

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local & Federal Affairs
2 Committee
3 Representative Artiles offered the following:

Amendment

6 Remove everything after the enacting clause and insert:
7 Section 1. Part VII of chapter 125, Florida Statutes,
8 consisting of section 125.98, is created to read:

PART VII

PET SERVICES AND WELFARE PROGRAMS

11 125.98 Pet services and welfare programs; independent
12 special district; Pets' Trust council.-

13 (1) Each county may, by ordinance, create an independent
14 special district, as defined in ss. 189.403(3) and
15 200.001(8)(e), to provide funding for pet services and welfare
16 programs throughout the county pursuant to this section. This
17 ordinance constitutes the charter of the special district, and
18 may be amended in the same manner as any other ordinance. The
19 boundaries of the district shall be coterminous with the
20 boundaries of the county. The county governing body shall obtain

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21 approval, by a majority vote of those electors voting on the
22 question, to annually levy ad valorem taxes which may not exceed
23 the maximum millage rate authorized by this section. Any
24 district created pursuant to this subsection shall levy and fix
25 millage pursuant to s. 200.065. Once such millage is approved by
26 the electors, the district shall not be required to seek
27 approval of the electors in future years to levy the previously
28 approved millage. All district elections shall be conducted in
29 accordance with s. 189.405

30 (a) The governing board of the district shall be a council
31 on pet services and welfare, which shall be known as the Pets'
32 Trust of the county in which the council is located. The council
33 shall be established by the governing body of the county and
34 shall consist of 14 members, as follows:

35 1. Two representatives from a private not-for-profit
36 animal shelter located in the county or from the county animal
37 shelter.

38 2. Three members of the county governing body appointed by
39 the county commission, except that, if a county has a mayor who
40 is not a member of the county commission, one member of the
41 county governing body shall be appointed by the county mayor and
42 two members of the county governing body shall be appointed by
43 the county commission.

44 3. Two veterinarians practicing in the county.

45 4. One representative from a not-for-profit animal welfare
46 and education or rescue group with a presence in the county.

47 5. One expert in targeted spay and neuter programs.

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48 6. One certified public accountant practicing in the
49 county.

50 7. One attorney practicing in the county.

51 8. One representative from a not-for-profit animal rescue
52 organization in good financial standing that actively rescues
53 animals in the county.

54 9. Two at-large members elected by the electors of the
55 county.

56 (b) Members shall be appointed or elected for 2-year
57 terms, except that the length of the terms of the initial
58 members at-large shall be adjusted to stagger the terms. Council
59 members must be residents of the county in which the council is
60 located for a period of at least 24 months before appointment or
61 election to the council. The council may remove a member for
62 cause by majority vote or upon the written petition of the
63 county governing body.

64 (2) (a) The council shall have the following powers and
65 duties:

66 1. To allocate funds to not-for-profit or municipal
67 organizations in good financial standing that will deliver the
68 services listed in this paragraph in such a way as to create the
69 greatest impact on the animal overpopulation crisis in the
70 county; improve animal care in the county; provide veterinary
71 medical care for animals with low-income owners; implement pet
72 education, surrender prevention, and adoption programs; and
73 address the prevention of animal cruelty. Each council shall
74 develop an application process for the organizations eligible to
75 provide services within the county.

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76 2. To lease real estate and buy equipment and personal
77 property as needed to execute the powers and duties under this
78 paragraph, provided such leases and purchases are not made
79 unless paid for with cash on hand or secured by funds deposited
80 in financial institutions. This subparagraph does not authorize
81 a district to issue bonds of any nature or to require the
82 imposition of any bond by the county governing body.

83 3. To collect information and statistical data that will
84 be helpful to the council and the county in deciding the needs
85 of pets in the county.

86 4. To allocate an amount not to exceed 5 percent of the
87 revenue generated to employ, compensate, and provide benefits
88 for any part-time or full-time personnel needed to execute the
89 powers and duties listed in this paragraph, including office
90 space for such personnel and associated administrative costs.

