

By Senator Pizzo

38-00361-22

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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:

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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 subsection (4). The court has

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30 discretion to appoint or remove the advocate. The decision by a  
31 court to appoint an advocate to represent the interests of the  
32 animal may be made at any stage of the 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 paragraph. Such information and recommendations  
45 may be based upon the knowledge and experience of the advocate  
46 or another specialist with specific knowledge and experience  
47 related to the type of animal involved in the case.

48 (b) An advocate may:

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

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

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

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

58 (4) (a) The Animal Law Section of The Florida Bar shall

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59 maintain a list of attorneys and certified legal interns who  
60 have indicated a willingness to serve as advocates under this  
61 section on a voluntary basis and who are eligible to do so.

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

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

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

71 Section 2. This act shall take effect July 1, 2022.