

By Senator Pizzo

38-01729-20

20201048__

1 A bill to be entitled
2 An act relating to courtroom animal advocates;
3 creating s. 828.035, F.S.; providing for appointment
4 of an advocate for the interests of an animal in
5 certain court proceedings, at the discretion of the
6 court; providing powers and duties of such advocates;
7 requiring the Animal Law Section of the Florida Bar to
8 maintain a list of attorneys and certified legal
9 interns meeting specified requirements who are
10 eligible to be appointed as such advocates; specifying
11 that certain rules of The Florida Bar govern such
12 advocates; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 828.035, Florida Statutes, is created to
17 read:

18 828.035 Courtroom animal advocates.—

19 (1) In any prosecution or other court proceeding under this
20 chapter, s. 413.081, or s. 843.19 or in any other civil or
21 criminal proceeding regarding the welfare, care, or custody of
22 an animal, the court may appoint, upon its own initiative or
23 upon request of a party, an advocate to represent the interests
24 of the animal, whether living or dead.

25 (2) When a court orders that an advocate be appointed to
26 represent the interests of an animal, the court may appoint such
27 advocate from a list provided to the court by the Animal Law
28 Section of The Florida Bar of designated attorneys and certified
29 legal interns, pursuant to subsections (3) and (4). The court

38-01729-20

20201048__

30 has discretion to appoint or remove the advocate. The decision
31 by a court to appoint an advocate to represent the interests of
32 the animal may be made at any stage of proceedings.

33 (3) (a) An advocate shall:

34 1. Monitor the case.

35 2. Have access to relevant files, documents, and reports
36 related to the case.

37 3. Share with attorneys for the parties any information new
38 to the case or prepared by the advocate for presentation to the
39 court or a party.

40 4. Present information and recommendations to the court
41 pertinent to determinations that relate to the interests of the
42 animal in question, provided such information and
43 recommendations result from executing the duties undertaken
44 pursuant to this subsection. Such information and
45 recommendations may be based upon the knowledge and experience
46 of the advocate or another specialist with specific knowledge
47 and experience related to the type of the animal involved in the
48 case.

49 (b) An advocate may:

50 1. Consult any individual with information that could aid
51 the judge or fact finder.

52 2. Review records relating to the animal's condition and
53 the defendant's actions, including, but not limited to, records
54 from animal control officers, veterinarians, and police
55 officers.

56 3. Attend hearings in person or via other means.

57 4. Provide a victim impact statement to the court, as
58 needed and appropriate.

38-01729-20

20201048__

59 (4) (a) The Animal Law Section of The Florida Bar shall
60 maintain a list of attorneys and certified legal interns who
61 have indicated a willingness to serve as advocates under this
62 section on a voluntary basis, and are eligible to do so.

63 (b) In order to be eligible to serve as an advocate,
64 attorneys and certified legal interns must:

65 1. Be authorized to make court appearances in Florida.

66 2. Have completed training as required by The Animal Law
67 Section of The Florida Bar.

68 (c) The Animal Law Section of The Florida Bar may establish
69 training requirements for persons to serve as advocates, and the
70 rules of professional conduct govern attorneys and certified
71 legal interns operating as advocates under this section.

72 Section 2. This act shall take effect July 1, 2020.