

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/CS/HB 25 Care for Retired Law Enforcement Dogs

**SPONSOR(S):** Judiciary Committee, Justice Appropriations Subcommittee, Criminal Justice & Public Safety Subcommittee, Killebrew and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 226

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice & Public Safety Subcommittee	14 Y, 0 N, As CS	Mathews	Hall
2) Justice Appropriations Subcommittee	12 Y, 0 N, As CS	Saag	Keith
3) Judiciary Committee	17 Y, 0 N, As CS	Mathews	Kramer

### SUMMARY ANALYSIS

Law enforcement dogs contribute to many law enforcement efforts statewide, including assisting in apprehending suspects through tracking and searching, locating evidence, detecting drugs and bombs, and search and rescue operations. A law enforcement dog may face natural aging conditions and may also be exposed to injury in the line of duty. Upon retirement, it is common for a dog's law enforcement officer partner or handler to assume the responsibility for the dog's custody and care, which may often require the payment of costly medical expenses.

CS/CS/CS/HB 25 creates s. 943.69, F.S., to establish the Care for Retired Law Enforcement Dogs Program (Program) within the Florida Department of Law Enforcement (FDLE) to provide a stable and consistent source of financial support for the veterinary care of retired law enforcement dogs. Under the bill, a "retired law enforcement dog" (RLED) is a dog that was previously in the service of or employed by a Florida law enforcement agency or correctional facility for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, operation of a correctional facility, or apprehension of offenders that has been certified in obedience and apprehension work.

The bill requires FDLE to contract with a nonprofit corporation selected through a competitive grant award process to administer and manage the Program. The selected nonprofit must:

- Be dedicated to the protection or care of RLEDs;
- Be tax exempt as a 501(c)(3) organization;
- Have maintained the required tax-exempt status for at least five years;
- Agree to be subject to review and audit by the Auditor General; and
- Demonstrate the ability to effectively and efficiently disseminate information and assistance to former handlers and adopters of RLEDs.

Under the bill, Program funds must be disbursed to the former handler or adopter of a RLED that served for five or more years, or that served for at least three years, was injured in the line of duty, and retired due to such injury. An eligible handler must provide verifying documentation of the dog's service from the agency from which the dog retired, an invoice detailing the RLED's veterinary care provided in this state, and documentation establishing that the former handler or adopter paid the invoice. 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. Former handlers and adopters are eligible to be reimbursed for up to \$1,500 per year, but are not eligible for reimbursement if the funds appropriated for the Program are depleted in the year in which reimbursement is sought.

The bill provides a \$300,000 recurring appropriation from the General Revenue Fund to FDLE to establish and maintain the Program. Under the bill, the selected nonprofit may use up to ten percent of the appropriated funds to cover administrative expenses, including salaries and benefits.

The bill provides an effective date of July 1, 2022.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives .**

**STORAGE NAME:** h0025e.JDC

**DATE:** 2/21/2022

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

Law enforcement dogs are valued for their senses of smell and hearing, speed, and agility.<sup>1</sup> These combined abilities allow a law enforcement dog to perform functions that human officers cannot. A law enforcement dog may 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.<sup>2</sup>

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

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

Generally, upon the dog's retirement, a law enforcement dog's handler or human law enforcement officer partner 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 civilian family who is familiar with the needs of a law enforcement dog may be selected. However, it is estimated that close to 90 percent of handlers assume responsibility for their law enforcement dog upon the dog's retirement.<sup>8</sup>

A retired law enforcement dog (RLED) may have more complex medical needs than other dogs, requiring more specialized veterinary knowledge to diagnose and treat the dog's medical issues.<sup>9</sup> RLEDs may experience health issues and negative behaviors following retirement such as general anxiety and separation anxiety, depression, aggression, post-traumatic stress disorder, and anti-social behavior.<sup>10</sup> Further, it is not uncommon for a RLED to suffer from physical injuries or medical issues

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<sup>1</sup> See Leon County Sheriff's Office, K9, <http://www.leoncountysos.com/departments/law-enforcement/k9> (last visited Feb. 21, 2022).

<sup>2</sup> *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 Feb. 21, 2022).

<sup>3</sup> 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 Feb. 21, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> Melvin Pena, *Police Dogs: Just the Facts*, <https://www.dogster.com/lifestyle/police-dogs-dog-breeds-k9-unit-law-enforcement> (last visited Feb. 21, 2022).

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

<sup>7</sup> *Id.*

<sup>8</sup> 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 Feb. 21, 2022).

<sup>9</sup> 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 Feb. 21, 2022).

