

By Senator Margolis

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1 A bill to be entitled
 2 An act relating to pet services and welfare programs;
 3 creating part VII of ch. 125, F.S.; authorizing
 4 counties to create independent special districts to
 5 provide funding for pet services and welfare programs;
 6 creating a Pets' Trust council; providing for council
 7 membership, powers, and functions; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Part VII of chapter 125, Florida Statutes,
 13 consisting of section 125.98, is created to read:

14 PART VII

15 PET SERVICES AND WELFARE PROGRAMS

16 125.98 Pet services and welfare programs; independent
 17 special district; Pets' Trust council.-

18 (1) Each county may, by ordinance, create an independent
 19 special district, as defined in ss. 189.403(3) and
 20 200.001(8)(e), to provide funding for pet services and welfare
 21 programs throughout the county pursuant to this section. The
 22 boundaries of the district shall be coterminous with the
 23 boundaries of the county. The county governing body shall obtain
 24 approval, by a majority vote of those electors voting on the
 25 question, to annually levy ad valorem taxes which may not exceed
 26 the maximum millage rate authorized by this section. Any
 27 district created pursuant to this subsection shall levy and fix
 28 millage pursuant to s. 200.065. Once such millage is approved by
 29 the elector, the district shall seek approval of the elector in

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30 future years to levy the previously approved millage.

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

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

38 2. Three members of the county governing body appointed by
39 the county commission.

40 3. Two veterinarians practicing in the county.

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

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

44 6. One certified public accountant practicing in the
45 county.

46 7. One attorney practicing in the county.

47 8. One representative from a not-for-profit animal rescue
48 organization in good financial standing that actively rescues
49 animals in the county.

50 9. Two at-large members elected by the electors of the
51 county.

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

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59 (2) (a) The council shall have the following powers and
60 duties to:

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

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

78 3. Collect information and statistical data that will be
79 helpful to the council and the county in deciding the needs of
80 pets in the county.

81 4. Allocate an amount not to exceed 5 percent of the
82 revenue generated to employ, compensate, and provide benefits
83 for any part-time or full-time personnel needed to execute the
84 powers and duties listed in this paragraph, including office
85 space for such personnel and associated administrative costs.

86 5. Fund spay and neuter programs, including the provision
87 of spay and neuter services by existing community and private

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88 providers and building additional spay and neuter facilities
89 that are targeted specifically at low-income pet owners, as
90 measured by the poverty index of the county in which the council
91 is located, pet owners in high shelter-intake areas, and pet
92 owners of community cats and animals that are adopted out,
93 transferred, or released in any way by the county animal
94 shelter. Up to 80 percent of the council's revenue must be used
95 for the types of spay and neuter programs listed in this
96 subparagraph in each of the first 3 years of the council's
97 existence, or until shelter deaths reach half the volume of the
98 current state average, whichever time period is longer.
99 Additionally, the council shall allocate a portion of the
100 remaining 10 percent of its revenue to pet retention, surrender
101 prevention, adoption, and animal welfare education programs for
102 both children and adults. The council shall decide how the
103 revenue is allocated to most significantly impact the animal
104 overpopulation problem in the community and to address the root
105 causes of animal abuse and abandonment. If the current animal
106 welfare and spay and neuter organizations in the county are
107 unable to provide all services that may be funded during any one
108 year, revenues may be rolled over and used by the council in the
109 following year.

110 6. Allocate up to 5 percent of the revenue to assist rescue
111 groups that specialize in the transport, impound, and care of
112 victims of large animal cruelty and neglect each year.

113 7. Ensure that all animals adopted from or sent to a rescue
114 partner from an animal shelter are sterilized, if medically
115 feasible, pursuant to the time periods specified in applicable
116 law.

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117 8. Ensure that funds are allocated only to those
118 organizations providing services in the county served by the
119 council.

120 9. Allocate the appropriate budget line item for a
121 professional audit each year to ensure effectiveness and
122 transparency and to gain the trust of the community.

123 10. Allocate a portion not to exceed 2 percent for public
124 relations, including notifying the public of locations and
125 services provided. Allocations in this subparagraph may not be
126 used for political purposes, including, but not limited to, get-
127 out-the-vote efforts.

128 (b) Each council shall:

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

132 2. Immediately after the members are appointed and the
133 officers are elected, hire a staff to identify and assess the
134 needs of the pets in the county served by the council. Staff
135 shall receive reasonable compensation which may vary by county.
136 Compensation for any lobbyists hired to represent a council must
137 be capped at \$50,000 annually. Staff shall submit to the
138 governing body of the county a written description of:

139 a. The activities, services, and opportunities that will be
140 provided to pets.

141 b. The anticipated schedule for providing such activities,
142 services, and opportunities.

143 c. The manner in which pets will be served, including a
144 description of arrangements and agreements that will be made
145 with community organizations.

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

148 e. The strategy that will be used for interagency
149 coordination to maximize existing human and fiscal resources and
150 reduce the duplication of services.

