

By Senator Geller

31-270-04

1 A bill to be entitled
2 An act relating to restrictions on the practice
3 of law; amending s. 454.23, F.S.; increasing
4 the penalty for committing prohibited acts
5 constituting the unlicensed practice of law to
6 a third-degree felony; amending s. 454.18,
7 F.S.; deleting provisions prohibiting a sheriff
8 from practicing law in this state; providing an
9 effective date.

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

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

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

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

29 454.18 Officers not allowed to practice.--A ~~No~~ ~~sheriff~~
30 ~~or~~ clerk of any court, or deputy clerk of the court ~~thereof,~~
31 may not ~~shall~~ practice in this state, and ~~nor shall~~ any person

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

14 Section 3. This act shall take effect July 1, 2004.

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17 SENATE SUMMARY

18 Increases the penalty for the unlicensed practice of law
19 to a third-degree felony. Deletes provisions that
20 prohibit a sheriff from practicing law in this state.
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