

1 (1) Protect the public from the unauthorized practice
2 of law by any person who:

3 (a) Otherwise provides services outside the scope of
4 existing laws and rules of administrative agencies.

5 (b) Holds himself or herself out as having advanced
6 levels of legal education and training sufficient to perform
7 substantive legal work by using the title "paralegal," or
8 other similar title, as such title is defined in s. 454.39(2).

9 (2) Assist with the effective delivery of legal
10 services.

11 (3) Maintain specific levels of ethics and competency.

12 (4) Ensure every person who holds himself or herself
13 out as a paralegal in this state meets certain requirements.

14 454.39 Definitions.--As used in this part, the term:

15 (1) "Board" means the Paralegal Regulation Board
16 created under s. 454.48.

17 (2) "Paralegal" means:

18 (a) A person who is qualified under this part, who is
19 employed or retained by a licensed attorney, law office,
20 governmental agency, or other entity, and who performs
21 substantive legal work for which a licensed attorney is
22 responsible that, absent the paralegal, the licensed attorney
23 would perform; or

24 (b) A person who is qualified under this part and is
25 authorized by local, state, or federal statute, rules of
26 court, or administrative rules to perform substantive legal
27 work without the supervision of a licensed attorney.

28 (3) "Qualified paralegal studies program" means a
29 program as defined by the educational requirements set forth
30 in s. 454.41.

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1 454.40 Exceptions and exemptions.--A disbarred
2 attorney does not qualify under this part and may not use the
3 title paralegal. A person convicted of a felony does not
4 qualify under this part regardless of whether such person
5 meets any other criteria for qualification under this part and
6 may not use the title "paralegal." A person may not hold
7 himself or herself out as a paralegal in this state unless
8 that person is regulated under this part or has been
9 determined to be exempt by the board. A person who is an
10 active member of a branch of the United States military and is
11 classified as a "paralegal" is exempt from this part. An
12 individual who is a civilian employee of a branch of the
13 United States military and is classified as a "paralegal" is
14 exempt from this part during the term of such employment in
15 that capacity by a branch of the United States military.

16 454.41 Educational requirements.--A paralegal
17 regulated under this part shall have completed postsecondary
18 education and training that includes at least one of the
19 following:

20 (1) Successful completion of:

21 (a) The Certified Legal Assistant/Certified Paralegal
22 (CLA/CP) certification examination administered by the
23 National Association of Legal Assistants (NALA);

24 (b) The Registered Paralegal (RP) certification
25 examination offered by the National Federation of Paralegal
26 Associations (NFPA); or

27 (c) Such other certification examination as may be
28 recognized by the board as establishing a similar or greater
29 level of competency as a paralegal.

30 (2) Graduation from one of the following kinds of
31 educational programs:

1 (a) A program of study for paralegals that was
2 approved by the American Bar Association at the time the
3 applicant graduated.

4 (b) A program of study for paralegals that is
5 institutionally accredited by an accrediting agency approved
6 by the United States Department of Education, but not approved
7 by the American Bar Association, that requires not less than
8 the equivalent of 60 semester hours of classroom study,
9 including the equivalent of not less than 24 semester hours of
10 courses in paralegal studies.

11 (c) A baccalaureate degree in any field from an
12 educational institution that is institutionally accredited by
13 an accrediting agency approved by the United States Department
14 of Education, in addition to not less than 2 years of
15 full-time in-house training or the equivalent amount of time
16 as a paralegal intern under the supervision of an attorney who
17 has been a member in good standing of the state bar in which
18 the attorney practices for a minimum of 5 consecutive years.

19 454.42 Continuing education.--A paralegal regulated
20 under this part shall complete continuing legal education. The
21 board shall establish the required number of hours and
22 approved course content, which shall not be less than 20 hours
23 every 2 years, 2 hours of which shall be in the area of
24 ethics. Courses approved for credit by The Florida Bar, the
25 National Association of Legal Assistants (NALA), or the
26 National Federation of Paralegal Associations (NFPA) shall be
27 deemed acceptable for purposes of this section.

28 454.43 Ethics.--A paralegal regulated under this part
29 shall comply with the Florida Paralegal Code of Ethics and
30 Professional Responsibility as adopted by the board.

31 454.44 Grandfathering.--

1 (1) In addition to a paralegal who meets the
2 requirements of s. 454.41, a person is qualified under this
3 part if he or she meets the following cumulative criteria:

4 (a) Has a high school diploma or high school
5 equivalency diploma at the time of application.

6 (b) Has been engaged in work as a paralegal for not
7 less than 9,395 hours at any time during the 5 years
8 immediately preceding the time of application and meets the
9 supervisory requirements of s. 454.39(2).

10 (c) Has completed at least 2 hours of continuing
11 education courses approved pursuant to s. 454.42 in the area
12 of legal ethics and professional responsibility during the 12
13 months immediately preceding the time of application.

14 (d) Makes application for regulation under this
15 section within 2 years after the effective date of this part.

16 (2) A paralegal shall provide documentation of the
17 work experience required in paragraph (1)(b) by an affidavit
18 under oath of an attorney under whose supervision the work was
19 performed, a law office, a governmental agency, or other
20 entity. The form and content of the certification shall be
21 prescribed by the board.

