

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 697 Injured Police Canines

SPONSOR(S): Professions & Public Health Subcommittee, Killebrew

TIED BILLS: **IDEN./SIM. BILLS:** SB 388

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee	17 Y, 0 N, As CS	Guzzo	McElroy
2) Regulatory Reform Subcommittee	15 Y, 0 N	Thompson	Anstead
3) Health & Human Services Committee	21 Y, 0 N	Guzzo	Calamas

SUMMARY ANALYSIS

Emergency medical transport services, or ambulance services, involve urgent pre-hospital treatment to an injured person by paramedics and emergency medical technicians (EMTs) during transport to a hospital or similar facility. Florida law does not currently address whether an animal may be provided emergency medical transport services; however, paramedics and EMTs are not authorized to provide medical care to animals under their respective licenses.

A veterinarian is a licensed health care practitioner who engages in the maintenance of health and treatment of injury and disease of animals, especially domestic animals. With limited exceptions, only licensed veterinarians may provide care to animals. The Department of Business and Professional Regulation (DBPR) may issue a notice to cease and desist to any person it has probable cause to believe is practicing, or attempting to practice, veterinary medicine without a license. DBPR may also impose an administrative penalty not to exceed \$5,000 per incident or may issue a citation.

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, and building and article searches. Police canines are used in conjunction with high-intensity, criminal situations and are often deployed by their handlers to chase fleeing felons. As a result, the dogs are often caught in the line of fire while on the job.

CS/HB 697 expressly authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic or similar facility if no person requires medical attention or transport. The bill authorizes paramedics and EMTs 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 has no fiscal impact on state or local government.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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.¹ The term includes the administration of oxygen and other techniques that have been approved and are performed under specific conditions.² BLS services are usually performed by EMTs.³

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.⁴ ALS services can be performed on site and are usually provided by physicians or paramedics.⁵

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).⁶

Emergency Medical Technicians and Paramedics

An emergency medical technician (EMT) must be certified by the Department of Health (DOH) to perform basic life support.⁷ A paramedic must also be certified by DOH, but, in addition to basic life support, a certified paramedic may also perform advanced life support.⁸ Applicants for certification as an EMT or paramedic are required to complete a training program approved by DOH, which must be

¹ United States Department of Transportation, National Highway Traffic Safety Administration, *National Emergency Medical Services Education Standards*, (Jan. 2009), available at <https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf> (last visited Apr. 9, 2021).

² Ss. 401.23(7) and (8), F.S.

³ Ryyananen, 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, (Nov. 23, 2010), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3001418/> (last visited Apr. 9, 2021).

⁴ Ss. 401.23(1) and (2), F.S.

⁵ Ryyananen, et. al, *supra* note 18.

⁶ S. 401.26(2), F.S., and Fla. Admin. Code R. 64J-1.002 and 64J-1.003 (2019).

⁷ S. 401.23(11), F.S.

⁸ S. 401.23(17), F.S.

equivalent to the most recent EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation.⁹ An applicant must also:

- Certify under oath that he or she is not addicted to alcohol or any controlled substance;
- Certify under oath that he or she is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties; and
- Pass an exam within 2 years after completion of a training program.¹⁰

An EMT must hold a current American Heart Association cardiopulmonary resuscitation course card or an American Red Cross cardiopulmonary resuscitation course card or its equivalent as defined by department rule. Paramedics must hold a certificate of successful course completion in advanced cardiac life support from the American Heart Association or its equivalent.

Current law does not authorize an EMT or a paramedic to provide emergency medical services to animals, including canines.

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.¹¹ A veterinarian is a licensed health care practitioner who engages in the practice of veterinary medicine which consists of:¹²

- Diagnosing medical conditions of animals;
- Prescribing, dispensing, or administering drugs, medicine, appliances, and applications for animals;
- Treating animals to prevent, cure, or relieve a wound, fracture, bodily injury, or disease;
- Performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; and
- Determining the health, fitness, or soundness of an animal.

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.¹³ Veterinary medicine includes:¹⁴

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

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

⁹ S. 401.27(4)(a), F.S.

¹⁰ S. 401.27(4)(b)(c) and (d), F.S.

¹¹ Ch. 474, F.S.; and see s. 20.165, F.S.

¹² S. 474.202(9), F.S.

¹³ 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 Apr. 9, 2021).

¹⁴ S. 474.202(13), F.S.

