

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 217 Care for Retired Law Enforcement Dogs

**SPONSOR(S):** Criminal Justice Subcommittee; Kerner and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 440

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	13 Y, 0 N, As CS	Clark	White
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

### SUMMARY ANALYSIS

The bill creates s. 943.69, F.S., entitled the "Care for Retired Law Enforcement Dogs Program Act" (Program). The purpose of the Program is to provide a stable funding source for former handlers and adopters of retired law enforcement dogs to provide veterinary care for the dogs.

A law enforcement dog is eligible for the Program if the dog:

- Served or was employed by a law enforcement agency in the state for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders; and
- Received certification in obedience and apprehension work from a certifying organization.

The bill requires the Florida Department of Law Enforcement (FDLE) to contract with a not for profit corporation to administer and manage the Program. The not for profit corporation must:

- Be dedicated to the protection or care of retired law enforcement dogs;
- Hold an exempt status under s. 501(a) of the Internal Revenue Code and have held that status for at least five years;
- Agree to be subject to review and audit at the discretion of the Auditor General; and
- Demonstrate the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs.

The bill appropriates the sum of \$300,000 in recurring funds from the General Revenue Fund to FDLE for the purpose of implementing the Program.

The bill requires the not for profit corporation to be the disbursing authority for the funds appropriated to FDLE. The corporation must disburse funds upon receiving:

- Valid documentation from a law enforcement agency verifying the dog served or was employed by such agency; and
- A valid invoice, submitted by the former handler or adopter of a retired law enforcement dog, from a veterinarian for veterinary care provided in the state to a retired law enforcement dog and documentation establishing payment of the invoice by the former handler or adopter of the retired law enforcement dog.

Annual disbursements are limited to \$1,500 per dog. The bill prohibits a former handler or adopter of a retired law enforcement dog from:

- Using accumulated unused funds from one year in a future year; and
- Receiving reimbursement if funds for the Program are depleted in the year for which the reimbursement is sought.

The bill takes effect July 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

Law enforcement canines serve in many different disciplines including narcotics detection, explosives detection, search and rescue, patrol, and human remains detection.<sup>1</sup> Law enforcement agencies agree that the use of law enforcement canines is an extremely cost-effective means for crime control and that these canines possess skills and abilities that frequently exceed that of existing technology.<sup>2</sup> These disciplines require a huge physical demand from the canine, and many suffer injuries during their service.<sup>3</sup> As a result, law enforcement canines often have medical needs upon retirement.

Law enforcement canines generally retire at seven or eight years of age.<sup>4</sup> When the time comes for the canine to retire, he or she is usually adopted by his or her handler, but sometimes is adopted by others.<sup>5</sup> Once the canine is retired, his or her owner is responsible for the canine's medical bills, which can be costly.<sup>6</sup>

Recently, efforts have been made to ensure that law enforcement canines are provided medical care after retirement. For example in 2013, a police department in England decided to pay pension benefits to its retired police dogs.<sup>7</sup> These benefits include up to \$798 a year for three years for medical bills after retirement.<sup>8</sup> In September 2012, a Delaware nonprofit organization called the National K-9 Working Dog, Inc., proposed its "Police K-9 Bill Of Rights," which seeks to amend federal law to provide medical benefits for retired police dogs.<sup>9</sup> A number of non-profit organizations have also been established that advocate for similar rights of retired law enforcement dogs.<sup>10</sup> However, most of them have reached full enrollment and cannot provide enough funding and care for the growing amount of retired canines.<sup>11</sup>

#### Effect of the Bill

The bill creates s. 943.69, F.S., entitled the "Care for Retired Law Enforcement Dogs Program" (Program). The purpose of the Program is to provide a stable funding source for former handlers and adopters of retired law enforcement dogs to provide veterinary care for the dogs.

The bill provides the following legislative findings:

- 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;

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<sup>1</sup> See <http://www.retiredpaws.org/> (last visited Oct. 28, 2015).

<sup>2</sup> See <http://brevardsheriff.com/home/commands-services/operational-services/k-9-unit> (last visited Oct. 28, 2015); [www.softretiredk9fund.com](http://www.softretiredk9fund.com); <http://www.wsvn.com/story/27320793/student-launches-retired-k-9-donation-fund> (last visited Oct. 28, 2015).

<sup>3</sup> *Police dogs face danger in the line of duty*, Dec. 27, 2013, [http://articles.orlandosentinel.com/2013-12-27/news/os-police-dogs-face-dangers-20131227\\_1\\_such-dogs-bowden-suspected-car-burglar](http://articles.orlandosentinel.com/2013-12-27/news/os-police-dogs-face-dangers-20131227_1_such-dogs-bowden-suspected-car-burglar) (last visited Oct. 28, 2015).

<sup>4</sup> See Brevard Cty. Sheriff's Office, *K-9 Unit*, <http://www.brevardsheriff.com/home/commands-services/operational-services/k-9-unit/> (last visited Oct. 28, 2015); see also Florida Highway Patrol, *Retired K9s*, <http://www.flhsmv.gov/florida-highway-patrol/specialized-areas/criminal-interdiction-unit/> (last visited Oct. 28, 2015).

<sup>5</sup> See <http://www.retiredpaws.org/> (last visited Oct. 28, 2015).

<sup>6</sup> *Id.*

<sup>7</sup> *England's Retired Police Dogs To Receive Pension*, Nov. 4, 2013, <http://www.dogonews.com/2013/11/4/englands-retired-police-dogs-to-receive-pension> (last visited Oct. 28, 2015).

