

By the Committee on Governmental Oversight and Productivity;
and Senator Klein

302-2336-04

1 A bill to be entitled

2 An act relating to animal welfare protection

3 programs; creating s. 570.93, F.S.; creating

4 the Florida Animal Friends, Inc., as a

5 direct-support organization of the Department

6 of Agriculture and Consumer Services for the

7 purpose of distributing funds received from the

8 sale of the Animal Friend license plate;

9 providing for membership and meetings;

10 providing for a grant solicitation and award

11 process; providing purposes for funding;

12 amending ss. 320.08056 and 320.08058, F.S.;

13 creating the Animal Friend license plate;

14 providing for the distribution of annual use

15 fees received from the sale of such plates;

16 providing an effective date.

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18 WHEREAS, 2,000 dogs and 3,000 cats are born every hour

19 in the United States, and

20 WHEREAS, one unspayed female dog, her mate, and their

21 offspring can produce 67,000 dogs in only 6 years, and

22 WHEREAS, one unspayed female cat, her mate, and their

23 offspring can produce 370,092 cats in just 7 years, and

24 WHEREAS, an estimated 800,000 homeless cats and dogs

25 were euthanized in Florida in the year 2002, NOW, THEREFORE,

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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 570.93, Florida Statutes, is

30 created to read:

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1 570.93 Florida Animal Friends, Inc.; direct-support
2 organization.--

3 (1) Florida Animal Friends, Inc., is created as a
4 not-for-profit corporation incorporated under chapter 617 and
5 shall be organized and operated to conduct programs and
6 activities; initiate developmental projects; raise funds;
7 request and receive grants, gifts, and bequests of moneys;
8 acquire, receive, hold, invest, and administer, in its own
9 name, securities, funds, objects of value, or other property,
10 real or personal; and make expenditures to or for the direct
11 or indirect benefit of the state, for spay and neuter
12 programs, and for other emergency animal welfare protection
13 programs in this state.

14 (2) Florida Animal Friends, Inc., is a direct-support
15 organization of the Department of Agriculture and Consumer
16 Services which is created to accomplish the purposes and
17 objectives of this section. The activities of the corporation
18 must be consistent with the best interests of the state.

19 (3) The corporation:

20 (a) Is subject to the requirements of s. 24, Art. I of
21 the State Constitution, chapter 119, and s. 286.011;

22 (b) Shall have a fiscal year of July 1 to June 30;

23 (c) Must obtain an annual financial audit that shall
24 be submitted to the Commissioner of Agriculture for review and
25 approval;

26 (d) Shall develop and administer a grant solicitation
27 and award process for the distribution of funds received from
28 the sale of the Animal Friend license plate pursuant to the
29 provisions of s. 320.08058. Funding shall be granted and used
30 only for those proposals that are in compliance with federal,
31 state, and local laws and ordinances; and

1 (e) Shall maintain all moneys that it receives in a
2 bank account outside of the State Treasury and shall use such
3 funds only in a manner consistent with the purposes and goals
4 provided in this section. Funds shall be used only for the
5 following purposes:

6 1. Spay and neuter programs provided by not-for-profit
7 organizations or governmental agencies in this state which
8 deal with spay or neuter programs.

9 2. Other emergency animal welfare protection programs
10 or projects, provided that funding for the program or project
11 is approved by a unanimous vote of the board.

12 (4)(a) The board of directors shall consist of five
13 members, as follows:

14 1. A representative of the Humane Society of the
15 United States.

16 2. A representative of the Florida Veterinary Medical
17 Association.

18 3. A representative of the Florida Animal Control
19 Association.

20 4. One member at large who shall be appointed to a
21 term of 2 years by the other members of the board. This member
22 shall represent a not-for-profit organization not directly
23 affiliated with any other organization represented on the
24 board of directors. The not-for-profit organization that this
25 member represents may not apply for a grant during the year he
26 or she serves on the board.

27 5. One member at large who shall be appointed by the
28 Commissioner of Agriculture.

29 (b) Members of the board, unless otherwise specified
30 in this section, shall be appointed to terms of 4 years each
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1 or until their successors are duly qualified and appointed.

2 Members may serve consecutive terms.

3 (c) The board shall meet at least biannually.

4 (5)(a) The Department of Agriculture and Consumer
5 Services may permit, without charge, the appropriate use of
6 property and facilities of the state by the direct-support
7 organization subject to this section. Such use must be
8 directly in keeping with the approved purposes of the
9 direct-support organization.

10 (b) The Commissioner of Agriculture may designate
11 employees of the department to solicit donations from public
12 or private sources to fund the authorized purposes of the
13 direct-support organization.

14 (6) Upon the dissolution of the corporation, all
15 properties of the corporation shall revert to the state.

16 Section 2. Paragraph (ss) is added to subsection (4)
17 of section 320.08056, Florida Statutes, to read:

18 320.08056 Specialty license plates.--

19 (4) The following license plate annual use fees shall
20 be collected for the appropriate specialty license plates:

21 (ss) Animal Friend license plate, \$25.

22 Section 3. Subsection (45) is added to section
23 320.08058, Florida Statutes, to read:

24 320.08058 Specialty license plates.--

25 (45) ANIMAL FRIEND LICENSE PLATES.--

26 (a) Notwithstanding the provisions of s. 320.08053,
27 the department shall develop an Animal Friend license plate as
28 provided in this section. Animal Friend license plates must
29 bear the colors and design approved by the department. The
30 word "Florida" must appear at the top of the plate, and the
31 words "Animal Friend" must appear at the bottom of the plate.

1 (b)1. The proceeds of the annual use fee shall be
2 distributed to Florida Animal Friends, Inc., as created in s.
3 570.93 and used as provided for in that section.

4 2. In the first year the plate is issued, no more than
5 25 percent of the fees collected may be used for
6 administrative costs directly associated with the operation of
7 Florida Animal Friends, Inc., and marketing and promotion of
8 the Animal Friend concept and license plate.

9 3. In the second and subsequent years that the plate
10 is issued, no more than 20 percent of the fees collected may
11 be used for administrative costs directly associated with the
12 operation of Florida Animal Friends, Inc., and marketing and
13 promotion of the Animal Friend concept and license plate.

14 4. Funds received from the purchase of the Animal
15 Friend license plate shall not be used for litigation.

16 Section 4. This act shall take effect July 1, 2004.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 SB 1366

21 Creates the direct-support organization as a nonprofit
22 corporation instead of a "council."

23 Provides measures to ensure governmental oversight and
24 accountability.

25 Clearly states that the corporation is subject to the
26 requirements of Article I, s. 24 of the State Constitution.