91 5. To fund spay and neuter programs, including the
92 provision of spay and neuter services by existing community and
93 private providers and building additional spay and neuter
94 facilities that are targeted specifically at low-income pet
95 owners, as measured by the poverty index of the county in which
96 the council is located, pet owners in high shelter-intake areas,
97 and pet owners of community cats and animals that are adopted
98 out, transferred, or released in any way by the county animal
99 shelter. Up to 80 percent of the council's revenue must be used
100 for the types of spay and neuter programs listed in this
101 subparagraph in each of the first 3 years of the council's
102 existence, or until shelter deaths reach half the volume of the
103 current state average, whichever time period is longer.

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104 Additionally, the council shall allocate a portion of the
105 remaining 10 percent of its revenue to pet retention, surrender
106 prevention, adoption, and animal welfare education programs for
107 both children and adults. The council shall decide how the
108 revenue is allocated to most significantly impact the animal
109 overpopulation problem in the community and to address the root
110 causes of animal abuse and abandonment. If the current animal
111 welfare and spay and neuter organizations in the county are
112 unable to provide all services that may be funded during any one
113 year, revenues may be rolled over and used by the council in the
114 following year, subject to the same allocations contained in
115 paragraph 2(a)

116 6. To allocate up to 5 percent of the revenue to assist
117 rescue groups that specialize in the transport, impound, and
118 care of victims of large animal cruelty and neglect each year.

119 7. To ensure that all animals adopted from or sent to a
120 rescue partner from an animal shelter are sterilized, if
121 medically feasible, pursuant to the time periods specified in
122 chapter 823.

123 8. To ensure that funds are allocated only to those
124 organizations providing services in the county served by the
125 council.

126 9. To allocate the appropriate budget line item for a
127 professional audit each year to ensure effectiveness and
128 transparency and to gain the trust of the community.

129 10. To allocate a portion not to exceed 2 percent for
130 intergovernmental and public relations, including notifying the
131 public of locations and services provided. Allocations in this

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132 subparagraph may not be used for political purposes, including,
133 but not limited to, get-out-the-vote efforts.

134 (b) Each council shall:

135 1. Immediately after the members are appointed, elect a
136 chair and a vice chair from among its members, and elect other
137 officers as deemed necessary by the council.

138 2. Immediately after the members are appointed and the
139 officers are elected, hire a staff to identify and assess the
140 needs of the pets in the county served by the council. Staff
141 shall receive reasonable compensation which may vary by county.
142 Staff shall submit to the governing body of the county a written
143 description of:

144 a. The activities, services, and opportunities that will
145 be provided to pets.

146 b. The anticipated schedule for providing such activities,
147 services, and opportunities.

148 c. The manner in which pets will be served, including a
149 description of arrangements and agreements that will be made
150 with community organizations.

151 d. The manner in which the council will seek and provide
152 funding for unmet needs.

153 e. The strategy that will be used for interagency
154 coordination to maximize existing human and fiscal resources and
155 reduce the duplication of services.

156 3. Provide training and orientation to all new members
157 sufficient to allow them to perform their duties.

158 4. Adopt bylaws, rules, and regulations for the council's
159 guidance, operation, governance, and maintenance, provided such

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160 bylaws, rules, and regulations are not inconsistent with
161 applicable federal or state laws or county ordinances.

162 5. Provide a biannual written report, to be presented no
163 later than January 1 and July 1 of each year, to the governing
164 body of the county. The report shall contain, but is not limited
165 to, the following information:

166 a. Information on the effectiveness of activities,
167 services, and programs offered by the council, including the
168 cost-effectiveness of such activities, services, and programs.

169 b. A detailed, anticipated budget for continuation of
170 activities, services, and programs offered by the council.

