

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

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

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

17 61.402 Qualifications of guardians ad litem.--

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

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

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

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

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

29 | must:

30 | (a) Conduct a security background investigation as
 31 | described ~~provided~~ in s. 39.821; and-

32 | (b) Provide training using the uniform objective statewide
 33 | training program for guardians ad litem developed by The Florida
 34 | Bar.

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

39 | (4) This section does not require the Guardian Ad Litem
 40 | Program or any not-for-profit legal aid organization to train or
 41 | certify guardians ad litem appointed under this chapter.

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

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