

1 A bill to be entitled

2 An act relating to the appointment of an ad litem;
3 creating s. 49.31, F.S.; defining the term "ad litem";
4 authorizing a court to appoint an ad litem for certain
5 parties upon whom service of process by publication is
6 made; prohibiting a court from appointing an ad litem
7 to represent an interest for which a personal
8 representative, guardian of property, or trustee is
9 serving; requiring an ad litem, upon discovery that
10 the party it represents is already represented by a
11 personal representative, guardian of property, or
12 trustee, or is deceased, to take certain actions;
13 prohibiting a court from requiring an ad litem to post
14 a bond or designate a resident agent; requiring a
15 court to discharge an ad litem when the final judgment
16 is entered or as otherwise ordered by the court;
17 providing that an ad litem is entitled to an award of
18 a reasonable fee for services and costs; providing for
19 assessment; prohibiting declaring certain proceedings
20 ineffective solely due to a lack of statutory
21 authority to appoint an ad litem; providing
22 construction; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Section 49.31, Florida Statutes, is created to
27 read:

28 49.31 Appointment of ad litem.—

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

31 (2) The court may appoint an ad litem for any party,
32 whether known or unknown, upon whom service of process by
33 publication under this chapter has been properly made and who
34 has failed to file or serve any paper in the action within the
35 time required by law. A court may not appoint an ad litem to
36 represent an interest for which a personal representative,
37 guardian of property, or trustee is serving.

38 (a) If the court has appointed an ad litem and the ad
39 litem discovers that a personal representative, guardian of
40 property, or trustee is serving who represents the interest for
41 which the ad litem was appointed, the ad litem must promptly
42 report that finding to the court and must file a petition for
43 discharge as to any interest for which the personal
44 representative, guardian of property, or trustee is serving.

45 (b) If the court has appointed an ad litem to represent an
46 interest and the ad litem discovers that the person whose
47 interest he or she represents is deceased and there is no
48 personal representative, guardian of property, or trustee to
49 represent the decedent's interest, the ad litem must make a
50 reasonable attempt to locate any spouse, heir, devisee, or
51 beneficiary of the decedent, must report to the court the name

52 and address of all such persons whom the ad litem locates, and
53 must petition for discharge as to any interest of the person
54 located.

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

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

59 (5) The ad litem is entitled to an award of a reasonable
60 fee for services rendered and costs, which shall be assessed
61 against the party requesting the appointment of the ad litem, or
62 as otherwise ordered by the court.

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

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

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