

By Senator Bullard

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1 A bill to be entitled
 2 An act relating to pet services and advocacy programs;
 3 creating part VII of chapter 125, F.S.; authorizing
 4 counties to create independent special districts and,
 5 if approved by referendum, levy ad valorem taxes to
 6 provide funding for pet services and advocacy
 7 programs; creating a Pets' Trust council; providing
 8 for council membership, powers, and functions;
 9 providing that certain nonbinding straw ballots
 10 satisfy referendum requirements; providing for
 11 expiration of the programs; providing an effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Part VII of chapter 125, Florida Statutes,
 17 consisting of section 125.98, is created to read:

18 PART VII

19 PET SERVICES AND ADVOCACY PROGRAMS

20 125.98 Pet services and advocacy programs; independent
 21 special district; Pets' Trust councils.-

22 (1) This section may be cited as the "Pets' Trust Act."

23 (2) (a) Each county may, by ordinance, create an independent
 24 special district, as defined in ss. 189.012(3) and
 25 200.001(8) (e), to provide funding for pet services and advocacy
 26 programs throughout the county pursuant to this section. The
 27 ordinance constitutes the charter of the special district and
 28 may be amended in the same manner as any other ordinance. The
 29 boundaries of the district shall be coterminous with the

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30 boundaries of the county.

31 (b) The county commission shall obtain approval at
32 referendum to annually levy ad valorem taxes, not to exceed the
33 maximum millage rate authorized by this section. A district
34 created pursuant to this subsection shall levy and fix millage
35 pursuant to s. 200.065.

36 (c) Once such millage is approved by the electors, the
37 district shall seek approval of the electors every 4 years to
38 levy the previously approved millage. District elections shall
39 be conducted pursuant to s. 189.04.

40 (3) (a) The governing board of the district shall be a
41 council on pet services and advocacy programs, which shall be
42 known as the Pets' Trust of the county in which the council is
43 located. The council shall be established by the county
44 commission and shall consist of 14 members appointed by the
45 commission, as follows:

46 1. The director of animal services for the county, who
47 shall serve as a nonvoting member.

48 2. The director of the county humane society or a
49 representative from a rescue shelter located in the county.

50 3. Three members from nonprofit animal rescue groups.

51 4. Two animal advocates.

52 5. Two veterinarians practicing in the county.

53 6. One certified public accountant practicing in the
54 county.

55 7. One attorney practicing in the county.

56 8. Three distinguished community activists.

57 (b) Members shall be appointed for 2-year terms, except
58 that the initial terms of the community activist members shall

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59 be adjusted to stagger the terms. Council members must be
60 residents of the county in which the council is located for a
61 period of at least 24 months before appointment to the council.
62 The council may remove a member for cause by majority vote or
63 upon the written petition of the county commission.

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

66 1. To allocate funds to nonprofit 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 pets 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.

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 only paid for
79 with cash on hand or secured by funds deposited in financial
80 institutions. This subparagraph does not authorize a district to
81 issue bonds of any nature or to require the imposition of a bond
82 by the county commission.

83 3. To collect information and statistical data that will
84 assist the council and the county in deciding the needs of
85 animals 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

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88 for 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 animals that are adopted out,
98 transferred, or released in any way by the county animal
99 shelter. Each program shall include a sliding scale of fees for
100 spay and neuter services based on the ability of the pet owner
101 to pay for such services. The maximum fee for spay and neuter
102 services shall be comparable to the average fee charged by
103 veterinarians in the county that the program serves. At least 60
104 percent but not more than 70 percent of the council's revenue
105 must be used for the types of spay and neuter programs listed in
106 this subparagraph in each of the first 3 years of the council's
107 existence, or until shelter deaths reach one-half the volume of
108 the current state average, whichever period is longer.

109 Additionally, the council shall allocate a portion of the
110 remaining revenue to pet retention, surrender prevention,
111 adoption, and animal welfare education programs for both
112 children and adults. The council shall decide how the revenue is
113 allocated to most significantly impact the animal overpopulation
114 problem in the community and to address the root causes of
115 animal abuse and abandonment. If the current animal welfare and
116 spay and neuter organizations in the county are unable to

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117 provide all services that may be funded during any one year,
118 revenues may be rolled over and used by the council in the
119 following year.

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

123 7. To ensure that all pets adopted from or sent to a rescue
124 partner from an animal shelter are sterilized, if medically
125 feasible, pursuant to the time periods specified in chapter 823.

126 8. To ensure that funds are allocated only to those
127 organizations providing services in the county served by the
128 council.

