

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1405 Care For Retired Law Enforcement Dogs

SPONSOR(S): Killebrew

TIED BILLS: **IDEN./SIM. BILLS:** SB 1810

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	18 Y, 0 N	Mathews	Hall
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

Law enforcement dogs (LEDs) have become an integral part of many law enforcement efforts statewide, including by assisting in apprehending suspects through tracking and searching, locating evidence, detecting drugs and bombs, and search and rescue operations. LEDs face natural aging conditions and may sustain injuries in the line of duty. Upon retirement, a LED typically lives with his or her law enforcement officer partner or handler and costly medical expenses associated with the dog's care may be difficult for the handler to afford.

HB 1405 creates s. 943.69, F.S., to create the Care for Retired Law Enforcement Dogs Program (Program). The bill defines a "retired law enforcement dog" as a dog that was previously in the service of or employed by a law enforcement agency in Florida for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders who have been certified in obedience and apprehension work. The bill creates the Program within Florida Department of Law Enforcement (FDLE) to provide stable and consistent financial support for the veterinary care of retired LEDs. Under the bill, covered veterinary care includes wellness examinations, vaccinations, parasite prevention treatments, testing and treatment of illnesses and diseases, medications, emergency care and surgery, veterinary oncology or other specialty care, euthanasia, and cremation.

The bill includes a \$300,000 recurring fiscal appropriation from the General Revenue Fund to FDLE to create and maintain the Program. The bill requires FDLE to contract with a nonprofit corporation selected through a competitive grant award process to administer and manage the Program. The bill allows up to \$1,500 to be reimbursed per year to a former handler or adopter for the veterinary care of a retired LED. The bill authorizes the selected nonprofit to use up to 10 percent of the appropriated funds to the Program to pay related administrative expenses, including salaries and benefits.

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Law enforcement dogs (LEDs) are valued for their senses of smell and hearing, speed, and agility.¹ These combined abilities allow LEDs to perform functions that human officers cannot. LEDs contribute to a variety of law enforcement functions, including:

- Locating missing persons,
- Apprehending criminal suspects,
- Performing article searches,
- Detecting narcotics,
- Detecting explosives and accelerants, and
- Tracking ground disturbances.²

Law Enforcement Dog Training

Certain breeds of dog are more suited to service as an LED. Belgian Malinois, German Shepherd, Bloodhound, Dutch Shepherd, and Labrador Retriever are some of the most popular breed choices to be trained as LEDs.³ Specifically, these breeds are known for their working ability, desire to cooperate with their handlers, and their tenacity in fighting criminals.⁴

Though specific requirements of basic training for LEDs are not standardized, all LEDs receive training in the fundamentals of agility, endurance, and obedience.⁵ Training usually begins when the dog is approximately one year old and lasts approximately 12 to 16 weeks.⁶ A LED may serve in a law enforcement role for six to 10 years.⁷

Generally, upon the dog's retirement, a LED's handler is given priority in adopting the dog. If the handler is unable to adopt the dog, the adoption is opened up to other law enforcement officers. If an adopter cannot be found within law enforcement, a proper civilian family who is familiar with the needs of a LED may be selected. However, it is estimated that close to 90 percent of handlers keep their dogs if the dog retires while in service.⁸

LEDs may have different medical needs than other dogs, and require more specialized veterinary knowledge in diagnosing and treating medical issues.⁹ LEDs may experience health issues and negative behaviors after retiring such as anxiety, depression, aggression, separation anxiety, post-traumatic stress disorder, and anti-social behavior.¹⁰ Further, it is not uncommon for a retired LED to

¹ See Leon County Sheriff's Office, K9, <http://www.leoncountysos.com/departments/law-enforcement/k9> (last visited Apr. 1, 2021).

² *Id.*; Stefanie Dazio, *19 K-9 Line of Duty Deaths This Year Highlight Police Dogs' Important Jobs*, PoliceOne.com (Sept. 30, 2018), <https://www.policeone.com/k-9/articles/481541006-19-K-9-line-of-duty-deaths-this-year-highlight-police-dogs-important-jobs/> (last visited Apr. 1, 2021).

³ Katie Finlay, *What do Police Dogs Do?*, American Kennel Club (Oct. 3, 2019), <https://www.akc.org/expert-advice/lifestyle/what-do-police-dogs-do/> (last visited Apr. 1, 2021).

⁴ *Id.*

⁵ Melvin Pena, *Police Dogs: Just the Facts*, <https://www.dogster.com/lifestyle/police-dogs-dog-breeds-k9-unit-law-enforcement> (last visited Apr. 1, 2021).

