

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/SB 1406

INTRODUCER: Criminal Justice Committee and Senator Abruzzo

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: March 25, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1406 creates the Care for Retired Law Enforcement Dogs Program. The program will provide reimbursement for up to \$1,500 of annual veterinary costs associated with caring for a retired law enforcement dog.

Recurring funds in the amount of \$300,000 is appropriated to the Florida Department of Law Enforcement from the General Revenue Fund to fund the program for the 2014-15 fiscal year.

II. Present Situation:

As the bill states, in recent years, law enforcement dogs have become an integral part of many law enforcement efforts statewide, including suspect apprehension through tracking and searching, evidence location, drug and bomb detection, and search and rescue operations. Law enforcement agencies agree that the use of law enforcement dogs is an extremely cost-effective means for crime control and that these dogs possess skills and abilities that frequently exceed that of existing technology.

Section 843.19, F.S., sets forth the following criminal law violations involving police dogs and other service animals:

- Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police dog, fire dog, SAR dog, or police horse commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

- Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police dog, fire dog, SAR dog, or police horse commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.
- Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

Just one example of a law enforcement dog's invaluable service is Koda, who worked with the Leon County Sheriff's Office. K9 Koda was shot and killed in January 2013 as he attempted to immobilize a subject following a vehicle pursuit. Deputies pursued a vehicle several blocks until the vehicle crashed into a ditch. The subject continued to flee on foot and then opened fire on K9 Koda and deputies. Two deputies returned fire and wounded the subject before taking him into custody. It was later determined that the subject was wanted on warrants for attempted first degree murder, aggravated battery with a deadly weapon, and discharging a firearm from a vehicle.¹

III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the Florida Department of Law Enforcement (FDLE). The program is funded from the General Revenue Fund with the sum of \$300,000, recurring funds, beginning in the 2014-2015 fiscal year. The funds will be appropriated to the FDLE Operating Trust Fund. FDLE will hold the funds in a separate depository account for the corporation under contract with FDLE to administer the program.

FDLE is given rulemaking authority to implement the provisions in the bill.

The program will provide up to \$1,500 to any former handler or adopter of a retired law enforcement dog for reimbursement of veterinary care for the dog if the agency from which the dog retired provides verification of the dog's service. The former handler or adopter must submit a valid invoice from a veterinarian in this state for reimbursement to occur. When the annual funding for the program is depleted, reimbursements must be discontinued for the remainder of the year.

"Retired law enforcement dog" is defined by the bill as a dog that has received certification in obedience and apprehension work from a certifying organization, such as the National Police Canine Association.² The dog must have been in the service of or employed by a law enforcement agency in this state for the purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders, but the dog no longer serves in the capacity of a law enforcement dog.

¹ Read more: <http://www.odmp.org/k9/1497-k9-koda#ixzz2vrveuHYu>

² www.npca.net (last visited March 13, 2014). The National Police Canine Association is one of many such organizations in the country including The Florida Law Enforcement Canine Association (FLECA) which is a 501(c)(3) non-profit organization dedicated to the training and certification of Florida's Law Enforcement Canine Teams according to the website, <http://www.fleca9.com/>. Additionally, the FDLE provides a 400 hour K-9 Team training course and proficiency exam.

The bill defines “law enforcement agency” as a state or local public agency that has primary responsibility for the prevention and detection of crime or the enforcement of the penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

The bill adopts the term “veterinarian” from s. 474.202, F.S. Subsection (11) of s. 474.202, F.S., defines “veterinarian” as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of this chapter.³ The bill refers to ss. 474.202(9) and (13), F.S., in defining “veterinary care.”⁴ The bill also lists the following veterinary services:

- annual wellness examinations,
- vaccines,
- internal and external parasite prevention treatments,
- testing and treatment of illnesses and diseases,
- medications,
- emergency care and surgeries,
- care provided in specialties of veterinary medicine such as veterinary oncology, and euthanasia, when provided by a veterinarian, and
- the term also includes cremation.

FDLE is directed to contract with a not-for-profit corporation to administer and manage the program. The corporation must be organized under ch. 617, F.S.⁵

The contract with FDLE is to be entered into with a not-for-profit corporation that:

- Is dedicated to the protection and care of retired law enforcement dogs.
- Holds tax-exempt status under the Internal Revenue code as a s. 501(c)(3) organization.⁶

³ Other references include: (6) “Limited-service veterinary medical practice” means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

(7) “Mobile veterinary establishment” and “mobile clinic” mean a mobile unit which contains the same treatment facilities as are required of a permanent veterinary establishment or which has entered into a written agreement with another veterinary establishment to provide any required facilities not available in the mobile unit. The terms do not refer to the use of a car, truck, or other motor vehicle by a veterinarian making a house call. s. 474.202, F.S.

⁴ (9) “Practice of veterinary medicine” means diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.

(13) “Veterinary medicine” includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine. s. 474.202, F.S.

⁵ “Corporation not for profit” means a corporation no part of the income or profit of which is distributable to its members, directors, or officers, except as otherwise provided under this chapter. s. 617.01401(5), F.S.

⁶ Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the

- Has held tax-exempt status for at least 5 years.
- Agrees to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrates the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in understanding what the bill provides.
- Receives administrative fees, including salaries and benefits, not to exceed 10 percent of appropriated funds.

Funds held in the separate depository account for the corporation administering the program, must revert to FDLE if the contract between the corporation and FDLE expires or is terminated. All unexpended funds will be certified forward on July 1 of each year. The fund balance for the program may not exceed \$400,000.

The bill contains legislative findings related to the value of law enforcement dogs to the residents of Florida.

The provisions in the bill become effective July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who have adopted retired law enforcement dogs or former handlers who have kept their dogs after the dog's retirement may benefit from the program created by the bill if they are reimbursed for related veterinary costs.

C. **Government Sector Impact:**

At the time of the writing of this Bill Analysis it was unknown whether FDLE anticipated any fiscal impact resulting from the contract oversight and fund management required by the bill.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates section 943.69, of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on March 24, 2014:

- Provides rulemaking authority to FDLE so the agency can effectively implement the Care for Retired Law Enforcement Dogs Program.
- Creates a new numbered section of the Florida Statutes, s. 943.69, F.S.
- Contains legislative findings.
- Reorganizes the contents of the bill.

B. **Amendments:**

None.