

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representatives Quinones, Zapata, and Kottkamp offered the
2 following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

8 454.23 Penalties.--Any person not licensed or otherwise
9 authorized to practice law in this state ~~by the Supreme Court of~~
10 ~~Florida~~ who practices ~~shall practice~~ law in this state or holds
11 ~~assume or hold~~ himself or herself out to the public as qualified
12 to practice law in this state, or who willfully pretends to be,
13 or willfully takes or uses any name, title, addition, or
14 description implying that he or she is qualified, or recognized
15 by law as qualified, to practice law ~~act as a lawyer~~ in this
16 state, commits ~~and any person entitled to practice who shall~~

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17 ~~violate any provisions of this chapter, shall be guilty of a~~
18 ~~felony misdemeanor of the third first degree, punishable as~~
19 ~~provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.~~

20 Section 2. Section 454.31, Florida Statutes, is amended to
21 read:

22 454.31 Practice while disbarred or suspended
23 prohibited.--Any person who has been knowingly disbarred and who
24 has not been lawfully reinstated or is knowingly under
25 suspension from the practice of law by any circuit court of the
26 state or by the Supreme Court of the state who practices shall
27 ~~either directly or indirectly practice law in this state any~~
28 ~~manner~~ or holds hold himself or herself out as an attorney at
29 law or qualified to practice law in this state commits shall be
30 ~~guilty of a felony misdemeanor of the third first degree,~~
31 ~~punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.~~
32 ~~775.084.~~

33 Section 3. Section 454.32, Florida Statutes, is amended to
34 read:

35 454.32 Aiding or assisting disbarred or suspended attorney
36 prohibited.--A person ~~Any attorney at law licensed to practice~~
37 ~~in the courts of the state who knowingly either directly or~~
38 ~~indirectly aids or assists any person in carrying on the~~
39 ~~unauthorized practice of law, knowing that such person either~~
40 ~~directly or indirectly in any manner whatsoever who has been~~
41 ~~disbarred and has not been lawfully reinstated or is under the~~
42 ~~suspension from the practice of law by any circuit court of the~~
43 ~~state or by the Supreme Court of the state, commits, as provided~~
44 ~~in s. 454.31, from the practice of law, shall be guilty of a~~

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45 felony misdemeanor of the third ~~second~~ degree, punishable as
46 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and shall
47 also be subject to disbarment.

48 Section 4. This act shall take effect October 1, 2004.

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

52 Remove the entire title and insert:

53 A bill to be entitled

54 An act relating to the unauthorized practice of law; amending
55 ss. 454.23, 454.31, and 454.32, F.S.; increasing the criminal
56 penalties for offenses related to the unauthorized practice of
57 law; specifying that such offenses are punishable as felonies of
58 the third degree; clarifying the elements of such offenses;
59 providing an effective date.