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1 A bill to be entitled

2 An act relating to the Gertrude Maxwell Save a Pet Act;  
3 providing a short title; creating s. 570.236, F.S.;  
4 creating a direct-support organization for the Department  
5 of Agriculture and Consumer Services; providing for the  
6 organization and operation of the direct-support  
7 organization; providing for a contract; providing for a  
8 board of directors; providing for the use of property,  
9 facilities, and personal services of the Department of  
10 Agriculture and Consumer Services by the direct-support  
11 organization; providing restrictions; providing for the  
12 deposit of moneys; providing for an annual audit;  
13 providing limits on the direct-support organization;  
14 specifying inapplicability of potentially conflicting  
15 provision of law; providing an effective date.

16  
17 WHEREAS, it is estimated that over 800,000 homeless,  
18 discarded, abandoned, stray, and unclaimed dogs and cats are  
19 euthanized in the state each year, and

20 WHEREAS, in 7 years one female cat and her offspring can  
21 theoretically produce 420,000 cats, and in 6 years one female  
22 dog and her offspring can theoretically produce 67,000 dogs, and

23 WHEREAS, the cost to spay or neuter pets and feral cats is  
24 about \$20-\$70 per animal, while the approximate cost to capture,  
25 house, feed, and eventually euthanize a homeless animal is about  
26 \$100, and

27 WHEREAS, reducing euthanasia of unwanted animals can save  
28 lives of companion animals and potential service animals and

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29 | save tax dollars and many homeless animals can be trained as  
30 | service animals and therapy animals, NOW, THEREFORE,  
31 |

32 | Be It Enacted by the Legislature of the State of Florida:  
33 |

34 |       Section 1. This act may be cited as the "Gertrude Maxwell  
35 | Save a Pet Act."

36 |       Section 2. Section 570.236, Florida Statutes, is created  
37 | to read:

38 |       570.236 Gertrude Maxwell Save a Pet Direct-Support  
39 | Organization.--

40 |       (1) AUTHORITY.--The Department of Agriculture and Consumer  
41 | Services is authorized to create a direct-support organization  
42 | to prevent animal cruelty, assist pet overpopulation management,  
43 | provide grants to animal shelters for the purpose of spaying and  
44 | neutering, and reduce the need for euthanasia of animals, which  
45 | shall be designated the Gertrude Maxwell Save a Pet Direct-  
46 | Support Organization.

47 |       (a) The direct-support organization must be a Florida  
48 | corporation not for profit, incorporated under the provisions of  
49 | chapter 617. The direct-support organization shall be exempt  
50 | from paying fees under s. 617.0122.

51 |       (b) The direct-support organization shall be organized and  
52 | operated to conduct programs and activities; raise funds;  
53 | request and receive grants, gifts, and bequests of moneys;  
54 | acquire, receive, hold, invest, and administer, in its own name,  
55 | securities, funds, objects of value, or other property, real or  
56 | personal; and make expenditures to or for the direct or indirect

57 benefit of the purposes of preventing animal cruelty, assisting  
58 pet overpopulation management, providing grants to animal  
59 shelters for spaying and neutering, and reducing the need for  
60 euthanasia of animals.

61 (c) If the Commissioner of Agriculture determines the  
62 direct-support organization is operating in a manner that is  
63 inconsistent with the goals and purposes of the Department of  
64 Agriculture and Consumer Services or not acting in the best  
65 interest of the state, the commissioner may terminate the  
66 contract and thereafter the organization may not use the  
67 department's name.

68 (2) CONTRACT.--The direct-support organization shall  
69 operate under a written contract with the Department of  
70 Agriculture and Consumer Services. The written contract must, at  
71 a minimum, provide for:

72 (a) Approval of the articles of incorporation and bylaws  
73 of the direct-support organization by the Commissioner of  
74 Agriculture.

75 (b) Submission of an annual budget for approval by the  
76 Commissioner of Agriculture.

77 (c) The reversion without penalty to the Department of  
78 Agriculture and Consumer Services or to the state, if the  
79 Department of Agriculture and Consumer Services ceases to exist,  
80 of all moneys and property held in trust by the direct-support  
81 organization to be used for the prevention of cruelty to animals  
82 and pet overpopulation management if the direct-support  
83 organization ceases to exist or if the contract is terminated.

84           (d) The fiscal year of which must begin July 1 of each  
 85 year and end June 30 of the following year.

86           (e) The disclosure of material provisions of the contract  
 87 and the distinction between the Department of Agriculture and  
 88 Consumer Services and the direct-support organization to donors  
 89 of gifts, contributions, or bequests, as well as on all  
 90 promotional and fundraising publications.

91           (3) BOARD OF DIRECTORS.--The Commissioner of Agriculture  
 92 shall appoint a board of directors for the direct-support  
 93 organization. The commissioner may designate employees of the  
 94 Department of Agriculture and Consumer Services to serve on the  
 95 board of directors. Members of the board shall serve at the  
 96 pleasure of the commissioner.

97           (4) USE OF PROPERTY AND SERVICES.--The Commissioner of  
 98 Agriculture:

99           (a) May authorize the use of facilities and property other  
 100 than moneys that are owned by the Department of Agriculture and  
 101 Consumer Services to be used by the direct-support organization.

102           (b) May authorize the use of personal services provided by  
 103 employees of the Department of Agriculture and Consumer  
 104 Services. For the purposes of this section, the term "personal  
 105 services" includes full-time personnel and part-time personnel  
 106 as well as payroll processing.

107           (c) May prescribe the conditions under which the direct-  
 108 support organization may use property, facilities, or personal  
 109 services of the office.

110           (d) Shall not authorize the use of property, facilities,  
 111 or personal services of the direct-support organization if the

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112 organization does not provide equal employment opportunities to  
113 all persons, regardless of race, color, religion, sex, age, or  
114 national origin.

115 (5) MONEYS.--Moneys of the direct-support organization may  
116 be held in a separate depository account in the name of the  
117 direct-support organization and shall be subject to the  
118 provisions of the contract with the Department of Agriculture  
119 and Consumer Services.

120 (6) ANNUAL AUDIT.--The direct-support organization shall  
121 provide for an annual financial audit in accordance with s.  
122 215.981.

123 (7) LIMITS ON DIRECT-SUPPORT ORGANIZATION.--The direct-  
124 support organization shall not exercise any power under s.  
125 617.0302(12) or (16). No state employee shall receive  
126 compensation from the direct-support organization for service on  
127 the board of directors or for services rendered to the direct-  
128 support organization.

129 (8) INAPPLICABILITY OF SECTION 570.903.--The provisions of  
130 s. 570.903 do not apply to the direct-support organization  
131 created by this section.

132 Section 3. This act shall take effect upon becoming a law.