22 454.45 Reciprocity.--Other individuals may qualify
23 under this part by rules of reciprocity as established by the
24 board.

25 454.46 Penalties.--Any individual who violates the
26 provisions of s. 454.40 commits a felony of the third degree,
27 punishable as provided in s. 775.082 or s. 775.083.

28 454.47 Severability.--If any provision of this part or
29 the application thereof to any individual or circumstance is
30 for any reason held invalid, such invalidity shall not affect
31 other provisions or applications of the section which can be

1 given effect without the invalid provision or application, and
2 to this end the provisions of this part are declared to be
3 severable.

4 454.48 Paralegal Regulation Board; powers; members;
5 terms; vacancies; fiscal accountability; meetings.--

6 (1) The board shall be charged with and have the power
7 and duty to administer the regulation of paralegals under this
8 part. The board shall have, but not be limited to, the
9 following powers:

10 (a) To approve, deny, suspend, revoke, or reinstate
11 the status of paralegals registered under this part.

12 (b) To review, evaluate, and approve educational
13 requirements and continuing education programs to ensure
14 compliance with the standards set forth in this part.

15 (c) To adopt rules, bylaws, and procedures not
16 inconsistent with law as may be necessary to carry out the
17 duties and authority conferred upon the board by this section.

18 (d) To establish fees to be paid for registration as a
19 paralegal adequate to ensure continued operation of the board
20 and to fund the proportionate expenses incurred by the board
21 in carrying out its regulatory and other related
22 responsibilities under this section.

23 (2) The board shall consist of at least 15 members who
24 are residents of this state and who are appointed and elected
25 as follows:

26 (a) Ten members shall be persons who are regulated
27 under this part and shall consist of members representing each
28 federal district within the state. The initial members shall
29 be appointed by the Florida Alliance of Paralegal
30 Associations, Inc., and shall include 3 members who are
31 paralegals and who shall serve a 1-year term, 3 members who

1 are paralegals and who shall serve a 2-year term, and 4
2 members who are paralegals and who shall serve a 3-year term.
3 Initially appointed paralegal members of the board may serve
4 for one consecutive term of 3 years. Twelve months after the
5 second year after the effective date of this part, paralegal
6 member vacancies on the board shall be elected by majority
7 vote of the persons regulated under this part for staggered
8 terms as determined by the board. No elected paralegal member
9 of the board may serve more than two consecutive terms.

10 (b) Three members shall be paralegal educators and
11 shall consist of one member from each federal district in this
12 state. The initial appointments shall be made from a list of
13 paralegal educators in this state by a majority vote of the
14 members of the board who are paralegals. Twelve months after
15 the effective date of this part, a member of the board who is
16 a paralegal educator shall serve for a 3-year term or until
17 his or her successor is appointed.

18 (c) Of the two remaining members, one shall be a
19 member of the public and one shall be an attorney serving on
20 The Florida Bar Standing Committee on Unlicensed Practice of
21 Law as of the effective date of this part. The initial
22 appointments shall be made by the then-current standing
23 committee chair. Twelve months after the effective date of
24 this part, each of these members of the board shall serve for
25 a 3-year term or until a successor is appointed by the
26 standing committee chair.

27 (3) Vacancies occurring by reason of death,
28 resignation, or removal shall be filled by appointment of the
29 board, and the member so appointed shall serve for the balance
30 of the vacated term.

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1 (4) The board shall maintain its official headquarters
2 in Tallahassee.

3 (5) The board shall meet at least once annually.

4 (6) The board shall prepare an annual financial
5 statement that shall be made available to paralegals
6 registered under this part upon reasonable request and to such
7 other entities as may be required by law.

8 Section 2. All initial members of the Paralegal
9 Regulation Board created under section 454.48, Florida
10 Statutes, shall be appointed at least 60 days before the
11 effective date of this part. This section shall take effect
12 upon this act becoming a law.

13 Section 3. Section 57.104, Florida Statutes, is
14 amended to read:

15 57.104 Computation of attorneys' fees.--In any action
16 in which attorneys' fees are to be determined or awarded by
17 the court, the court shall consider, among other things, time
18 and labor of any paralegals, as defined by s. 454.39(2), legal
19 ~~assistants~~ who contributed nonclerical, meaningful legal
20 support to the matter involved and who are working under the
21 supervision of an attorney. ~~For purposes of this section~~
22 ~~"legal assistant" means a person, who under the supervision~~
23 ~~and direction of a licensed attorney engages in legal~~
24 ~~research, and case development or planning in relation to~~
25 ~~modifications or initial proceedings, services, processes, or~~
26 ~~applications; or who prepares or interprets legal documents or~~
27 ~~selects, compiles, and uses technical information from~~
28 ~~references such as digests, encyclopedias, or practice manuals~~
29 ~~and analyzes and follows procedural problems that involve~~
30 ~~independent decisions.~~

1 Section 4. Subsection (4) of section 744.108, Florida
2 Statutes, is amended to read:

3 744.108 Guardian's and attorney's fees and expenses.--

4 (4) Fees for legal services may include customary and
5 reasonable charges for work performed by paralegals, as
6 defined by s. 454.39(2), ~~legal assistants~~ employed by and
7 working under the direction of the attorney.

8 Section 5. Except as otherwise provided in this act,
9 this act shall take effect October 1, 2005.

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