

R5 W 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, ENTITLED "ANIMALS," BY AMENDING SECTION 10-1, ENTITLED "DEFINITIONS," TO FURTHER DEFINE CERTAIN TERMS THEREIN; BY AMENDING SECTION 10-3, ENTITLED "ENFORCEMENT; ADOPTION OF PORTION OF MIAMI-DADE COUNTY CODE BY REFERENCE," TO CLARIFY ENFORCEMENT REQUIREMENTS; BY AMENDING SECTION 10-5, ENTITLED "FAILURE TO GIVE ACCURATE IDENTIFICATION; REFUSAL TO SIGN AND ACCEPT A NOTICE OF VIOLATION," TO CLARIFY VIOLATION REQUIREMENTS; BY AMENDING SECTION 10-19, ENTITLED "CRUELTY TO ANIMALS," TO FURTHER DEFINE TERMS THEREIN; BY AMENDING SECTION 10-20, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS," TO FURTHER DEFINE TERMS THEREIN; AND BY CREATING SECTION 10-22, ENTITLED "REPORTING OF SUSPECTED ANIMAL CRUELTY," TO ENCOURAGE EARLY REPORTING; 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 22, 2026 10:32 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, ENTITLED "ANIMALS," BY AMENDING SECTION 10-1, ENTITLED "DEFINITIONS," TO FURTHER DEFINE CERTAIN TERMS THEREIN; BY AMENDING SECTION 10-3, ENTITLED "ENFORCEMENT; ADOPTION OF PORTION OF MIAMI-DADE COUNTY CODE BY REFERENCE," TO CLARIFY ENFORCEMENT REQUIREMENTS; BY AMENDING SECTION 10-5, ENTITLED "FAILURE TO GIVE ACCURATE IDENTIFICATION; REFUSAL TO SIGN AND ACCEPT A NOTICE OF VIOLATION," TO CLARIFY VIOLATION REQUIREMENTS; BY AMENDING SECTION 10-19, ENTITLED "CRUELTY TO ANIMALS," TO FURTHER DEFINE TERMS THEREIN; BY AMENDING SECTION 10-20, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS," TO FURTHER DEFINE TERMS THEREIN; AND BY CREATING SECTION 10-22, ENTITLED "REPORTING OF SUSPECTED ANIMAL CRUELTY," TO ENCOURAGE EARLY REPORTING; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

ANALYSIS

The proposed Ordinance, sponsored by Commissioner David Suarez, has been submitted for consideration by the Mayor and City Commission.

The Mayor and City Commission find it in the best interest of the public health, safety, and welfare to update portions of the City's animal cruelty and neglect ordinances and clarify enforcement authority.

As such, it is the intent of the Mayor and City Commission to provide clearer cruelty standards and encourage reporting of suspected animal cruelty or neglect, recognizing that early reports can prevent escalation and improve animal welfare outcomes. These changes are intended to modernize and strengthen civil enforcement tools to allow the City to address problems earlier, while fully preserving criminal enforcement authority at the state and county level.

Moreover, the City seeks to ensure that animals within its jurisdiction are protected from inhumane treatment, including confinement without adequate food, water, ventilation, exercise, veterinary care, or protection from extreme weather.

Finally, the amendments further clarify enforcement authority by allowing law enforcement officers, code compliance officers, park rangers, and animal control officers to exercise discretion and make appropriate professional judgments when addressing animal-related violations.

FISCAL IMPACT STATEMENT

None.

Does this Ordinance require a Business Impact Estimate? Yes
(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-notice/>

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 David Suarez

Co-sponsor(s)

Condensed Title

10:32 a.m. 1st Rdg, Animal Welfare Code Modernization. (Suarez) 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, ENTITLED "ANIMALS," BY AMENDING SECTION 10-1, ENTITLED "DEFINITIONS," TO FURTHER DEFINE CERTAIN TERMS THEREIN; BY AMENDING SECTION 10-3, ENTITLED "ENFORCEMENT; ADOPTION OF PORTION OF MIAMI-DADE COUNTY CODE BY REFERENCE," TO CLARIFY ENFORCEMENT REQUIREMENTS; BY AMENDING SECTION 10-5, ENTITLED "FAILURE TO GIVE ACCURATE IDENTIFICATION; REFUSAL TO SIGN AND ACCEPT A NOTICE OF VIOLATION," TO CLARIFY VIOLATION REQUIREMENTS; BY AMENDING SECTION 10-19, ENTITLED "CRUELTY TO ANIMALS," TO FURTHER DEFINE TERMS THEREIN; BY AMENDING SECTION 10-20, ENTITLED "CONFINEMENT OF ANIMALS WITHOUT SUFFICIENT FOOD, WATER, OR EXERCISE; ABANDONMENT OF ANIMALS," TO FURTHER DEFINE TERMS THEREIN; AND BY CREATING SECTION 10-22, ENTITLED "REPORTING OF SUSPECTED ANIMAL CRUELTY," TO ENCOURAGE EARLY REPORTING; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission find it in the best interest of the public health, safety, and welfare to update portions of the City's animal cruelty and neglect ordinances and clarify enforcement authority; and

