

By the Committee on Judiciary; and Senator Geller

308-2377-03

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A bill to be entitled
An act relating to restrictions on the practice
of law; amending s. 454.23, F.S.; increasing
the penalty for committing unlicensed practice
of law to a third-degree felony; amending s.
454.18, F.S.; deleting provisions prohibiting a
sheriff from practicing law in this state;
providing an effective date.

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

Section 1. Section 454.23, Florida Statutes, is
amended to read:

454.23 Penalties.--Any person not licensed or
otherwise authorized by the Supreme Court of Florida who shall
practice law or assume or hold himself or herself out to the
public as qualified to practice in this state, or who
willfully pretends to be, or willfully takes or uses any name,
title, addition, or description implying that he or she is
qualified, or recognized by law as qualified, to act as a
lawyer in this state, and any person entitled to practice who
shall violate any provisions of this chapter, commits ~~shall be~~
~~guilty of a felony of the third~~ misdemeanor of the first
degree, punishable as provided in s. 775.082, or s. 775.083,
or s. 775.084.

Section 2. Section 454.18, Florida Statutes, is
amended to read:

454.18 Officers not allowed to practice.--A ~~No~~ ~~sheriff~~
~~or~~ clerk of any court, or deputy clerk of the court ~~thereof~~,
may not ~~shall~~ practice in this state, and ~~nor shall~~ any person
who is not of good moral character, ~~or~~ who has been convicted

1 of an infamous crime is not ~~be~~ entitled to practice. ~~A But no~~
2 person may not ~~shall~~ be denied the right to practice on
3 account of gender ~~sex~~, race, or color. And any person,
4 whether an attorney or not, or whether within the exceptions
5 mentioned above or not, may conduct his or her own cause in
6 any court of this state, or before any public board,
7 committee, or officer, subject to the lawful rules and
8 discipline of such court, board, committee, or officer. The
9 provisions of this section restricting the practice of law by
10 a ~~sheriff or~~ clerk, or deputy clerk of the court thereof, do
11 ~~shall~~ not apply in a case where such person is representing
12 the office or agency in the course of duties as an attorney.

13 Section 3. This act shall take effect July 1, 2003.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill SB/172

18 -Removes provisions from the law which prohibit a sheriff or
19 deputy sheriff from practicing law as an attorney in this
state.

20 -Increases the penalty for the unlicensed practice of law to a
21 third degree felony.

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