

Senate Bill No. 1776

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

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

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

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

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

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

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

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

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

Approved by the Governor June 10, 2004.

Filed in Office Secretary of State June 10, 2004.