

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 219 Gertrude Maxwell Save a Pet Act  
**SPONSOR(S):** Environment & Natural Resources Council; Domino  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Agribusiness</u>	<u>6 Y, 2 N</u>	<u>Kaiser</u>	<u>Reese</u>
2) <u>Environment &amp; Natural Resources Council</u>	<u>14 Y, 0 N, As CS</u>	<u>Kaiser / Smith</u>	<u>Dixon / Hamby</u>
3) <u>Policy &amp; Budget Council</u>	<u>30 Y, 0 N</u>	<u>Davila</u>	<u>Hansen</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

CS/HB 219 creates a direct-support organization (DSO) within the Department of Agriculture and Consumer Services (department) for the purpose of:

- providing grants to animal shelters for spaying and neutering animals,
- providing grants for shelters and services during times of emergencies, and
- developing and disseminating pet care education materials.

The act is known as the "Gertrude Maxwell Save a Pet Act."

The bill requires the Board of Directors of the DSO to include one representative of each of the following groups, recommended by that organization: the Florida Veterinary Medical Association; the Cat Fanciers' Association; the Florida Association of Kennel Clubs; a humane organization designated by the commissioner; the Florida Animal Control Association; the National Rifle Association; a consumer member not affiliated with any of the aforementioned associations; and the commissioner or his/her designee. The Board of Directors may appoint up to three non-voting honorary members. The bill provides that Gertrude Maxwell, or her designee, must be appointed as the first honorary board member.

The department estimates that one FTE position will be necessary to implement the provisions of this legislation with a FY 07-08 cost of \$19,798 and a recurring cost in FY 08-09 of \$61,642, which will be absorbed within current resources.

CS/HB 219 takes effect upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government:** The bill creates a direct-support organization (DSO) within the Department of Agriculture and Consumer Services (department) for the purpose of providing grants to animal shelters for spaying and neutering animals, providing grants for shelters and services during times of emergencies and developing and disseminating pet care education materials. According to the department, one new FTE will be required to carry out the duties associated with the creation of the direct-support organization (DSO).

#### B. EFFECT OF PROPOSED CHANGES:

A direct support organization (DSO) is a separate, not-for-profit corporation organized and operated exclusively to assist a specific organization by providing supplemental resources from grants, gifts and bequests of money and/or services. These organizations are authorized by Florida statute to receive, hold, invest and administer property, and to make expenditures to or for the benefit of the specific organization.

Approved in the 2004 legislative session, the Florida Animal Friend license plate provides a funding mechanism for spaying and neutering initiatives in the state. After reviewing grant applications, the Florida Animal Friend Coalition (coalition), comprised of animal care groups such as the Florida Animal Control Association, the Florida Veterinary Medical Association, and the Humane Society of the United States, distributes funds to non-profit organizations and governmental agencies around the state for spaying and neutering programs. For the FY 2006-07, the coalition distributed \$275,000 in grants across the state.

Besides the coalition, there are several national and local humane and animal services organizations, such as the Humane Society of the United States, the Society for the Prevention of Cruelty to Animals, private and publicly operated animal shelters, various animal rescue organizations, and spaying and neutering clinics currently operating in Florida. Like the coalition, many of these organizations conduct fund-raising activities or provide grants to organizations that further their goals.

The department currently monitors at least four separate DSOs: Animal Friend Council, Agriculture in the Classroom, the Florida Museum and the Florida Agricultural Center, and the Horse Park Authority. Current statute<sup>1</sup> provides for the department to enter into a memorandum or letter of agreement with these DSOs specifying the approval of the department, the powers and duties of the DSO, and rules of compliance for the DSO.

The bill creates the "Gertrude Maxwell Save a Pet" DSO within the department. Gertrude Maxwell is a 96-year-old benefactor of animal causes. She has spent her life championing the causes of abandoned animals, and providing money and resources towards the humane care and protection of abandoned dogs and cats. The purpose of the DSO includes:

- providing grants to animal shelters for spaying and neutering animals;
- providing grants for shelters and services during times of emergencies; and,
- developing and disseminating pet care education materials.

