

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 Agriculture

BILL: SB 1048

INTRODUCER: Senator Pizzo

SUBJECT: Courtroom Animal Advocates

DATE: January 15, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	_____	_____	<u>JU</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1048 authorizes courts to appoint an advocate for the interests of an animal in court proceedings regarding its welfare, care, or custody. The bill provides for the powers and duties of the advocates. It requires The Animal Law Section of the Florida Bar to maintain a list of attorneys and certified legal interns who are willing to act as advocates on a voluntary basis. To be eligible, the advocate must be authorized to make court appearances in Florida and have completed the training required by The Animal Law Section, which will also establish the training requirements.

II. Present Situation:

Currently there is no statutory provision to permit courts to appoint an advocate to represent the interests of:

- Service animals;
- Police canines and horses;
- Fire canines employed by a fire department, a special fire district, or the State Fire Marshal;
- Search and rescue canines employed by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal; and
- Any other animal in a criminal or civil proceeding.

Prosecutors and law enforcement officials often lack the resources and expertise necessary to address crimes against animals. These sometimes complex cases involve victims who can't speak for themselves.¹ A Connecticut law makes it the first state to provide animals with court-appointed advocates to represent them in abuse and cruelty cases, similar to laws that provide for

¹ "Courtroom Animal Advocate Program (Florida)," *Animal Legal Defense Fund*, See <https://aldf.org/project/courtroom-animal-advocate-program-florida/> (Last visited January 3, 2020).

victim's or children's advocates. Technically, the court advocates are not representing the animals, but they are charged with providing information to the judge and the prosecutors about the circumstances surrounding a case involving animals, typically cruelty or neglect charges. Both prosecutors and judges can request the advocates. Connecticut's law, known as "Desmond's Law" is named after a shelter dog that was starved, beaten, and strangled to death in 2012. Despite a recommendation by the prosecutor for prison time, the man charged in the crime received accelerated rehabilitation, which meant that his charges were dismissed and his record was wiped clean.²

III. Effect of Proposed Changes:

Section 1 creates s. 828.035, F.S., to provide for court appointment of an advocate to represent an animal regarding its welfare, care, or custody, whether the animal is living or dead. The court may appoint the advocate from a list provided to the court by The Animal Law Section of the Florida Bar of designated attorneys and certified legal interns at the court's discretion.

An advocate shall:

- Monitor the case;
- Have access to relevant files, documents, and reports related to the case;
- Share information with attorneys; and
- Present information and recommendations to the court pertinent to determinations that relate to the interests of the animal.

An advocate may:

- Consult any individual with information that could aid the judge or fact finder;
- Review records relating to the animal's condition and the defendant's actions;
- Attend hearings in person or via other means; and
- Provide a victim impact statement to the court.

The bill requires The Animal Law Section of the Florida Bar to maintain a list of eligible attorneys and certified legal interns who would be willing to serve as advocates on a voluntary basis. In order to be eligible to serve as an advocate, attorneys and certified legal interns must:

- Be authorized to make court appearances in Florida; and
- Have completed training as required by The Animal Law Section of the Florida Bar.

The bill authorizes The Animal Law Section of the Florida Bar to establish training requirements for persons willing to serve as advocates. The rules of professional conduct would govern attorneys and certified legal interns who operate as advocates.

Section 2 provides that this act shall take effect July 1, 2020

² "In a First, Connecticut's Animals Get Advocates in the Courtroom," *NPR*, See <https://www.npr.org/section/thetwo-way/2017/06/02/531283235/in-a-first-connecticuts-animals-get-advocates-in-the-courtroom> (Last visited January 3, 2020).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 828.035 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.