WHEREAS, the City seeks to ensure that animals within its jurisdiction are protected from inhumane treatment, including confinement without adequate food, water, ventilation, exercise, veterinary care, or protection from extreme weather; and

WHEREAS, it is the intent of the Mayor and City Commission to provide clearer cruelty standards and encourage reporting of suspected animal cruelty or neglect, recognizing that early reports can prevent escalation and improve animal welfare outcomes; and

WHEREAS, these changes are intended to modernize and strengthen civil enforcement tools to allow the City to address problems earlier, while fully preserving criminal enforcement authority at the state and county level; and

WHEREAS, the amendments further clarify enforcement authority by allowing law enforcement officers, code compliance officers, park rangers, and animal control officers to exercise discretion and make appropriate professional judgments when addressing animal-related violations.

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

SECTION 1. That Section 10-1 of Chapter 10 of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 10
ANIMALS**

* * *

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any mammal, excluding humans.

Animal control officer means any person employed, hired, or appointed by the county or the city who is authorized to investigate, on public or private property, code violations as provided in this chapter. An animal control officer is not authorized to bear arms or make arrests. Animal control officer shall include, but is not limited to, code compliance officers, employees of the fire department, and employees of the police department.

Control means the regulation of the possession, ownership, care and custody of animals.

Cruelty means any act of neglect, torture or torment that causes unjustifiable pain or suffering of an animal.

Law enforcement officer means any person who is elected, appointed or employed full-time by the city or the state or any political subdivision thereof, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition shall include all part-time law enforcement officers, auxiliary law enforcement officers, and all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers, but does not include support personnel employed by the employing agency.

Notice of violation means a written notice, issued to a person by an officer, that the person has committed a civil infraction in violation of this chapter. The notice of violation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person cited.
- (3) The date and time the violation was committed.
- (4) The facts constituting the violation.
- (5) The ordinance violated.
- (6) The name of the officer.
- (7) The procedure for the person to follow in order to pay the fine or to appeal the citation.
- (8) A statement that if the person fails to pay the fine within the time allowed, or fails to appeal the violation by requesting an administrative hearing with the clerk of the special magistrate within ten days after service of the notice of violation, the person shall be deemed to have admitted the violation and waived his or her right to appeal the violation and that, unpaid fines will result in the imposition of liens that may be foreclosed by the city.

Offense means a notice of violation that has not been appealed timely or a finding of a violation by a special magistrate following the appeal of the violation.

Officer means any law enforcement officer, any code compliance officer, any park ranger, any veterinarian or any animal control officer.

Ordinance means any ordinance relating to the control of or cruelty to animals enacted by the governing body of the county or the city the violation of which is a civil infraction.

Owner means the owner of any real property or improvement thereon or lessee of real property, building or apartment, hotel, motel or condominium unit.

Premises means the legal boundaries of any real property, improvement, apartment, hotel, motel or condominium unit, whether owned or leased.

Responsible person means any person having custody, control or ownership of an animal.

Veterinarian means a person who is licensed to engage in the practice of veterinary medicine in the state under the authority of state law.

* * *

SECTION 2. That Section 10-3 of Chapter 10 of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 10-3. Enforcement; adoption of portion of Miami-Dade County Code by reference.

- (a) Any officer who determines the existence of a violation of an animal control ordinance of the city or county shall may issue a notice of violation to that person or a citation as provided in section 10-17.
- (b) Any person issued a notice of violation of this chapter, or a citation as provided in section 10-17, except as otherwise provided in section 10-5, shall be deemed to be charged with a civil infraction.
- (c) Any person issued a notice of violation under this chapter shall sign and accept the notice.
- (d) Any person charged with a civil infraction under this section may pay the civil fine, either by mail or in person, within ten days of the date of receiving the notice of violation and shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of the commission of the violation.
- (e) Article II of chapter 5 of the Code of Miami-Dade County entitled "Dogs" is recognized as being in force in the city and is adopted by reference as if fully set forth herein.
- (f) Unless otherwise specified, the provisions of this Chapter may be enforced by any officer acting within their lawful authority.

* * *

SECTION 3. That Section 10-5 of Chapter 10 of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 10-5. Failure to give accurate identification; refusal to sign and accept a notice of violation.

