

HB 227

2022

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;
11 authorizing the Animal Law Section of The Florida Bar
12 to establish training requirements; specifying that
13 certain rules of The Florida Bar govern such
14 advocates; providing an effective date.
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16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Section 828.035, Florida Statutes, is created
19 to read:

20 828.035 Courtroom animal advocates.-

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

26 | of the animal, whether living or dead.

27 | (2) When a court orders that an advocate be appointed to
 28 | represent the interests of an animal, the court may appoint the
 29 | advocate from a list provided to the court by the Animal Law
 30 | Section of The Florida Bar of designated attorneys and certified
 31 | legal interns. The court has discretion to appoint or remove the
 32 | advocate. The decision by a court to appoint an advocate to
 33 | represent the interests of the animal may be made at any stage
 34 | of proceedings.

35 | (3) (a) An advocate shall:

36 | 1. Monitor the case.

37 | 2. Have access to relevant files, documents, and reports
 38 | related to the case.

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

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

51 (b) An advocate may:
 52 1. Consult any individual with information that could aid
 53 the judge or fact finder.

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

58 3. Attend hearings in person or remotely by other means.

59 4. Provide a victim impact statement to the court, as
 60 needed and appropriate.

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

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

67 1. Be authorized to make court appearances in this state.

68 2. Have completed training as required by the Animal Law
 69 Section of The Florida Bar.

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

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