

**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.)

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

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BILL: SB 440

INTRODUCER: Senator Abruzzo

SUBJECT: Care for Retired Law Enforcement Dogs

DATE: November 16, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Cannon</u>	<u>CJ</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>ACJ</u>	_____
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 440 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 for the former handler or adopter who incurs the costs. The program will be administered and managed by a not-for-profit corporation in a contractual arrangement with FDLE.

The bill provides that for Fiscal Year 2016-2017, and each fiscal year thereafter, recurring funds in the amount of \$300,000 is appropriated from General Revenue for the purpose of implementing the program.

The bill provides an effective date of July 1, 2016.

**II. Present Situation:**

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.<sup>1</sup>

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

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<sup>1</sup> <http://brevardsheriff.com/home/commands-services/operational-services/k-9-unit> (last visited March 17, 2015); [www.softretiredk9fund.com](http://www.softretiredk9fund.com) and <http://www.wsvn.com/story/27320793/student-launches-retired-k-9-donation-fund> (last visited November 4, 2015).

Koda and the 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.<sup>2</sup>

### III. Effect of Proposed Changes:

The bill creates the Care for Retired Law Enforcement Dogs Program (program) within the Florida Department of Law Enforcement (department). The program will provide up to \$1,500 annually 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 for care provided in Florida 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.<sup>3</sup> 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.

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 ch. 474, F.S.<sup>4</sup> The bill refers to s. 474.202, F.S., in defining “veterinary care” as a veterinary medical service provided by a veterinarian licensed to practice under ch. 474, F.S.<sup>5</sup> 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,

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<sup>2</sup> Read more: <http://www.odmp.org/k9/1497-k9-koda#ixzz2vrveuHYu>

<sup>3</sup> [www.npca.net](http://www.npca.net) (last visited November 4, 2015). 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.flecak9.com/>. Additionally, the department provides a 400 hour K-9 Team training course and proficiency exam.

<sup>4</sup> (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.

<sup>5</sup> (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.

- Emergency care and surgeries,
- Care provided in specialties of veterinary medicine such as veterinary oncology, and
- Euthanasia and cremation services.

The department is directed to contract with a corporation not-for-profit, organized under ch. 617, F.S., to administer and manage the program.<sup>6</sup> The corporation must:

- Be dedicated to the protection and care of retired law enforcement dogs.
- Hold tax-exempt status under the Internal Revenue code as a s. 501(c)(3) organization.<sup>7</sup>
- Have held tax-exempt status for at least five years.
- Agree to be subject to review and audit at the discretion of the Auditor General to ensure accurate accounting and disbursement of state funds.
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with the bill.
- Receive administrative fees, including salaries and benefits, not to exceed 10 percent of appropriated funds.

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

The department is given rulemaking authority to implement the provisions in the bill.

The bill provides an effective date of July 1, 2016.

#### **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.

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<sup>6</sup> Section 617.01401(5), F.S., defines “corporation not for profit” to be 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.

<sup>7</sup> See 26 U.S.C.A. s. 501(c)(3).

**B. Private Sector Impact:**

To the extent that the retired K9's former handler or adopter is reimbursed for the dog's on-going veterinary care, the bill will have a positive financial impact for those persons.

**C. Government Sector Impact:**

The bill provides that for Fiscal Year 2016-2017, and each fiscal year thereafter, recurring funds in the amount of \$300,000 is appropriated from General Revenue for the purpose of implementing the program.

**VI. Technical Deficiencies:**

The department suggests that if the program is state financial assistance as defined in s. 215.97, F.S.,<sup>8</sup> the competitive sealed bid process is not the proper procedure for engaging the not-for-profit corporation to administer the program. Instead, the department recommends that the bill be amended to require a "competitive grant solicitation process." This change can be accomplished by amending the bill at lines 74-75.

Additionally, it should be noted that the bill does not require the retired K9's former handler or adopter to show proof that the reimbursed veterinary services were actually paid prior to the reimbursement being approved. This requirement could be added to the bill in the subparagraph at lines 99-102.

**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.)

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>8</sup> "State financial assistance" means state resources, not including federal financial assistance and state matching on federal programs, provided to a nonstate entity to carry out a state project. "State financial assistance" includes the types of state resources stated in the rules of the Department of Financial Services established in consultation with all state awarding agencies. State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities. "State financial assistance" does not include procurement contracts used to buy goods or services from vendors and contracts to operate state-owned and contractor-operated facilities. s. 215.97(2)(q), F.S.