The bill prohibits the DSO from participating in, endorsing or financially supporting political activities at the national, state, or local level. The bill provides for the Gertrude Maxwell Save a Pet DSO to adhere to the provisions of s. 570.903, F.S.

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<sup>1</sup> Section 570.903, F.S.

The bill provides the Board of Directors of the DSO to include one representative of each of the following groups, recommended by that organization: the Florida Veterinary Medical Association; the Cat Fanciers' Association; the Florida Association of Kennel Clubs; a humane organization; the Florida Animal Control Association; the National Rifle Association; a consumer member not affiliated with any of the aforementioned associations; and the commissioner or his/her designee. The Board of Directors may appoint up to three non-voting honorary members. The bill provides that Gertrude Maxwell, or her designee, must be appointed as the first honorary board member.

C. SECTION DIRECTORY:

**Section 1:** Identifies the act as the "Gertrude Maxwell Save a Pet Act."

**Section 2:** Creates s. 570.236, F.S., authorizing the creation of a direct-support organization within the Department of Agriculture and Consumer Services to prevent animal cruelty, assist pet overpopulation management, provide grants to animal shelters for spaying and neutering, and reduce the need for euthanasia of animals; requiring the DSO to be a Florida not-for-profit; providing organizational criteria; granting the Commissioner of Agriculture authority to terminate the DSO under certain conditions; providing for the DSO to operate under a written contract; providing details required for written contract; requiring the Commissioner of Agriculture to appoint a Board of Directors; providing for an authorization by the Commissioner of Agriculture for the use of property and services; providing criteria regarding moneys collected; providing for an annual audit; providing limits for the DSO; and, specifying inapplicability of potentially conflicting provision of law.

**Section 3:** Provides an effective date of upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

	FY 07-08	FY 08-09	FY 09-10
<b>Recurring (GR):</b>			
Salaries (1 FTE)			
Sr. Mgt. Analyst (PG-22)	\$ 13,636	\$ 54,544	\$ 54,544
Expenses – 1 Prof. Exp. Pkg @			
\$10,088 N/R of \$3,388	1,675	6,700	6,700
HR Services (1 FTE) @ \$398	<u>99</u>	<u>398</u>	<u>398</u>
Total Recurring	\$ 15,410	\$ 61,642	\$ 61,642
<b>Non-Recurring (GR):</b>			
1 Prof. Exp. Pkg. @ \$3,388	3,388		
1 Std. OCO Pkg. @ \$1,000	<u>1,000</u>		
Total Non-Recurring	4,388		
 Total	 <u>\$ 19,798</u>	 <u>\$ 61,642</u>	 <u>\$ 61,642</u>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Unknown

2. Expenditures:

Unknown

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Unknown

**D. FISCAL COMMENTS:**

Because the effective date of the legislation is upon becoming law, the estimated expenditures for FY 07-08 are based on an April 1 effective date.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect municipal or county government.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On February 20, 2008, the Environment and Natural Resources Council adopted one traveling strike-all amendment by the Committee on Agribusiness and passed HB 219 as a committee substitute (CS). As in the original HB 219, CS/HB 219 establishes the "Gertrude Maxwell Save a Pet Act" to create a direct-support organization (DSO) within the Department of Agriculture and Consumer Services (department). The purpose of the DSO is for providing grants to animal shelters for spaying and neutering animals, providing grants for shelters and services during times of emergencies and developing and disseminating pet care education materials. The original bill was amended to provide for the DSO to be organized and governed according to the provisions of ss. 570.902 and 570.903, F.S. The CS also prohibits the DSO from participating in, endorsing or financially supporting political activities at the national, state, or local level. The CS revises the composition of the Board of Directors of the DSO to include one representative of each of the following groups, recommended by that organization: the Florida Veterinary Medical

Association; the Cat Fanciers' Association; the Florida Kennel Clubs; a humane organization to be designated by the Commissioner (commissioner) of Agriculture; a consumer member not affiliated with any of the aforementioned associations; and the commissioner or his/her designee. The Board of Directors may appoint up to three non-voting honorary members. The commissioner must appoint the Board of Directors as well as the honorary board members. Honorary board members must serve for a maximum of two consecutive annual terms. The bill provides that Gertrude Maxwell, or her designee, must be appointed as the first honorary board member.