It is unlawful for aAny person who is in violation of this chapter and to fails to give accurate information regarding his or her identity to a City employee in the presence of a law enforcement officer.

It is unlawful for any person who is alleged to be in violation of this chapter to or willfully refuses to sign or accept a notice of violation issued pursuant to this chapter by a law enforcement officer or in the presence of a law enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. § 775.082, 775.083 or 775.084.

A violation of this section shall be punished in accordance with section 1-14 of the City Code.

* * *

SECTION 4. That Section 10-19 of Chapter 10 of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 10-19. - Cruelty to animals.

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, including transporting or confining an animal in a manner exposing the animal to extreme heat, lack of ventilation, risk of falling, unsafe confinement conditions, or prolonged exposure to weather, commits animal cruelty, punishable by a fine of not more than ~~\$10,000.00~~\$1,000.00.

(2) A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, including failure to seek veterinary care for obvious injury, illness, severe malnutrition, parasite infestation, or visible distress, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, punishable by a fine of not more than ~~\$20,000.00~~\$1,000.00.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of ~~\$20,000.00~~\$500.00 and undergo psychological counseling or complete an anger management treatment program.

(b) A person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of ~~\$40,000.00~~\$1,000.00. Any admission of guilt shall be considered a conviction for purposes of this subsection.

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

(4) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.

(5) Visible emaciation, untreated wounds, severe matting, severe parasite infestation, or repeated documented complaints may be considered evidence of cruelty or neglect.

* * *

SECTION 5. That Section 10-20 of Chapter 10 of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 10-20. - ~~Confinement of animals without sufficient food, water, or exercise; abandonment of animals.~~ Animal neglect; minimum standards of care; abandonment

(1) As used in this section: 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, having custody of, or other person in charge of an animal.

(2) It shall be unlawful to commit any act that constitutes animal neglect, including those acts specifically enumerated belowWhoever:

(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, including continuous access to clean potable water and food of sufficient nutritional value appropriate to the animal's species, age, and condition;

(b) Keeps any animal in an enclosure without wholesome exercise and change of air, including adequate ventilation, reasonably sanitary conditions, and sufficient space for normal postural movements such as standing, turning, and lying down;

(c) Abandons any animal that is maimed, sick, infirm, or diseased;

(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, including protection from extreme heat, prolonged sunlight, flooding, standing water, hurricanes, or severe weather;

(e) Leaves an animal unattended in a motor vehicle if conditions may endanger the animal due to heat, cold, lack of ventilation, or duration of confinement.

(3) This section may be enforced by the Miami Beach Police Department and Code Compliance Department. Any person who violates this section shall be subject to the following fines:

(a) One thousand dollars per day for the first violation;

(b) Five thousand dollars per day for a second or subsequent violation;

(c) Fifteen thousand dollars for any violation that the special magistrate finds to be irreparable or irreversible in nature.

(d) Each day of a violation after notice shall constitute a separate offense.

(4) Violations of this section may also be enforced pursuant to section 1-14 of the City Code; enforcement of this section shall be cumulative and shall not preclude criminal prosecution under state law or enforcement by any other governmental authority having jurisdiction.

(5) Officers are empowered to take early intervention in the form of education and/or guidance to the owner where animals show objective signs of neglect to prevent escalation to cruelty.

(6) Officers who reasonably believe an animal is in imminent danger may take reasonable emergency actions, including providing aid, entry into a motor vehicle or property under exigent circumstances, placing the animal in temporary protective custody, and transferring the animal to Miami-Dade Animal Services as soon as practicable, consistent with state law. Officers may conduct reasonable follow-up inspections after a violation is established to ensure compliance. Officers acting in good faith under this subsection shall be immune from liability to the extent permitted by law. Nothing in this subsection limits authority otherwise provided by state law.

(7) This section shall be liberally construed to protect animal welfare and prevent cruelty and neglect, consistent with state law.

* * *

SECTION 6. That Section 10-22 of Chapter 10 of the Code of the City of Miami Beach shall be created as follows, and as hereinafter set forth below:

Sec. 10-22. - Reporting of suspected animal cruelty.

(1) Any person who reasonably believes animal cruelty or neglect has occurred is encouraged to report such information to law enforcement or Miami-Dade Animal Services. Reports may be made anonymously.

(2) Veterinarians, animal hospitals, pet boarding facilities, groomers, trainers, and other animal-related businesses who observe suspected cruelty in the course of their duties shall make a reasonable effort to report such abuse.

(3) Nothing in this section shall be interpreted to create a legal duty to report.

SECTION 7. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 8. 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 9. 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 10. EFFECTIVE DATE.

This Ordinance shall take effect the _____ day of _____, 2026.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions
(Sponsored by Commissioner David Suarez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *MJ*

4/14/2026
Date