

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.

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

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

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

15 454.39 Definitions.--As used in this part, the term:

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

18 (2) "Paralegal" means:

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

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

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

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 may not hold himself or herself
4 out as a paralegal in this state unless that person is
5 regulated under this part or has been determined to be exempt
6 by the board. A person who is an active member of a branch of
7 the United States military and is classified as a "paralegal"
8 is exempt from this part. An individual who is a civilian
9 employee of a branch of the United States military and is
10 classified as a "paralegal" is exempt from this part during
11 the term of such employment in that capacity by a branch of
12 the United States military.

13 454.41 Educational requirements.--A paralegal
14 regulated under this part must have completed postsecondary
15 education and training that includes at least one of the
16 following:

17 (1) Successful completion of:

18 (a) The Certified Legal Assistant/Certified Paralegal
19 (CLA/CP) certification examination administered by the
20 National Association of Legal Assistants;

21 (b) The Registered Paralegal certification examination
22 offered by the National Federation of Paralegal Associations;
23 or

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

27 (2) Graduation from one of the following kinds of
28 educational programs:

29 (a) A program of study for paralegals which was
30 approved by the American Bar Association at the time the
31 applicant graduated.

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

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

17 454.42 Continuing education.--A paralegal regulated
18 under this part shall complete continuing legal education. The
19 board shall establish the required number of hours and
20 approved course content, which may not be less than 20 hours
21 every 2 years, 2 hours of which must be in the area of ethics.
22 Courses approved for credit by The Florida Bar, the National
23 Association of Legal Assistants, or the National Federation of
24 Paralegal Associations shall be deemed acceptable for purposes
25 of this section.

26 454.43 Ethics.--A paralegal regulated under this part
27 shall comply with the Florida Paralegal Code of Ethics and
28 Professional Responsibility as adopted by the board.

29 454.44 Grandfathering.--
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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 before October 1, 2008.

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 in 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 s.
26 454.40 commits a felony of the third degree, punishable as
27 provided in s. 775.082 or s. 775.083.

28 454.48 Paralegal Regulation Board; powers; members;
29 terms; vacancies; fiscal accountability; meetings.--

30 (1) The board shall administer the regulation of
31 paralegals under this part and may, without limitation:

1 (a) Approve, deny, suspend, revoke, or reinstate the
2 status of paralegals registered under this part.

3 (b) Review, evaluate, and approve educational
4 requirements and continuing education programs to ensure
5 compliance with the standards set forth in this part.

6 (c) Adopt rules, bylaws, and procedures not
7 inconsistent with law as necessary to carry out the duties and
8 authority conferred upon the board by this section.

9 (d) Establish fees for registration as a paralegal,
10 which may not exceed the cost of ensuring the continued
11 operation of the board and funding the proportionate expenses
12 incurred by the board in carrying out its regulatory and other
13 related responsibilities under this section.

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

17 (a) Ten members shall be persons who are regulated
18 under this part and represent each federal district within the
19 state. The initial members shall be appointed by the Florida
20 Alliance of Paralegal Associations, Inc., and shall include
21 three members who are paralegals and who shall be appointed to
22 a 1-year term, three members who are paralegals and who shall
23 be appointed to a 2-year term, and four members who are
24 paralegals and who shall be appointed to a 3-year term.
25 Thereafter, vacancies on the board shall be filled by majority
26 vote of the persons regulated under this part for staggered
27 terms as determined by the board. An elected member of the
28 board may not serve more than two consecutive terms.

29 (b) Three members shall be paralegal educators and
30 shall consist of one member from each federal district in this
31 state. The initial appointments shall be for a 1-year term and

1 shall be made from a list of paralegal educators in this state
2 by a majority vote of the members of the board who are
3 paralegals. Thereafter, each member of the board who is a
4 paralegal educator shall be appointed to a 3-year term.

5 (c) Of the two remaining members, one shall be a
6 member of the public and one shall be an attorney serving on
7 The Florida Bar Standing Committee on Unlicensed Practice of
8 Law. The initial appointments shall be for a 1-year term and
9 shall be made by the standing committee chair. Thereafter,
10 each of these members of the board shall be appointed to a
11 3-year term.

12 (3) Vacancies occurring by reason of death,
13 resignation, or removal shall be filled by appointment of the
14 board, and the member so appointed shall serve for the
15 remainder of the vacated term.

16 (4) The board shall maintain its official headquarters
17 in Tallahassee.

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

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

23 Section 2. All initial members of the Paralegal
24 Regulation Board created under s. 454.48, Florida Statutes,
25 shall be appointed at least 60 days before the effective date
26 of this part. This section shall take effect upon this act
27 becoming a law.

28 Section 3. If any provision of part II of chapter 454,
29 Florida Statutes, or the application thereof to any individual
30 or circumstance is for any reason held invalid, such
31 invalidity does not affect other provisions or applications of

1 the part which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 part II of chapter 454, Florida Statutes, are severable.

4 Section 4. Effective October 1, 2006, section 57.104,
5 Florida Statutes, is amended to read:

6 57.104 Computation of attorneys' fees.--In any action
7 in which attorneys' fees are to be determined or awarded by
8 the court, the court shall consider, among other things, time
9 and labor of any paralegals, as defined by s. 454.39(2), legal
10 ~~assistants~~ who contributed nonclerical, meaningful legal
11 support to the matter involved and who are working under the
12 supervision of an attorney. ~~For purposes of this section~~
13 ~~"legal assistant" means a person, who under the supervision~~
14 ~~and direction of a licensed attorney engages in legal~~
15 ~~research, and case development or planning in relation to~~
16 ~~modifications or initial proceedings, services, processes, or~~
17 ~~applications; or who prepares or interprets legal documents or~~
18 ~~selects, compiles, and uses technical information from~~
19 ~~references such as digests, encyclopedias, or practice manuals~~
20 ~~and analyzes and follows procedural problems that involve~~
21 ~~independent decisions.~~

22 Section 5. Effective October 1, 2006, subsection (4)
23 of section 744.108, Florida Statutes, is amended to read:

24 744.108 Guardian's and attorney's fees and expenses.--

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

29 Section 6. Except as otherwise expressly provided in
30 this act, this act shall take effect upon becoming a law.

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SENATE SUMMARY

Provides for the regulation and registration of
paralegals. Provides educational requirements for
qualification as a paralegal. Requires continuing
education. Provides a code of ethics. Provides penalties.
Establishes the Paralegal Regulation Board. (See bill for
details.)