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

153 4. Adopt bylaws, rules, and regulations for the council's
154 guidance, operation, governance, and maintenance, provided such
155 bylaws, rules, and regulations are not inconsistent with
156 applicable federal or state laws or county ordinances.

157 5. Provide an annual written report, to be presented no
158 later than January 1, to the governing body of the county. The
159 report shall contain, but is not limited to, the following
160 information:

161 a. Information on the effectiveness of activities,
162 services, and programs offered by the council, including the
163 cost-effectiveness of such activities, services, and programs.

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

166 c. A description of the degree to which the council's
167 objectives and activities are consistent with the goals of this
168 section.

169 (c) The council shall maintain minutes of each meeting,
170 including a record of all votes cast, and shall make such
171 minutes available to any interested person.

172 (d) Members of the council shall serve without
173 compensation, but shall be entitled to receive reimbursement for
174 per diem and travel expenses consistent with the provisions of

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175 s. 112.061.

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

178 (b) On or before July 1 of each year, the council shall
179 prepare a tentative annual written budget of the district's
180 expected income and expenditures, including a contingency fund.
181 The council shall, in addition, compute a proposed millage rate
182 within the voter-approved cap necessary to fund the tentative
183 budget and, prior to adopting a final budget, comply with the
184 provisions of s. 200.065, relating to the method of fixing
185 millage, and shall fix the final millage rate by resolution of
186 the council. The adopted budget and final millage rate shall be
187 certified and delivered to the governing body of the county as
188 soon as possible following the council's adoption of the final
189 budget and millage rate pursuant to chapter 200. Included in
190 each certified budget shall be the millage rate, adopted by
191 resolution of the council, necessary to be applied to raise the
192 funds budgeted for district operations and expenditures. In no
193 circumstances, however, shall any district levy millage to
194 exceed a maximum of 0.10 mills of assessed valuation of all
195 properties within the county that are subject to ad valorem
196 county taxes.

197 (c) The budget of the district so certified and delivered
198 to the governing body of the county may not be subject to change
199 or modification by the governing body of the county or any other
200 authority.

201 (d) All tax money collected under this section, as soon
202 after the collection thereof as is reasonably practicable, shall
203 be paid directly to the council by the tax collector of the

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204 county, or the clerk of the circuit court if the clerk collects
205 delinquent taxes.

206 (e)1. All moneys received by the council shall be deposited
207 in qualified public depositories, as defined in s. 280.02, with
208 separate and distinguishable accounts established specifically
209 for the council and shall be withdrawn only by checks signed by
210 the chair of the council and countersigned by a chief executive
211 officer who shall be so authorized by the council.

212 2. Funds of the district may not be expended except by
213 check as provided in subparagraph 1., except expenditures may be
214 made from a petty cash account but may not at any time exceed
215 \$100. All expenditures from petty cash shall be recorded in the
216 books and records of the Pets' Trust council. Funds of the
217 district, except expenditures from petty cash, shall not be
218 expended without prior approval of and budgeting by the council.

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

223 1. The total expenditures of the council for the quarter
224 annual period.

225 2. The total receipts of the council during the quarter
226 annual period.

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

230 4. The total administrative costs of the council for the
231 quarter annual period.

232 (4) (a) A district created pursuant to this section may be

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233 dissolved by a special act of the Legislature, or the county
234 governing body may, by ordinance, dissolve the district subject
235 to the approval of the electorate.

236 (b)1. Notwithstanding paragraph (a), the governing body of
237 the county shall submit the question of retention or dissolution
238 of a district with voter-approved taxing authority to the
239 electorate in the next available election after 4 years of the
240 district's existence.

241 2. This paragraph does not limit the authority to dissolve
242 a district pursuant to paragraph (a) or preclude the governing
243 board of a district from requesting that the governing body of
244 the county submit the question of retention or dissolution of a
245 district with voter-approved taxing authority to the electorate
246 at a date earlier than the year provided in subparagraph 1. If
247 the governing body of the county accepts the request and submits
248 the question to the electorate, the governing body satisfies the
249 requirement provided in subparagraph 1.

250 (c) If a district is dissolved pursuant to this subsection,
251 each county must first obligate itself to assume the debts,
252 liabilities, contracts, and outstanding obligations of the
253 district within the total millage available to the county
254 governing body for all county and municipal purposes pursuant to
255 s. 9, Art. VII of the State Constitution. A district may also be
256 dissolved pursuant to s. 189.4042.

257 (5) After or during the first year of operation of the
258 council, the governing body of the county may fund in whole or
259 in part the budget of the council from its own funds. However,
260 if revenue generated by the county shelter is already allocated
261 for the shelter operations, that allocation must remain.

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262 (6) Any district created pursuant to this section shall
263 comply with all other statutory requirements of general
264 application that relate to the filing of any financial reports
265 or compliance reports required under part III of chapter 218, or
266 any other report or documentation required by law, including the
267 requirements of ss. 189.415, 189.417, and 189.418.

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