

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 Rules

BILL: SB 1300

INTRODUCER: Senator Burton

SUBJECT: Animals Working with Law Enforcement Officers

DATE: April 18, 2023

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|-----------|------------------|
| 1. | <u>Cellon</u> | <u>Stokes</u> | <u>CJ</u> | Favorable |
| 2. | <u>Bond</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 3. | <u>Cellon</u> | <u>Twogood</u> | <u>RC</u> | Favorable |

I. Summary:

SB 1300 increases the penalty for violations of s. 843.19(3), F.S., from a first degree misdemeanor to a third degree felony for any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse.¹

The penalty for a person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties, a violation of s. 843.19(4), F.S., is increased from a second degree misdemeanor to a first degree misdemeanor.²

Additionally, the bill revises s. 843.01, F.S., the “Resisting with Violence” statute,³ and includes a police canine or police horse,⁴ working at the direction of or in tandem with an officer or an authorized person, as among those that may be the victim of the crime of “Resisting with Violence.”

A preliminary estimate obtained from the Office of Economic and Demographic Research is that the bill may have a “positive indeterminate” prison bed impact. See Section V. Fiscal Impact.

The bill is effective July 1, 2023.

¹ A third degree felony is punishable by up to 5 years’ incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

² Section 843.19(4), F.S. A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082, and 775.083, F.S.

³ Section 843.01, F.S.

⁴ See s. 843.19, F.S.

II. Present Situation:

Special K-9 and Mounted 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,⁵ and building and article searches.⁶ Additionally, some fire departments use dogs as part of arson detection programs.⁷

Though not as frequently used as K-9 units, select law enforcement agencies throughout the state have mounted units,⁸ whereby specially-trained horses are used to assist with crowd control, special events, and additional patrol functions, among other tasks.⁹

Offenses Against Police Animals

Intentional offenses against police animals most often occur while the animals are on duty. Because of this, offenses against police horses are infrequent because mounted units are most commonly used for non-crime related purposes. However, one instance of intentional harm occurred several years ago when an attendee at the Gasparilla parade in Tampa punched a horse that was used to patrol the event.¹⁰

In contrast, police canines 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 canines can be caught in the line of fire while on the job. Two recent incidents resulted in the death of a police canine while the canine was on duty. 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.¹¹ Similarly, in December 2018, Palm Beach County Sheriff's Office's canine, 3-year-old Cigo, was shot and killed by an attempted murder suspect outside of a shopping mall.¹²

⁵ City of Orlando, *K-9 Unit*, <http://www.cityoforlando.net/police/k-9-unit/> (last visited March 23, 2023).

⁶ St. Petersburg Police Department, *K-9 Unit*, <https://police.stpete.org/k-9/index.html#gsc.tab=0>, (last visited March 23, 2023).

⁷ City of Orlando, Fire Department, Special Investigative Services Division, <https://www.orlando.gov/Our-Government/Departments-Offices/Orlando-Fire-Department>, (last visited March 23, 2023).

⁸ The following agencies have mounted units: Escambia County Sheriff's Office *see* <http://www.escambiaso.com/mounted-unit/>; Marion County Sheriff's Office *see* <http://www.marionso.com/mounted-unit/>; Orlando Police Department *see* <http://www.cityoforlando.net/police/mounted-patrol/>; Palm Beach County Sheriff's Office *see* <https://www.pbso.org/services/countywide-operations/mounted-unit/>; and Pinellas Park Police Department <https://www.pinellas-park.com/642/Mounted-Patrol>; <http://police.stpete.org/usb/mounted-unit.html> (last visited March 23, 2023).

⁹ City of Orlando, *Mounted Patrol*, <http://www.cityoforlando.net/police/mounted-patrol/> (last visited March 23, 2023).

¹⁰ Ashley Yore, *Chad the police horse retires after 13 years of service in Tampa*, ABC ACTION NEWS (May 11, 2018), <https://www.abcactionnews.com/news/region-tampa/chad-the-police-horse-retires-after-13-years-of-service-in-tampa> (last visited March 23, 2023).

