

R5 Q AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ANIMALS," BY CREATING SECTION 10-20 THEREOF, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: April 23, 2025 10:26 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ANIMALS," BY CREATING SECTION 10-20 THEREOF, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed ordinance is presented for the consideration of the Mayor and City Commission.

The confinement of animals without sufficient food, water, or exercise, and the abandonment of animals, is currently unlawful pursuant to Fla. Stat. Sec. 828.13 and is punishable by fine and imprisonment.

If adopted, the proposed ordinance would prohibit the same conduct regulated by Sec. 828.13 in the Code of the City of Miami Beach, enforced criminally by the Miami Beach Police Department and prosecuted by the City's municipal prosecution team, as well as by fines ranging from \$1,000 per day to \$15,000, enforced the Code Compliance Department, as recommended by a unanimous vote of the City's Animal Welfare Committee at its March 11, 2025 meeting.

FISCAL IMPACT STATEMENT

N/A

Does this Ordinance require a Business Impact Estimate? No
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

City Attorney

Sponsor(s)

Commissioner Laura Dominguez

Co-sponsor(s)

Condensed Title

10:26 a.m. Incorporate Animal Cruelty Statute into CMB Code (Dominguez) CA

Previous Action (For City Clerk Use Only)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "ANIMALS," BY CREATING SECTION 10-20 THEREOF, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS"; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the confinement of animals without sufficient food, water, or exercise, and the abandonment of animals, is currently unlawful pursuant to Fla. Stat. Sec. 828.13 and is punishable by fine and imprisonment; and

WHEREAS, the Mayor and City Commission desire to prohibit the same conduct regulated by Sec. 828.13 in the Code of the City of Miami Beach, enforceable by the Miami Beach Police Department and prosecuted by the City's municipal prosecution team, as recommended by a unanimous vote of the City's Animal Welfare Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Section 10-20 of the City Code shall be created as follows:

CHAPTER 10

ANIMALS

* * *

Sec. 10-20. Confinement of animals without sufficient food, water, or exercise; abandonment of animals.

(1) As used in this section:

- a. "Abandon" means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by any person owning, possessing, taking or having custody of, or other person in charge of an animal.

(2) Whoever:

- a. Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

- b. Keeps any animals in any enclosure without wholesome exercise and change of air,
 - c. Abandons to die any animal that is maimed, sick, infirm, or diseased, or
 - d. Abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a violation of this section, enforced and punishable as provided in subsection (3).
- (3) This section may be enforced by the Miami Beach Police Department and the Code Compliance Department. Any person who violates this section shall be subject to the following fines:
- (a) \$1,000.00 per day for a first violation;
 - (b) \$5,000.00 per day for a second or subsequent violation; and
 - (c) \$15,000.00 for any violation that is if the special magistrate finds the violation to be irreparable or irreversible in nature.
- (4) Violations of this section may also be enforced pursuant to Section 1-14 of the City Code.

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on _____.

PASSED and **ADOPTED** this _____ day of _____, 2025.

ATTEST:

Rafael E. Granado, City Clerk

Steven Meiner, Mayor

Sponsored by Commissioner Laura Dominguez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Underline denotes additions.
~~Strikethrough~~ denotes deletions.



City Attorney *RR* *4/15/2025*
Date