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

Section 474.203, F.S., provides exemptions from veterinary licensure for certain individuals and entities, including:¹⁶

- Any faculty member who is a graduate of a school or college of veterinary medicine and is practicing only in conjunction with teaching duties at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education;
- A person practicing as an intern or resident veterinarian who is a graduate of a school or college of veterinary medicine;
- A student in a school or college of veterinary medicine while in the performance of duties assigned by her or his instructor or when working as a preceptor under the immediate supervision of a licensee, if such preceptorship is required for graduation from an accredited school or college of veterinary medicine;
- Any doctor of veterinary medicine in the employ of a state agency or the United States Government while actually engaged in the performance of her or his official duties, however, this exemption does not apply to such person when the person is not engaged in carrying out her or his official duties or is not working at the installations for which her or his services were engaged;
- Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals;
- A person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management and animal husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to provide farriery and manual hand floating of teeth on equines;
- State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine;
- Any veterinary aide, nurse, laboratory technician, preceptor, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision;
- A veterinarian, licensed by and actively practicing veterinary medicine in another state, who is board certified in a specialty recognized by the board and who responds to a request of a veterinarian licensed in this state to assist with the treatment on a specific case of a specific animal or with the treatment on a specific case of the animals of a single owner, as long as the veterinarian licensed in this state requests the other veterinarian's presence; and
- An employee, an agent, or a contractor of a public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, a municipality, or another incorporated political subdivision whose work is confined solely to the implantation of a radio frequency identification device microchip for dogs and cats.

The Legislature has determined it can be potentially dangerous to the public health and safety if conducted by incompetent unlicensed practitioners.¹⁷ DBPR may issue a notice to cease and desist to any person it has probable cause to believe is practicing, or attempting to practice, veterinary medicine without a license, or aiding and abetting a person to practice veterinary medicine without a license. If the person fails to comply with the notice, DBPR may file a proceeding seeking an injunction or a writ of mandamus. Additionally, DBPR may impose an administrative penalty not to exceed \$5,000 per incident or may issue a citation.¹⁸

¹⁶ S. 474.203, F.S.

¹⁷ Ss. 474.201 and 407.202(11), F.S.

¹⁸ S. 455.228, F.S.

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,¹⁹ and building and article searches.²⁰ Additionally, some fire departments use dogs as part of arson detection programs.²¹ 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.²²

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 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.²³ 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.²⁴ In 2020, 48 police canines were killed in the line of duty in Florida.²⁵ 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.²⁶

¹⁹ City of Orlando, *K-9 Unit*, available at <http://www.cityoforlando.net/police/k-9-unit/> (last visited Apr. 9, 2021).

²⁰ St. Petersburg Police Department, *K-9 Unit*, available at <http://police.stpete.org/k-9> (last visited Apr. 9, 2021).

²¹ City of Orlando, *Accelerant Detection Canines*, available at <http://www.cityoforlando.net/fire/accelerant-detection-canines/> (last visited Apr. 9, 2021).

²² Boondocks K9 SAR-CERT Unit, *Community Emergency Response Team (CERT)*, available at <https://www.boondocksk9.org/> (last visited Apr. 9, 2021).

²³ Tarik Mino and Colette DuChanois, *Audio, video evidence released in case of teen held in K-9’s death*, NEWS4JAX (Nov. 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 Apr. 9, 2021).

²⁴ Mark Osborne and Jason M. Volack, *Suspect kills police dog in shootout outside mall on Christmas Eve, police say*, ABC NEWS (Dec. 25, 2018), available at <https://abcnews.go.com/US/suspect-kills-police-dog-shootout-mall-christmas-eve/story?id=60007552> (last visited Apr. 9, 2021).

²⁵ Officer Down Memorial Page, *Florida Line of Duty Deaths*, available at <https://www.odmp.org/search/browse/florida> (last visited Apr. 9, 2021).

²⁶ Ch. 2019-9, Laws of Fla. 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.

Effect of the Bill

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 or similar facility if no person requires medical attention or transport when the canine needs it.

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 authorization applies to any canine owned by, 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 uses the same definition of "police canine" as is used in ch. 843, F.S.

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

B. SECTION DIRECTORY:

Section 1: Creates s. 401.254, F.S., related to treatment of injured police canines.

Section 2: Amends s. 474.203, F.S., related to exemptions.

Section 3: 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:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule-making authority is needed to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 16, 2021, the Professions and Public Health Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment removes the authority for an emergency service transport vehicle permit holder to transport an injured police canine to a hospital emergency department and the related authority for a paramedic or an emergency medical technician to provide emergency medical care during such transport.

The analysis is drafted to the committee substitute as passed by the Professions and Public Health Subcommittee.