



563684

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2015	.	
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The Committee on Judiciary (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 49.31, Florida Statutes, is created to
read:

49.31 Appointment of ad litem.—

(1) As used in this section, the term "ad litem" means an
attorney, administrator, or guardian ad litem.

(2) The court may appoint an ad litem for any party,
whether known or unknown, upon whom service of process by



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12 publication under this chapter has been properly made and who
13 has failed to file or serve any paper in the action within the
14 time required by law. A court may not appoint an ad litem to
15 represent an interest for which a personal representative,
16 guardian of property, or trustee is serving.

17 (a) If the court has appointed an ad litem and the ad litem
18 discovers that a personal representative, guardian of property,
19 or trustee is serving who represents the interest for which the
20 ad litem was appointed, the ad litem must promptly report that
21 finding to the court and must file a petition for discharge as
22 to any interest for which the personal representative, guardian
23 of property, or trustee is serving.

24 (b) If the court has appointed an ad litem to represent an
25 interest and the ad litem discovers that the person whose
26 interest he or she represents is deceased and there is no
27 personal representative, guardian of property, or trustee to
28 represent the decedent's interest, the ad litem must make a
29 reasonable attempt to locate any spouse, heir, devisee, or
30 beneficiary of the decedent, must report to the court the name
31 and address of all such persons whom the ad litem locates, and
32 must petition for discharge as to any interest of the person
33 located.

34 (3) The court may not require an ad litem to post a bond or
35 designate a resident agent in order to serve as an ad litem.

36 (4) The court shall discharge the ad litem when the final
37 judgment is entered or as otherwise ordered by the court.

38 (5) The ad litem is entitled to an award of a reasonable
39 fee for services rendered and costs, which shall be assessed
40 against the party requesting the appointment of the ad litem, or



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41 as otherwise ordered by the court. State funds may not be used
42 to pay fees for services rendered by the ad litem unless the ad
43 litem was requested by the state.

44 (6) In all cases adjudicated in which the court appointed
45 an ad litem, a proceeding may not be declared ineffective solely
46 due to lack of statutory authority to appoint an ad litem.

47 (7) This section does not abrogate a court's common law
48 authority to appoint an ad litem.

49 Section 2. This act shall take effect July 1, 2015.

50

51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled

56 An act relating to the appointment of an ad litem;
57 creating s. 49.31, F.S.; defining the term "ad litem";
58 authorizing a court to appoint an ad litem for certain
59 parties upon whom service of process by publication is
60 made; prohibiting a court from appointing an ad litem
61 to represent an interest for which a personal
62 representative, guardian of property, or trustee is
63 serving; requiring an ad litem, upon discovery that
64 the party he or she represents is already represented
65 by a personal representative, guardian of property, or
66 trustee, or is deceased, to take certain actions;
67 prohibiting a court from requiring an ad litem to post
68 a bond or designate a resident agent; requiring a
69 court to discharge an ad litem when the final judgment



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70 is entered or as otherwise ordered by the court;
71 providing that an ad litem is entitled to an award of
72 a reasonable fee for services and costs; providing for
73 assessment; prohibiting the use of state funds to pay
74 fees for services rendered by the ad litem except in
75 certain circumstances; prohibiting declaring certain
76 proceedings ineffective solely due to a lack of
77 statutory authority to appoint an ad litem; providing
78 construction; providing an effective date.