAKEN PLACE ON LAND THAT HAS BEEN CLASSIFIED AS AGRICULTURAL UNDER SECTION 193.461, FLORIDA STATUTES, SO THAT THE PROPERTY APPRAISER CAN INVESTIGATE WHETHER THE LAND IS STILL PROPERLY CLASSIFIED AS AGRICULTURAL

WHEREAS, Miami-Dade County, through its Animal Services Department and Police Department, enforces animal cruelty laws codified in the Florida Statutes and chapter 5 of the Code of Miami-Dade County; and

WHEREAS, despicable acts of animal cruelty and neglect sometimes take place on agricultural lands, particularly in cases involving horses or livestock; and

WHEREAS, the Miami-Dade County Property Appraiser classifies lands as agricultural under section 193.461, Florida Statutes, if the lands are "used primarily for bona fide agricultural purposes," which means "good faith commercial agricultural use of the land"; and

WHEREAS, section 193.461, Florida Statutes, provides special treatment for property tax purposes to agricultural land meeting certain requirements, allowing the property to be assessed at less than its fair market value, and instead be assessed based on its actual use; and

WHEREAS, under Florida law, the Property Appraiser shall reclassify land as nonagricultural if the land is "diverted from an agricultural to a nonagricultural use" or "no longer being utilized for agricultural purposes"; and

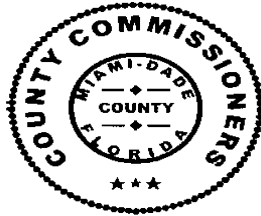
WHEREAS, to promote fairness in the classification of land under section 193.461, this Board wishes to direct the County Attorney’s Office to advise the Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Attorney’s Office to advise the Miami-Dade County Property Appraiser whenever a court has entered a final order or judgment in favor of Miami-Dade County in a case involving animal cruelty or neglect that has taken place on land that has been classified as agricultural under section 193.461, Florida Statutes, so that the Property Appraiser can investigate whether the land is still properly classified as agricultural.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsors are Vice-Chairman Oliver G. Gilbert, III, Commissioner Kionne L. McGhee and Senator Javier D. Souto. It was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** 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 1st day of June, 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.

A handwritten signature in black ink, appearing to read "CJW", is written over a horizontal line.

Christopher J. Wahl
Daija Page Lifshitz