<sup>8</sup> *Police Dogs To Get Full Pensions For Medical Bills After Retirement In Nottinghamshire, England*, Nov. 5, 2013, [http://www.huffingtonpost.com/2013/11/05/police-dog-pensions\\_n\\_4215560.html](http://www.huffingtonpost.com/2013/11/05/police-dog-pensions_n_4215560.html) (last visited Oct. 29, 2015).

<sup>9</sup> *Police K-9 Bill of Rights*, <http://nationalk-9workingdog.org/police-k-9-bill-of-rights/> (last visited Oct. 29, 2015).

<sup>10</sup> See, e.g., "Retired Paws" based in Sahuarita, Arizona, <http://www.retiredpaws.org/> (last visited Oct. 29, 2015); see also "RIMADYL K-9 Courage Program, <https://www.rimadylk9courage.com/#About>.

<sup>11</sup> See <https://www.rimadylk9courage.com/#About> (stating that the program has reached maximum enrollment and advising owners to join the wait list).

- 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;
- The work of law enforcement dogs is often dangerous and can expose them to injuries at a rate higher than that of non-service dogs; and
- Law enforcement dogs provide significant contributions to the residents of this state.

The bill establishes the Program within the Florida Department of Law Enforcement (FDLE) and requires FDLE to contract with a corporation not for profit organized under ch. 617, F.S.,<sup>12</sup> to administer and manage the Program. Notwithstanding ch. 287, F.S., FDLE must select a corporation not for profit through a competitive grant award process which:

- Is dedicated to the protection or care of retired law enforcement dogs;
- Holds exempt status under s. 501(a) of the Internal Revenue Code as an organization described in s. 501(c)(3)<sup>13</sup> of the Internal Revenue Code;
- Has held its exempt status for at least five 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; and
- Demonstrates the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in complying with Program requirements.

Beginning in FY 2016-2017, and each year thereafter, the bill appropriates the sum of \$300,000 in recurring funds from the General Revenue Fund to FDLE for the purpose of implementing the Program.

The bill requires the contract between FDLE and the corporation to contain provisions specifying that the corporation must receive administrative fees, including salaries and benefits, of up to 10 percent of the appropriated funds.

The bill requires the corporation to be the disbursing authority for the funds appropriated to FDLE. The corporation must disburse funds upon receiving:

- Valid documentation from the law enforcement agency from which the dog retired verifying that the dog served or was employed by such agency; and
- A valid invoice, submitted by the former handler or adopter of a retired law enforcement dog, from a veterinarian for veterinary care provided in the state to a retired law enforcement dog and documentation establishing payment of the invoice by the former handler or adopter of the retired law enforcement dog.

Annual disbursements are limited to \$1,500 per dog. The bill prohibits a former handler or adopter of a retired law enforcement dog from using accumulated unused funds from one year for use in a future year and from receiving reimbursement if Program funds are depleted in the year in which the reimbursement is sought.

The bill defines “retired law enforcement dog” as any dog who:

- Served or was employed by a law enforcement agency in the state for the principle purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders; and

<sup>12</sup> “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.

<sup>13</sup> Under 26 U.S.C.A. s. 501(c)(3), the following organizations are described: “[c]orporations, 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 publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.”

- Received certification in obedience and apprehension work from a certifying organization.<sup>14</sup>

The bill also provides definitions for law enforcement agency,<sup>15</sup> veterinarian,<sup>16</sup> and veterinary care.<sup>17</sup>

**B. SECTION DIRECTORY:**

Section 1. Creates s. 943.69, F.S., relating to the "Care for Retired Law Enforcement Dogs Program."

Section 2. Provides an appropriation.

Section 3. Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

The bill appropriates \$300,000 in recurring funds from the General Revenue Fund to FDLE for the purpose of implementing the Program. The funds must be held in FDLE's Operating Trust Fund in a separate depository account in the name of the contracting not for profit corporation.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

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<sup>14</sup> Such as the National Police Canine Association, <http://www.npca.net/> (last visited Oct. 29, 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/> (last visited Oct. 29, 2015). Additionally, FDLE provides a 400 hour K-9 Team training course and proficiency exam.

<sup>15</sup> "Law enforcement agency" means a lawfully established state or local public agency having 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.

<sup>16</sup> "Veterinarian" is defined in accordance with s. 474.202, F.S., as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority ch. 474, F.S.

<sup>17</sup> "Veterinary care" means the practice of veterinary medicine as defined in s. 474.202, F.S., which is provided by a veterinarian licensed under ch. 474, F.S. The term includes annual wellness examinations, vaccines, internal and external parasite prevention treatments, testing and treatment of illnesses and diseases, medications, emergency care and surgeries, specialty care such as veterinary oncology, euthanasia, and cremation.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Adopters of retired law enforcement dogs may receive reimbursement for certain veterinary care.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill creates rulemaking authority for FDLE to implement the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On November 4, 2015, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarifies: (1) the definition of the term “veterinary care” by cross-referencing the definition for the “practice of veterinary medicine” in s. 474.202, F.S.; (2) requires FDLE to use a competitive grant award process to select a nonprofit program administrator; (3) clarifies that documentation establishing payment of an invoice must be received before reimbursement for veterinary care may be disbursed; and (4) ensures that defined terms are used consistently throughout the bill.

This bill analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.