171 c. A description of the degree to which the council's
172 objectives and activities are consistent with the goals of this
173 section.

174 (c) The council shall comply with the meetings, notice and
175 reporting requirements contained in ss. 189.415, 189.417 and
176 189.418, as well as the compliance reporting required under part
177 III of chapter 218, and the provisions of part III, chapter 112,
178 the Code of Ethics for Public Officers and Employees.

179 (d) Members of the council shall serve without
180 compensation, but shall be entitled to receive reimbursement for
181 per diem and travel expenses consistent with the provisions of
182 s. 112.061.

183 (3) (a) The fiscal year of the district shall be the same
184 as that of the county.

185 (b) On or before July 1 of each year, the council shall
186 prepare a tentative annual written budget of the district's
187 expected income and expenditures, including a contingency fund.

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188 The council shall, in addition, compute a proposed millage rate
189 within the voter-approved cap necessary to fund the tentative
190 budget and, prior to adopting a final budget, comply with the
191 provisions of s. 200.065, relating to the method of fixing
192 millage, and shall fix the final millage rate by resolution of
193 the council. The adopted budget and final millage rate shall be
194 certified and delivered to the governing body of the county as
195 soon as possible following the council's adoption of the final
196 budget and millage rate pursuant to chapter 200. Included in
197 each certified budget shall be the millage rate, adopted by
198 resolution of the council, necessary to be applied to raise the
199 funds budgeted for district operations and expenditures. In no
200 circumstances, however, shall any district levy millage to
201 exceed a maximum of 0.10 mills of assessed valuation of all
202 properties within the county that are subject to ad valorem
203 county taxes.

204 (c) The budget of the district so certified and delivered
205 to the governing body of the county is not subject to change or
206 modification by the governing body of the county or any other
207 authority.

208 (d) All tax money collected under this section, as soon
209 after the collection thereof as is reasonably practicable, shall
210 be paid directly to the council by the tax collector of the
211 county, or the clerk of the circuit court if the clerk collects
212 delinquent taxes.

213 (e)1. All moneys received by the council shall be
214 deposited in qualified public depositories, as defined in s.
215 280.02, with separate and distinguishable accounts established

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216 specifically for the council and shall be withdrawn only by
217 checks signed by the chair of the council and countersigned by a
218 chief executive officer who shall be so authorized by the
219 council.

220 2. Upon entering the duties of office, the chair and the
221 chief executive officer who signs its checks shall each give a
222 surety bond in the sum of \$1,000, which bond must be conditioned
223 that each of them shall faithfully discharge the duties of
224 office. The premium on said bond may be paid by the special
225 district as part of the expense of the board.

226 3. Funds of the district may not be expended except by
227 check as provided in subparagraph 1., except expenditures may be
228 made from a petty cash account but may not at any time exceed
229 \$100. All expenditures from petty cash shall be recorded in the
230 books and records of the Pets' Trust council. Funds of the
231 district except expenditures from petty cash, shall not be
232 expended without prior approval of and budgeting by the council.

233 (f) Within 10 days, exclusive of weekends and legal
234 holidays, after the expiration of each quarter annual period,
235 the council shall prepare and file with the governing body of
236 the county a financial report that includes the following:

237 1. The total expenditures of the council for the quarter
238 annual period.

239 2. The total receipts of the council during the quarter
240 annual period.

241 3. A statement of the funds the council has on hand, has
242 invested, or has deposited with qualified public depositories at
243 the end of the quarter annual period.

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244 4. The total administrative costs of the council for the
245 quarter annual period.

246 (4) (a) A district created pursuant to this section may be
247 dissolved in accordance with s. 189.4042.

248 (b) If a district is dissolved, the title to all property
249 owned by the preexisting special district government is
250 transferred to the local general-purpose government, which shall
251 also assume all indebtedness of the preexisting special district
252 in accordance with s. 189.4045.

253 Section 2. This act shall take effect July 1, 2013.