¹¹ Colette DuChanois and Tarik Minor, *Audio, video evidence released in case of teen held in K-9's death*, NEWS4JAX (Nov. 12, 2018), <https://www.news4jax.com/news/local/jacksonville/new-evidence-details-case-against-teen-accused-of-killing-jso-k-9>. (last visited March 23, 2023).

¹² Mark Osborne and Jason M. Volack, *Suspect kills police dog in shootout outside mall on Christmas eve, police say*, ABC NEWS (Dec. 25, 2018), <https://abcnews.go.com/US/suspect-kills-police-dog-shootout-mall-christmas-eve/story?id=60007552>. (last visited March 23, 2023).

The Polk County Sheriff's Office reports that in March 2020, K-9 Vise suffered 9 stab wounds and an arterial bleed when he went into a closet after a suspect who had broken into an occupied home. Fortunately, the responding officers were able to pull the suspect away from the dog and he was rushed to the emergency veterinarian. K-9 Vise was expected to make a full recovery after undergoing emergency surgery.¹³

These particular service animals have specific definitions in law and are defined in the following manner:

- "Police canine" and "police horse" means any canine or horse, respectively, 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;
- "Fire canine" means any dog that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires; and
- "SAR canine" means any search and rescue dog that is owned, or the service of which is employed, by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.¹⁴

Currently, Florida law provides that:

- It is a second degree felony to intentionally and knowingly, without lawful cause or justification, cause great bodily harm, permanent disability, or death to, or use a deadly weapon upon a police canine, police horse, fire canine, or SAR canine.¹⁵
- Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor of the first degree.¹⁶
- Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties commits a misdemeanor of the second degree.¹⁷
- A person convicted of an offense under s. 843.19, F.S., must make restitution for injuries caused to the police canine, fire canine, SAR canine, or police horse and pay the replacement cost of the animal if, as a result of the offense, the animal can no longer perform its duties.¹⁸

Section 843.01, F.S., prohibits a person from knowingly and willfully resisting, obstructing, or opposing any officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); member of the

¹³ E-mail from Polk County Sheriff's Office, March 9, 2023, on file with the Senate Criminal Justice Committee.

¹⁴ Section 843.19(1)(a)-(c), F.S.

¹⁵ Section 843.19(2), F.S. A second degree felony is punishable by a state prison term not exceeding 15 years, a fine not exceeding \$10,000, or both. Sections 775.082, and 775.083, F.S.

¹⁶ Section 843.19(3), F.S. A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082, and 775.083, F.S.

¹⁷ Section 843.19(4), F.S. A second degree misdemeanor is punishable by up to 60 days in the county jail and a \$500 fine. Sections 775.082, and 775.083, F.S.

¹⁸ Section 843.19(5), F.S.

Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person.¹⁹

III. Effect of Proposed Changes:

The bill increases the penalty for violations of s. 843.19(3), F.S., from a first degree misdemeanor to a third degree felony for any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse.²⁰

The penalty for a person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties, a violation of s. 843.19(4), F.S., is increased from a second degree misdemeanor to a first degree misdemeanor.²¹

Additionally, the bill revises s. 843.01, F.S., the “Resisting with Violence” statute,²² and includes a police canine or police horse,²³ working at the direction of or in tandem with an officer or an authorized person, as among those who may be the victim of the crime of “Resisting with Violence.”

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ “Resisting with Violence” is a third degree felony, punishable by up to 5 years’ incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²⁰ A third degree felony is punishable by up to 5 years’ incarceration and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

²¹ Section 843.19(4), F.S. A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082, and 775.083, F.S.

²² Section 843.01, F.S.

²³ See s. 843.19, F.S.

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:

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet considered this bill. However, a preliminary estimate obtained from the Office of Economic and Demographic Research is that the bill may have a “positive indeterminate” prison bed impact (“positive indeterminate” means that there is an unquantifiable prison bed impact).²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 843.19 and 921.0022.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

²⁴ Office of Economic & Demographic Research, e-mail dated March 21, 2023, on file with the Senate Criminal Justice Committee.

B. Amendments:

None.

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