

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  
 17          to read:

18                 828.035 Courtroom animal advocates.-

19                 (1) In any prosecution or other court proceeding under  
 20                 this 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  
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  
38 new to the case or prepared by the advocate for presentation to  
39 the 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.

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 who 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  
69 establish training requirements for persons to serve as  
70 advocates, and the rules of professional conduct govern  
71 attorneys and certified legal interns operating as advocates  
72 under this section.

73 Section 2. This act shall take effect July 1, 2021.