

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.)

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

BILL: SB 388

INTRODUCER: Senator Wright and others

SUBJECT: Injured Police Canines

DATE: February 15, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Cellon</u>	<u>Jones</u>	<u>CJ</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 388 authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it. The bill authorizes emergency medical technicians (EMTs) and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

The bill provides civil and criminal immunity for EMTs and paramedics providing emergency care to an injured police canine and exempts them from the application of the veterinary practice act for providing medical care to a police canine injured in the line of duty.

The bill may have a fiscal impact. See Section V. Fiscal Impact Statement.

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

II. Present Situation:

Police Canines

Section 843.19, F.S., defines the term “police canine” for law enforcement purposes as any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Police dogs are frequently used in conjunction with high-intensity, criminal situations and are often deployed by their handlers to chase after fleeing felons. As a result, the dogs can be caught in the line of fire while on the job. In September 2018, 3-year-old Fang, a member of

Jacksonville Sheriff's Office canine unit, was shot and killed by a teenager who was fleeing a scene after carjacking two women at a gas station minutes earlier.¹ Similarly, in December 2018, 3-year-old Cigo with the Palm Beach County Sheriff's Office was shot and killed by an attempted murder suspect outside of a shopping mall.² In Florida, there have been 49 police canines killed in the line of duty.³ In 2019, the Legislature, recognizing the ongoing danger to and violence against police canines, increased the penalty for causing harm to or using a deadly weapon against a police canine from a third degree felony to a second degree felony.^{4,5}

Special K-9 Units

Specially-trained dogs are used by various agencies and departments throughout the state in their K-9 units. These departments employ dogs to assist with tracking and apprehending offenders, narcotics and bomb detection,⁶ and building and article searches.⁷ Additionally, some fire departments use dogs as part of arson detection programs.⁸ Various non-profit organizations also use dogs for the purpose of search and rescue, such as the Community Emergency Response Team, which provides support to the federal Emergency Management Agency.⁹

Veterinary Medical Care and Treatment for Canines

The practice of veterinary medicine is licensed and regulated by the Department of Business and Professional Regulation (DBPR), Board of Veterinary Medicine.¹⁰ A veterinarian is a licensed health care practitioner who engages in the practice of veterinary medicine which the Legislature has determined can be potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners.¹¹ The practice of veterinary medicine means:

- The diagnosis of medical conditions of animals;
- Prescribing, dispensing, or administering drugs, medicine, appliances, and applications for animals;
- The treatment of animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease;

¹ Tarik Mino and Colette DuChanois, *Audio, video evidence released in case of teen held in K-9's death*, NEWS4JAX (November 12, 2018), available at <https://www.news4jax.com/news/2018/11/13/audio-video-evidence-released-in-case-of-teen-held-in-k-9s-death/> (last visited February 5, 2021).

² Mark Osborne and Jason M. Volack, *Suspect kills police dog in shootout outside mall on Christmas Eve, police say*, ABC NEWS (December 25, 2018), available at <https://abcnews.go.com/US/suspect-kills-police-dog-shootout-mall-christmas-eve/story?id=60007552> (last visited February 5, 2021).

³ Officer Down Memorial Page, *Florida Line of Duty Deaths*, available at <https://www.odmp.org/search/browse/florida> (last visited February 5, 2021).

⁴ Chapter 2019-9, Laws of Fla. (2019).

⁵ A third degree felony is punishable by up to five years imprisonment and up to a \$5,000 fine. Sections 775.082, 775.083, and 775.084, F.S. A second degree felony is punishable by up to 15 years imprisonment and up to a \$10,000 fine. Sections 775.082 and 775.083, F.S.

⁶ City of Orlando, *K-9 Unit*, available at <http://www.cityoforlando.net/police/k-9-unit/> (last visited February 5, 2021).

⁷ St. Petersburg Police Department, *K-9 Unit*, available at <http://police.stpete.org/k-9> (last visited February 5, 2021).

⁸ City of Orlando, *Accelerant Detection Canines*, available at <http://www.cityoforlando.net/fire/accelerant-detection-canines/> (last visited February 5, 2021).

⁹ Boondocks K9 SAR-CERT Unit, *Community Emergency Response Team (CERT)*, available at <https://www.boondocksk9.org/> (last visited February 5, 2021).

¹⁰ Chapter 474, F.S.; and *see* s. 20.165, F.S.

¹¹ Sections 474.201 and 407.202(11), F.S.

- Performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; and
- The determination of the health, fitness, or soundness of an animal.¹²

Veterinary medicine includes:

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology; and
- Any other veterinary medicine specialty.¹³

Section 474.202, F.S., defines an animal as a wild or domestic, dead or alive, bird, amphibian, fish, reptile, or mammal, other than a human being. A dog, or canine, is a mammal.¹⁴ It is the responsibility of every veterinarian licensed and practicing in Florida to provide, either personally or through another licensed veterinarian, 24-hour emergency services for all animals under his or her continuing care.¹⁵

When the DBPR has probable cause to believe that a person is practicing, or attempting to practice, veterinary medicine without a license, or aiding and abetting a person to practice veterinary medicine without a license, the DBPR may issue to the offender a notice to cease and desist. If the person fails to comply with the notice, the DBPR may file a proceeding seeking an injunction or a writ of mandamus. Additionally, the DBPR may impose an administrative penalty not to exceed \$5,000 per incident or may issue a citation.¹⁶

Emergency Medical Services, Paramedics, and Emergency Medical Technicians

Emergency Medical Transport Services

Prehospital life support transport services fall into two general categories – basic life support services (BLS) and advanced life support services (ALS).

BLS services include the assessment or treatment by a person qualified under part III of ch. 401, F.S., through the use of techniques described in the EMT-Basic National Standard Curriculum or the National Emergency Medical Services (EMS) Education Standards of the U.S. Department of Transportation.¹⁷ The term includes the administration of oxygen and other techniques that have

¹² Section 474.202(9), F.S.

¹³ Section 474.202(13), F.S.

¹⁴ Merriam-Webster On-line Dictionary, Dog or Canine is a highly variable domestic mammal (*Canis familiaris*) closely related to the gray wolf, available at <https://www.merriam-webster.com/dictionary/dog> (last visited February 5, 2021).

¹⁵ Fla. Admin. Code R. 61G18-19.001 (2019).

¹⁶ Section 455.228, F.S.

¹⁷ United States Department of Transportation, National Highway Traffic Safety Administration, *National Emergency Medical Services Education Standards*, (January 2009), available at <https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf> (last visited February 5, 2021).

been approved and are performed under specific conditions.¹⁸ BLS services are usually performed by EMTs.¹⁹

ALS services include patient assessment or treatment including the implementation of advanced medical skills such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standards.²⁰ ALS services can be performed on site and are usually provided by physicians or paramedics.²¹

To obtain a transport vehicle permit to provide BLS or ALS services, an applicant must provide to the Department of Health the following:

- An application and required fees; and
- Documentation that the vehicle qualifies as follows:
 - Is furnished with essential medical supplies and equipment which is in good working order;
 - Meets appropriate standards for design and construction;
 - Is equipped with an appropriate communication system;
 - Meets appropriate safety standards;
 - Meets sanitation and maintenance standards;
 - Is insured for a minimum of \$100,000/\$300,000 against injuries to or the death of any person arising out of an accident; and
 - Has been awarded a Certificate of Public Convenience and Necessity (COPCN).²²

The following adult and pediatric medical equipment and supplies are required for BLS service vehicles:

- Bandaging, dressing, and taping supplies;
- Bandage shears;
- Patient restraints;
- Blood pressure cuffs;
- Stethoscopes;
- Blankets;
- Sheets;
- Pillows;
- Patient rain cover;
- Long and short spine boards;
- Cervical, spine and extremity immobilization devices and traction splints;
- Portable oxygen tanks, masks, and nasal cannula;
- Hand-operated bag-valve mask resuscitators;
- Portable suction;

¹⁸ Sections 401.23(7) and (8), F.S.

¹⁹ Ryyanen, et. al, *Is advanced life support better than basic life support in prehospital care? A systematic review*, Scand J Trauma Resusc. Emerg. Med. 2010; 18: 62, (November 23, 2010), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3001418/> (last visited February 5, 2021).

²⁰ Sections 401.23(1) and (2), F.S.

²¹ Ryyanen, et. al, *supra* note 18.

²² Section 401.26(2), F.S., and Fla. Admin. Code R. 64J-1.002 and 64J-1.003 (2019).

- Sterile obstetrical kit;
- Burn sheets;
- Flashlight;
- Occlusive dressings;
- Gloves, face masks;
- Nasopharyngeal airways;
- Biohazardous waste bags; and
- Bulb syringe.²³

The following additional adult and pediatric medical equipment and medications are required for ALS service vehicles:

- Medications:
 - Atropine;
 - Dextrose;
 - Epinephrine;
 - Ventricular dysrhythmic;
 - Benzodiazepine sedative/anticonvulsant;
 - Naloxone (Narcan);
 - Nitroglycerin; and
 - Beta adrenergic inhalant with nebulizer apparatus.
- I.V. Solutions, including Lactated Ringers or Normal Saline with stopcocks, pressure infuser, drip sets, tubing and cannula.
- Equipment:
 - Laryngoscope handle, blades and batteries;
 - I.V. arm boards or splints;
 - Disposable endotracheal tubes and stylets;
 - Magill forceps;
 - Device for intra-tracheal meconium suctioning;
 - Tourniquets;
 - Needles and syringes;
 - Portable monitor with defibrillator, pacing capabilities, ECG printout, and electrodes; and
 - Glucometer.²⁴

Emergency Medical Technicians

The primary focus of an EMT is to provide basic emergency medical care and transportation for critical and emergent patients who access the emergency medical system. This individual possesses the basic knowledge and skills necessary to provide patient care and transportation. An EMT functions as part of a comprehensive EMS response, under medical oversight. An EMT performs interventions with the basic equipment typically found on an ambulance. An EMT is a link from the scene to the emergency health care system.²⁵

²³ Fla. Admin Code R. 64J-1.002(4) (2019).

²⁴ Fla. Admin Code R. 64J-1.003(7) (2019).

²⁵ See note 16.

Paramedics

A paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. This individual possesses the complex knowledge and skills necessary to provide patient care and transportation. Paramedics function as part of a comprehensive EMS response, under medical oversight. Paramedics perform interventions with the basic and advanced equipment typically found on an ALS service vehicle. A paramedic is a link from the scene into the health care system.²⁶

III. Effect of Proposed Changes:

The bill creates s. 401.254, F.S., to authorize an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it.

The bill defines the term “police canine” as any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; enforcement of laws; investigation of fires; or apprehension of offenders.

The bill authorizes EMTs and paramedics to provide emergency medical care to an injured police canine at the scene of the emergency or while being transported. The bill provides civil and criminal immunity for EMTs and paramedics who act in good faith to provide emergency care to an injured police canine and exempts them from the application of the veterinary practice act for providing medical care to a police canine injured in the line of duty.

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

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁶ *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Should a police canine be transported to an emergency medical center for treatment of injuries suffered in the line of duty by an emergency service transport vehicle, the cost of such services would need to be covered. The bill does not specify who would pay the cost of such services.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide any emergency treatment protocols for EMTs and paramedics to follow for the emergency care and treatment of police canines injured in the line of duty, nor does the bill require the collaborative development of treatment protocols for injured police canines between the boards of medicine and osteopathic medicine and the board of veterinary medicine. The emergency medical care and treatment of human beings and canines is very different, as is the training of veterinarians when compared to that of EMTs and paramedics. Further, if an injured police canine is transported to a hospital emergency department or similar facility, those treatment providers may not have veterinary training nor be willing to treat animals. The bill does not provide immunity from liability for those treatment providers.

VIII. Statutes Affected:

This bill substantially amends section 474.203 of the Florida Statutes.

This bill creates section 401.254 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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