⁶ *Id.*

⁷ *Id.*

⁸ Steve Montiero, *Ask Trooper Steve: What Happens to Retired Police Dogs?*, <https://www.clickorlando.com/traffic/2020/06/24/ask-trooper-steve-what-happens-to-retired-police-dogs/> (last visited Apr. 1, 2021).

⁹ Kathryn L. Sullivan Kutil, *Four-Footed Cops to the Rescue: Police Dogs are Officers, Partners, and Protectors* (Dec. 13, 2018), <https://cvm.msu.edu/news/perspectives-magazine/perspectives-fall-2018/serving-those-who-serve-us> (last visited Apr. 1, 2021).

¹⁰ Canine Bible, *Police Dog Lifespan: How Long They Work, Life? Retirement & Adoption* (Mar. 7, 2021), <https://www.caninebible.com/police-dog-lifespan/> (last visited Apr. 1, 2021).

suffer from physical injuries or medical issues which require ongoing veterinary care and expense.¹¹ Additionally, retired LEDs may require additional veterinary care due to prolonged harmful exposure to things like explosives and drugs during service.

Effect of Proposed Changes

HB 1405 creates s. 943.69, F.S., to create the Care for Retired Law Enforcement Dogs Program (Program). The bill defines a “retired law enforcement dog” as a dog that was previously in the service of or employed by a law enforcement agency¹² in Florida for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders who have been certified in obedience and apprehension work. The bill creates the Program within FDLE to provide stable and consistent financial support for the veterinary care of retired LEDs. Under the bill, veterinary care includes wellness examinations, vaccinations, parasite prevention treatments, testing and treatment of illnesses and diseases, medications, emergency care and surgery, veterinary oncology or other specialty care, euthanasia, and cremation.

The bill includes an appropriation of \$300,000 to FDLE in recurring funds each year from the General Revenue Fund to implement and administer the Program. The bill requires FDLE to contract with a nonprofit corporation¹³ selected through a competitive grant award process to administer and manage the Program. To be eligible, a nonprofit corporation must:

- Be dedicated to the protection or care of retired LEDs;
- Be exempt from taxation under s. 501(a) of the Internal Revenue Code as an organization described in s. 501(c)(3) of that code;
- Have maintained such 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; and
- Demonstrate the ability to effectively and efficiently disseminate information and to assist a former handler or adopter of a retired LED in complying with the requirements established under the Program.

Under the bill, the chosen nonprofit is the disbursing authority for state funds to handlers and adopters of retired LEDs. In order to receive a reimbursement for veterinary services to a retired LED, the handler or adopter must provide the nonprofit with:

- Valid documentation from the law enforcement agency from which the dog retired which verifies that the dog was in the service of or employed by that agency;
- A valid invoice from a veterinarian for veterinary care provided in Florida to a retired law enforcement dog; and
- Documentation establishing payment of such invoice by the handler or adopter of a retired law enforcement dog.

The bill caps the annual disbursement to a handler or adopter for a retired dog at \$1,500. Funds may not roll over if they are unused by the handler or adopter in a given year. Further, the bill clarifies that a handler or adopter may not receive reimbursement for care if the funds appropriated to the Program have already been depleted for the given year.

The bill provides for up to 10 percent of the appropriated funds to be used as payment to the nonprofit corporation for administrative expenses, including salaries and benefits.

The bill provides an effective date of July 1, 2021.

¹¹ *Id.*

¹² The bill defines a “law enforcement agency” as a lawfully established state or local public agency having primary responsibility for the prevention and detection of crime or the enforcement of penal, traffic, highway, regulatory, game, immigration, postal, customs, or controlled substance laws.

¹³ Ch. 617, F.S., defines a “corporation not for profit” as 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. Ch. 617, F.S. identifies standard operating and filing requirements for a nonprofit corporation organized in Florida.

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 effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill provides \$300,000 in recurring funds in FY 2021-22, and each fiscal year thereafter from General Revenue to FDLE to implement and administer the Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a positive impact on the private sector by reimbursing a handler or adopter for veterinary care of a retired law enforcement dog.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants FDLE sufficient rulemaking authority to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

FDLE indicates that due to the time required for rulemaking and the competitive selection process, the award to the nonprofit will likely not be made until Spring 2022.¹⁴

¹⁴ Florida Department of Law Enforcement, Agency Analysis of 2021 House Bill 1405, p. 4 (Mar. 18, 2021).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES