

HB 1915

2004

1                                   A bill to be entitled  
 2           An act relating to the unauthorized practice of law;  
 3           amending ss. 454.23, 454.31, and 454.32, F.S.; increasing  
 4           the criminal penalties for offenses related to the  
 5           unauthorized practice of law; specifying that such  
 6           offenses are punishable as felonies of the third degree;  
 7           clarifying the elements of such offenses; providing an  
 8           effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

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

14           454.23   Penalties.--Any person not licensed or otherwise  
 15   authorized to practice law in this state ~~by the Supreme Court of~~  
 16   ~~Florida~~ who practices ~~shall practice law in this state or assume~~  
 17   or holds ~~held~~ himself or herself out to the public as qualified  
 18   to practice law in this state, or who willfully pretends to be,  
 19   or willfully takes or uses any name, title, addition, or  
 20   description implying that he or she is qualified, or recognized  
 21   by law as qualified, to practice law ~~act as a lawyer~~ in this  
 22   state, commits ~~and any person entitled to practice who shall~~  
 23   ~~violate any provisions of this chapter, shall be guilty of a~~  
 24   felony misdemeanor ~~of the third first~~ degree, punishable as  
 25   provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

26           Section 2.   Section 454.31, Florida Statutes, is amended to  
 27   read:

28           454.31   Practice while disbarred or suspended  
 29   prohibited.--Any person who has knowingly been disbarred and who

HB 1915

2004

30 has not been lawfully reinstated or is knowingly under  
 31 suspension from the practice of law by any circuit court of the  
 32 state or by the Supreme Court of the state who practices ~~shall~~  
 33 ~~either directly or indirectly practice~~ law in this state ~~any~~  
 34 ~~manner~~ or holds ~~hold~~ himself or herself out as an attorney at  
 35 law or qualified to practice law in this state ~~commits~~ ~~shall be~~  
 36 ~~guilty of~~ a felony ~~misdemeanor~~ of the third ~~first~~ degree,  
 37 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
 38 775.084.

39 Section 3. Section 454.32, Florida Statutes, is amended to  
 40 read:

41 454.32 Aiding or assisting disbarred or suspended attorney  
 42 prohibited.--Any person ~~attorney at law~~ licensed to practice law  
 43 in this ~~the courts of the~~ state who knowingly ~~either directly or~~  
 44 ~~indirectly~~ aids or assists any person in carrying on the  
 45 unauthorized practice of law, knowing that such person ~~either~~  
 46 ~~directly or indirectly in any manner whatsoever~~ who has been  
 47 disbarred and has not been lawfully reinstated or is under ~~the~~  
 48 suspension from the practice of law by any circuit court of the  
 49 state or by the Supreme Court of the state, commits, ~~as provided~~  
 50 ~~in s. 454.31, from the practice of law, shall be guilty of a~~  
 51 felony ~~misdemeanor~~ of the third ~~second~~ degree, punishable as  
 52 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and shall  
 53 also be subject to disbarment.

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