

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1211 Care for Retired Law Enforcement Dogs

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

TIED BILLS: **IDEN./SIM. BILLS:** SB 1406

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

SUMMARY ANALYSIS

The bill creates s. 943.69, F.S., entitled as 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;
- No longer serves in the capacity of a law enforcement dog; 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 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 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.

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
- Receiving reimbursement if funds for the Program are depleted in the year for which the reimbursement is sought.

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 is effective on July 1, 2014.

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.¹ These disciplines require a huge physical demand from the canine, and many suffer injuries during their service.² As a result, law enforcement canines often have medical needs upon retirement.

Law enforcement canines generally retire at 8 or 9 years of age.³ When the time comes for the canine to retire, they are usually adopted by their handler, but are sometimes be adopted by a family.⁴ Once the canine is retired, their owner is then responsible for the canine's medical bills, which can be costly.⁵

Recently, efforts have been made to ensure that law enforcement canines are provided medical care after retirement. For example, a police department in England recently decided to pay pension benefits to its retired police dogs.⁶ These benefits include up to \$798 a year for three years for medical bills after retirement.⁷ 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.⁸ A number of nonprofit organizations have also been established that advocate for similar rights of retired law enforcement dogs.⁹

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. Beginning in FY 2014-2015, and each year thereafter, the bill appropriates the sum of \$300,000 in recurring funds from the General Revenue Fund to the Florida Department of Law Enforcement (FDLE) for the purpose of implementing the Program.

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;
- 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 cause these dogs to incur injuries at a rate higher than the rate of injuries that occurs with nonworking dogs; and
- Law enforcement dogs provide the significant contributions to the residents of this state.

The bill requires FDLE to contract with a corporation not for profit organized under ch. 617, F.S., to administer and manage the Program. Notwithstanding the competitive sealed bid procedures required under ch. 287, F.S., FDLE must enter into a contract with a corporation that:

¹ <http://www.retiredpaws.org/> (last visited on March 13, 2014).

² *Police dogs face danger in the line of duty*, December 27, 2013, http://articles.orlandosentinel.com/2013-12-27/news/os-police-dogs-face-dangers-20131227_1_such-dogs-bowden-suspected-car-burglar (last visited on March 13, 2014).

³ *K9 Unit FAQ*, http://www.tampagov.net/dept_police/about_us/investigations_and_support/Special_Support_Division/K-9_unit/K9_FAQ.asp (last visited on March 13, 2014).

⁴ <http://www.retiredpaws.org/> (last visited on March 13, 2014).

⁵ *Id.*

⁶ *England's Retired Police Dogs To Receive Pension*, November 4, 2013, <http://www.dogonews.com/2013/11/4/englands-retired-police-dogs-to-receive-pension> (last visited on March 13, 2014).

⁷ *Police Dogs To Get Full Pensions For Medical Bills After Retirement In Nottinghamshire, England*, November 5, 2013, http://www.huffingtonpost.com/2013/11/05/police-dog-pensions_n_4215560.html (last visited on March 13, 2014).

⁸ *Police K-9 Bill of Rights*, <http://nationalk-9workingdog.org/police-k-9-bill-of-rights/> (last visited on March 13, 2014).

⁹ *See, e.g., "Retired Paws"* based in Sahuarita, Arizona, <http://www.retiredpaws.org/> (last visited on March 13, 2014).

- 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) of the Internal Revenue Code;
- Has held its 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; and
- Demonstrates the ability to effectively and efficiently disseminate information and assist former handlers and adopters of retired law enforcement dogs in understanding the provisions of this section.

The bill requires the contract between FDLE and the corporation to contain provisions specifying that:

- The corporation may not receive administrative fees, including salaries and benefits, greater than 10 percent of the appropriated funds; and
- Any funds held in the separate account in the name of the corporation must revert to FDLE if the contract expires or is terminated.

The bill requires the corporation to be the disbursing authority for the funds appropriated to FDLE.¹⁰ 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.

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 receiving reimbursement if Program funds are depleted in the year in which the reimbursement is sought.

On July 1 of each year, the Executive Office of the Governor is required to certify forward all unexpended appropriated funds. In no event may the fund balance for the Program exceed \$400,000.

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 purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders;
- No longer serves as a law enforcement dog; and
- Received certification in obedience and apprehension work from a certifying organization.¹¹

The bill also provides definitions for law enforcement agency,¹² veterinarian,¹³ and veterinary care.¹⁴

B. SECTION DIRECTORY:

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

Section 2. Provides an appropriation.

¹⁰ Funds appropriated for the Program must be held in FDLE's Operating Trust Fund in a separate depository account in the name of the corporation and subject to the provisions of the contract with FDLE.

¹¹ Such as the National Police Canine Association, <http://www.npca.net/home.html> (last visited on March 13, 2014).

¹² "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.

¹³ "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.

¹⁴ "Veterinary care" means any veterinary medical service described in s. 474.202(9) or s. 474.202(13), 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, specialties of veterinary medicine such as veterinary oncology, and euthanasia, if each of the services is provided by a veterinarian. The term also includes cremation.

Section 3. Provides an effective date of July 1, 2014.

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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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 March 18, 2014, the Criminal Justice Subcommittee adopted a strike all amendment and reported the bill favorably as a committee substitute. The strike all amendment:

- Placed the Program in ch. 943, F.S.;

- Provided legislative findings;
- Added a verification requirement before funds may be disbursed; and
- Added rulemaking authority to FDLE to implement the Program.

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