

By the Committee on Judiciary; and Senator Joyner

590-02983-09

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1 A bill to be entitled
 2 An act relating to guardians ad litem; amending s.
 3 61.402, F.S.; authorizing a person certified by a not-
 4 for-profit legal aid organization to serve as a
 5 guardian ad litem in a dissolution of marriage
 6 proceeding that does not involve child abuse,
 7 abandonment, or neglect; requiring that such person
 8 undergo a security background investigation and
 9 undergo training in a program developed by The Florida
 10 Bar; providing a penalty for failing to disclose a
 11 material fact in an application to act as a guardian
 12 ad litem; providing an effective date.

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

16 Section 1. Section 61.402, Florida Statutes, is amended to
 17 read:

18 61.402 Qualifications of guardians ad litem.—

19 (1) A person appointed as a guardian ad litem pursuant to
 20 s. 61.401 must be: ~~either a citizen~~

21 (a) Certified by the Guardian Ad Litem Program pursuant to
 22 s. 39.821;

23 (b) Certified by a not-for-profit legal aid organization as
 24 defined in s. 68.096; ~~to act in family law cases or~~

25 (c) An attorney who is a member in good standing of The
 26 Florida Bar.

27 (2) Prior to certifying a guardian ad litem pursuant to
 28 paragraph (1)(b) to be appointed under this chapter, the not-
 29 for-profit legal aid organization Guardian Ad Litem Program

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30 must:

31 (a) Conduct a security background investigation as
32 described ~~provided~~ in s. 39.821. The not-for-profit legal aid
33 organization has the sole discretion in determining whether to
34 certify a person based on his or her security background
35 investigation; and

36 (b) Provide training using the uniform objective statewide
37 training program for guardians ad litem developed by The Florida
38 Bar.

39 (3) Only a guardian ad litem who qualifies under paragraph
40 (1) (a) or (1) (c) may be appointed to a case in which the court
41 has determined that there are well-founded allegations of child
42 abuse, abandonment, or neglect as defined in s. 39.01.

43 (4) Nothing in this section requires the Guardian Ad Litem
44 Program or a not-for-profit legal aid organization to train or
45 certify guardians ad litem appointed under this chapter.

46 (5) It is a misdemeanor of the first degree, punishable as
47 provided in s. 775.082 or s. 775.083, for any person to
48 willfully, knowingly, or intentionally fail, by false statement,
49 misrepresentation, impersonation, or other fraudulent means, to
50 disclose in an application for a guardian ad litem any material
51 fact used in making a determination as to the applicant's
52 qualifications for such position.

53 Section 2. This act shall take effect July 1, 2009.