

1 A bill to be entitled
 2 An act relating to pet services and welfare programs;
 3 creating part VII of chapter 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:

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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 electors, the district shall seek approval of the electors
 30 | in 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
 37 | animal shelter located in the county or from the county animal
 38 | shelter.

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

45 | 3. Two veterinarians practicing in the county.

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

48 | 5. One expert in targeted spay and neuter programs.

49 | 6. One certified public accountant practicing in the
 50 | county.

51 | 7. One attorney practicing in the county.

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

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

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

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

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

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

84 3. To collect information and statistical data that will

85 be helpful to the council and the county in deciding the needs
86 of pets in the county.

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

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

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113 unable to provide all services that may be funded during any one
114 year, revenues may be rolled over and used by the council in the
115 following year.

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 applicable law.

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 public relations, including notifying the public of locations
131 and services provided. Allocations in this subparagraph may not
132 be used for political purposes, including, but not limited to,
133 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

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141 shall receive reasonable compensation which may vary by county.
142 Compensation for any lobbyists hired to represent a council must
143 be capped at \$50,000 annually. Staff shall submit to the
144 governing body of the county a written description of:

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

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

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

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

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

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

159 4. Adopt bylaws, rules, and regulations for the council's
160 guidance, operation, governance, and maintenance, provided such
161 bylaws, rules, and regulations are not inconsistent with
162 applicable federal or state laws or county ordinances.

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

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

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169 cost-effectiveness of such activities, services, and programs.

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

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

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

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

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

184 (b) On or before July 1 of each year, the council shall
185 prepare a tentative annual written budget of the district's
186 expected income and expenditures, including a contingency fund.
187 The council shall, in addition, compute a proposed millage rate
188 within the voter-approved cap necessary to fund the tentative
189 budget and, prior to adopting a final budget, comply with the
190 provisions of s. 200.065, relating to the method of fixing
191 millage, and shall fix the final millage rate by resolution of
192 the council. The adopted budget and final millage rate shall be
193 certified and delivered to the governing body of the county as
194 soon as possible following the council's adoption of the final
195 budget and millage rate pursuant to chapter 200. Included in
196 each certified budget shall be the millage rate, adopted by

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197 resolution of the council, necessary to be applied to raise the
198 funds budgeted for district operations and expenditures. In no
199 circumstances, however, shall any district levy millage to
200 exceed a maximum of 0.10 mills of assessed valuation of all
201 properties within the county that are subject to ad valorem
202 county taxes.

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

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

212 (e)1. All moneys received by the council shall be
213 deposited in qualified public depositories, as defined in s.
214 280.02, with separate and distinguishable accounts established
215 specifically for the council and shall be withdrawn only by
216 checks signed by the chair of the council and countersigned by a
217 chief executive officer who shall be so authorized by the
218 council.

219 2. Funds of the district may not be expended except by
220 check as provided in subparagraph 1., except expenditures may be
221 made from a petty cash account but may not at any time exceed
222 \$100. All expenditures from petty cash shall be recorded in the
223 books and records of the Pets' Trust council. Funds of the
224 district except expenditures from petty cash, shall not be

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225 expended without prior approval of and budgeting by the council.

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

230 1. The total expenditures of the council for the quarter
231 annual period.

232 2. The total receipts of the council during the quarter
233 annual period.

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

237 4. The total administrative costs of the council for the
238 quarter annual period.

239 (4) (a) A district created pursuant to this section may be
240 dissolved by a special act of the Legislature, or the county
241 governing body may, by ordinance, dissolve the district subject
242 to the approval of the electors.

243 (b)1. Notwithstanding paragraph (a), the governing body of
244 the county shall submit the question of retention or dissolution
245 of a district with voter-approved taxing authority to the
246 electors in the next available election after 4 years of the
247 district's existence.

248 2. This paragraph does not limit the authority to dissolve
249 a district pursuant to paragraph (a) or preclude the governing
250 board of a district from requesting that the governing body of
251 the county submit the question of retention or dissolution of a
252 district with voter-approved taxing authority to the electors at

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253 a date earlier than the year provided in subparagraph 1. If the
254 governing body of the county accepts the request and submits the
255 question to the electors, the governing body satisfies the
256 requirement provided in subparagraph 1.

257 (c) If a district is dissolved pursuant to this
258 subsection, each county must first obligate itself to assume the
259 debts, liabilities, contracts, and outstanding obligations of
260 the district within the total millage available to the county
261 governing body for all county and municipal purposes pursuant to
262 s. 9, Art. VII of the State Constitution. A district may also be
263 dissolved pursuant to s. 189.4042.

264 (5) After or during the first year of operation of the
265 council, the governing body of the county, at its option, may
266 fund in whole or in part the budget of the council from its own
267 funds. However, if revenue generated by the county shelter is
268 already allocated for the shelter operations, that allocation
269 must remain.

270 (6) Any district created pursuant to this section shall
271 comply with all other statutory requirements of general
272 application that relate to the filing of any financial reports
273 or compliance reports required under part III of chapter 218, or
274 any other report or documentation required by law, including the
275 requirements of ss. 189.415, 189.417, and 189.418.

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