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

132 10. To allocate a portion not to exceed 2 percent of the
133 revenue for public relations, including notifying the public of
134 locations and services provided. Allocations in this
135 subparagraph may not be used for political purposes, including,
136 but not limited to, get-out-the-vote efforts.

137 (b) Each council shall:

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

141 2. Immediately after the members are appointed and the
142 officers are elected, hire a staff to identify and assess the
143 needs of the pets in the county served by the council. Staff
144 shall receive reasonable compensation, which may vary by county.
145 Compensation for lobbyists hired to represent a council shall be

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146 capped at \$50,000 annually. Staff shall submit to the county
147 commission a written description of:

148 a. The activities, services, and opportunities that will be
149 provided to pets.

150 b. The anticipated schedule for providing such activities,
151 services, and opportunities.

152 c. The manner in which pets will be served, including a
153 description of arrangements and agreements that will be made
154 with community organizations.

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

157 e. The strategy that will be used for interagency
158 coordination to maximize existing human and fiscal resources and
159 reduce the duplication of services.

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

162 4. Adopt bylaws, rules, and regulations for the council's
163 guidance, operation, governance, and maintenance, provided such
164 bylaws, rules, and regulations are consistent with applicable
165 federal or state laws or county ordinances.

166 5. Provide a biannual written report, to be presented no
167 later than January 1 and July 1 of each year, to the county
168 commission. The report shall contain, but is not limited to, the
169 following information:

170 a. Information on the effectiveness of activities,
171 services, and programs offered by the council, including the
172 cost-effectiveness of such activities, services, and programs.

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

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175 c. A description of the degree to which the council's
176 objectives and activities are consistent with the goals of this
177 section.

178 (c) The council shall comply with the meetings, notice, and
179 reporting requirements contained in ss. 189.08, 189.015, and
180 189.016; the compliance reporting required under part III of
181 chapter 218; and the provisions of part III of chapter 112, the
182 Code of Ethics for Public Officers and Employees.

183 (d) Members of the council shall serve without compensation
184 but are entitled to receive reimbursement for per diem and
185 travel expenses consistent with the provisions of s. 112.061.

186 (5) (a) The fiscal year of the district shall be the same as
187 that of the county.

188 (b) On or before July 1 of each year, the council shall
189 prepare a tentative annual written budget of the district's
190 expected income and expenditures, including a contingency fund.
191 The council shall, in addition, compute a proposed millage rate
192 within the voter-approved cap necessary to fund the tentative
193 budget and, before adopting a final budget, comply with the
194 provisions of s. 200.065, relating to the method of fixing
195 millage, and shall fix the final millage rate by resolution of
196 the council. The adopted budget and final millage rate shall be
197 certified and delivered to the county commission as soon as
198 possible after the council's adoption of the final budget and
199 millage rate pursuant to chapter 200. Included in each certified
200 budget shall be the millage rate, adopted by resolution of the
201 council, necessary to be applied to raise the funds budgeted for
202 district operations and expenditures. In no circumstances,
203 however, shall a district levy millage to exceed a maximum of

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204 0.10 mills of assessed valuation of all properties within the
205 county that are subject to ad valorem county taxes.

206 (c) The budget of the district so certified and delivered
207 to the county commission is not subject to change or
208 modification by the county commission or another authority.

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

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

226 3. Funds of the district may only be expended by check as
227 provided in subparagraph 1., except expenditures may be made
228 from a petty cash account but may not at any time exceed \$100.
229 All expenditures from petty cash shall be recorded in the books
230 and records of the council. Funds of the district, except
231 expenditures from petty cash, may only be expended with prior
232 approval of and budgeting by the council.

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233 (f) Within 10 business days, excluding legal holidays,
234 after the expiration of each quarter annual period, the council
235 shall prepare and file with the county commission a financial
236 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.

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

246 (6) A district created pursuant to this section may be
247 dissolved pursuant to s. 189.072. If a district is dissolved,
248 the title to all property owned by the district is transferred
249 to the local general-purpose government, which shall also assume
250 all indebtedness of the preexisting special district in
251 accordance with s. 189.076.

252 (7) Notwithstanding paragraph (2)(b), a nonbinding straw
253 ballot approved by the electors of a county within 5 years
254 before the effective date of this section, to the extent that
255 the straw ballot expressed the support of the electors for a
256 levy of ad valorem taxes to fund animal services programs, is
257 deemed to be approval for purposes of this section of the levy
258 of ad valorem taxes not to exceed the millage rate proposed in
259 the straw ballot or the maximum millage rate authorized by this
260 section, whichever is less.

261 (8) This section expires July 1, 2020.

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Section 2. This act shall take effect July 1, 2015.