<sup>10</sup> Canine Bible, *Police Dog Lifespan: How Long They Work, Life? Retirement & Adoption* (Mar. 7, 2021), <https://www.caninebible.com/police-dog-lifespan/> (last visited Feb. 21, 2022).

which require ongoing veterinary care and expense.<sup>11</sup> Additionally, RLEDs may require additional veterinary care due to prolonged harmful exposure to things like explosives and drugs encountered during their service. While some municipalities or larger law enforcement agencies may have funding in their budget to assist with the care of RLEDs, there is no current statewide program or funding to assist with medical care and related expenses for RLEDs.

## Effect of Proposed Changes

CS/CS/CS/HB 25 creates s. 943.69, F.S., to establish the Care for Retired Law Enforcement Dogs Program (Program) within the Florida Department of Law Enforcement (FDLE) to provide stable and consistent financial support for the veterinary care of RLEDs. The bill defines:

- “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, operation of a correctional facility, enforcement of laws, or apprehension of offenders that has been certified in obedience and apprehension work.
- “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. The term also includes a correctional facility as defined in s. 944.22(1), F.S.
- “Veterinarian” as a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida.
- “Veterinary care” as the practice, by a veterinarian, of veterinary medicine as defined in s. 474.202, F.S. The term includes annual wellness examinations, vaccinations, internal and external parasite prevention treatments, testing and treatment of illnesses and diseases, medications, emergency care and surgeries, veterinary oncology or other specialty care, euthanasia, and cremation.

To be eligible for reimbursement through the Program, the RLED must have served at least five years with one or more law enforcement agencies prior to retirement or have served a minimum of three years if the dog was injured in the line of duty and retired due to such injury.

The bill requires FDLE to contract with a nonprofit corporation<sup>12</sup> 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 RLEDs;
- 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 RLED in complying with Program requirements.

Under the bill, the chosen nonprofit is the disbursing authority for state funds to qualifying former handlers and adopters of RLEDs. In order to receive a reimbursement for veterinary services to a RLED, the former handler or adopter must provide the nonprofit with valid documentation of:

- The RLED’s service to or employment with a law enforcement agency for five years or more, or service of at least three years if the RLED was injured in the line of duty and retired due to such injury, provided by the agency from which the dog retired;
- A veterinarian’s invoice for veterinary care provided in Florida to a RLED; and
- Payment of the veterinary care invoice by the RLED’s former handler or adopter.

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<sup>11</sup> *Id.*

<sup>12</sup> 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. Chapter 617, F.S., identifies standard operating and filing requirements for a nonprofit corporation organized in Florida.

The bill limits the annual disbursement to a former handler or adopter of a RLED to \$1,500. Funds may not roll over if they are unused by the former handler or adopter in a given year. Further, the bill clarifies that a former 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 requires FDLE to adopt rules to implement the Program. The bill also provides an appropriation of \$300,000 in recurring funds from the General Revenue Fund to FDLE to establish and maintain the Program.

The bill provides an effective date of July 1, 2022.

**B. SECTION DIRECTORY:**

**Section 1:** Provides the bill may be cited as the “Care for Retired Law Enforcement Dogs Program Act.”

**Section 2:** Creates s. 943.69, F.S., relating to the Care for Retired Law Enforcement Dogs Program.

**Section 3:** Provides a \$300,000 appropriation.

**Section 4:** Provides an effective date of July 1, 2022.

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

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

1. Revenues:

None.

2. Expenditures:

The bill provides an appropriation of \$300,000 in recurring funds from the General Revenue Fund to FDLE to establish and maintain 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 fiscal impact on the private sector by reimbursing a former handler or adopter of a RLED for the dog’s veterinary care. Additionally, the bill specifies that a contracted nonprofit may retain up to ten percent of appropriated funds for administrative expenses, including salaries and benefits.

**D. FISCAL COMMENTS:**

None.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

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

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 18, 2022, the Criminal Justice & Public Safety Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment was purely technical and made no substantive changes to the bill.

On February 8, 2022, the Justice Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment updated definitions in the bill to reflect that:

- “Law enforcement agency” includes a correctional facility as defined in s. 944.242(1), F.S.; and
- “Retired law enforcement dog” includes dogs used in the operation of a correctional facility.

The amendment also made technical corrections to the appropriation language provided in the bill.

On February 21, 2022, the Judiciary Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment expanded program eligibility to include a retired law enforcement dog who served at least three years with a law enforcement agency, was injured in the line of duty, and retired from the agency due to such injury.

This analysis is drafted to the committee substitute as passed by the Judiciary Committee.