

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE RULES CASE NO. SC16-
REGULATING THE FLORIDA BAR –
BIENNIAL HOUSEKEEPING
PETITION TO AMEND THE RULES REGULATING THE FLORIDA BAR

The Florida Bar (the bar) petitions this Court for an order amending the Rules Regulating the Florida Bar and states:

Jurisdictional Statement

This petition has been authorized by the Board of Governors of The Florida Bar (Board of Governors) under R. Reg. Fla. Bar 1-12.1.

Organization of Petitions

The bar's biennial submission has been divided into 3 separate petitions, with all 3 petitions filed simultaneously. The first petition, entitled *In Re: Amendments to the Rules Regulating the Florida Bar - Biennial Petition*, encompasses those rules that the bar believes may require more consideration and reflection by this Court. The second petition, entitled *In Re: Amendments to the Rules Regulating the Florida Bar – Biennial Housekeeping*, comprises those rules that the bar believes may require less contemplation by this Court and for which this Court may be inclined to expedite review. Many amendments in the housekeeping petition involved editorial changes, housekeeping amendments to update the rules based on the passage of prior amendments, changes to codify long-standing practice, changes to court rules, and other amendments likely to require less of this Court's attention than the proposals in the first petition. The third petition, entitled *In Re: Amendments to the Rules Regulating the Florida Bar – Biennial Rules 11-1.3 and 11-1.9*, includes amendments solely to rules 11-1.3 and 11-1.9 and addresses issues that may require more consideration and reflection by this Court, and for which the bar seeks oral argument.

This petition is the housekeeping petition requiring less of this Court's time and reflection, and includes proposed new rules or amendments to existing rules that were approved by the Board of Governors between July 2014 and July 2016.

Organization of Amendments

The bar proposes new rules or amendments to existing rules as indicated in the listing that follows. This section provides information regarding development of these rules proposals as required by Part III of this Court's administrative order number AOSC 06-14 of June 14, 2006 in *In Re: Guidelines for Rules Submissions*. Each entry provides the following information: an explanation of each amendment; the reasons for each recommended change; the sources of each proposal; the names of groups or individuals who commented or collaborated on a proposal during its development; voting records of pertinent committees and the Board of Governors; and dissenting views within the Board of Governors, if any, regarding each submission.

Some rules were the subject of multiple proposed revisions that were considered at different times. When that occurred, those amendments are reported as separate items to better reflect the distinctive aspects of their development.

Amendments

CHAPTER 1 GENERAL

SUBCHAPTER 1-3 MEMBERSHIP

RULE 1-3.7 REINSTATEMENT TO MEMBERSHIP

Explanation: Within subdivision (g), adds "active" before and "to become eligible to practice law in Florida" after "membership in good standing" regarding reinstatement.

Reasons: An inactive bar member requested the Board of Governors consider amending this rule to allow an inactive member to be considered a member in good standing. Inactive members in some states cannot be admitted as authorized house counsel or admitted to practice because of the classification of not in good standing. Additionally, inactive members, who have not been found to violate any bar rules, feel insulted by the designation "not in good standing." This amendment allows inactive members to be members in good standing, but only for the purpose of obtaining a certificate of good standing, and they will remain

ineligible to practice law in Florida, and this clarifies that reinstatement is to membership in which they are eligible to practice law.

Source: Bar member

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic basis on July 23, 2015.
- Rules Committee approved 5-0 on procedural basis on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

CHAPTER 2 BYLAWS OF THE FLORIDA BAR

SUBCHAPTER 2-3 BOARD OF GOVERNORS

BYLAW 2-3.10 MEETINGS

Explanation: Changes "The Florida Bar Center" to "in Tallahassee." Non-substantive changes conform to the style guide.

Reasons: The Board of Governors holds 1 meeting per year in Tallahassee. The bar headquarters buildings have no space that is large enough to host the Board of Governors and its guests for its Tallahassee meeting.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 5-0 on substantive and procedural basis on November 20, 2014.
- Program Evaluation Committee approved 13-0 on a strategic basis on December 11, 2014.
- Budget Committee approved fiscal impact 6-0 on January 2, 2015.

Board Action: Board of Governors approved on voice vote without objection on January 30, 2015.

SUBCHAPTER 2-9 POLICIES AND RULES

BYLAW 2-9.8 LAW OFFICE MANAGEMENT ASSISTANCE SERVICE

Explanation: Changes the name of Law Office Management Assistance service to Practice Resource Institute.

Reasons: The Law Office Management Assistance Service has been totally restructured as a result of a program evaluation and recommendations by the Program Evaluation Committee and Board of Governors. The new program and Florida bar department are called "The Florida Bar Practice Resource Institute." The Special Committee on Technology/Office Tools & Resources was tasked with restructuring and overhauling the Law Office Management Assistance Service

program which included a mandate to come up with a new name and retire the Law Office Management Assistance Service name. Survey results demonstrated that the Law Office Management Assistance Service name and perception of the Law Office Management Assistance Service program had become tired, dated, and negative, or that the vast majority of the bar membership had no knowledge of the program because it really was not memorable, marketable, or brand-able. The new role of Practice Resource Institute does not include onsite reviews/consultations of law offices. It essentially functions as a law practice/office management and law office technology help desk and resource center using practice management advisors to provide assistance and recommendations via phone, e-mail, video conference, a self-help knowledge base, and live chat. The Practice Resource Institute practice management advisors are not involved with discipline or diversion consultations, and they do not give any legal or ethics advice.

Source: Special Committee on Technology/Office Tools & Resources
Background Information – Member Commentary / Committee Action:

- Special Committee on Technology / Office Tools & Resources voted unanimously to change the name on October 17, 2014.
- Program Evaluation Committee approved 11-0 on a substantive and strategic basis on January 29, 2015.
- Rules Committee approved 5-0 on a procedural basis on February 11, 2015.
- Budget Committee approved fiscal impact by a vote of 5-0 February 23, 2015.

Board Action: Board of Governors approved on consent calendar on March 27, 2015.

CHAPTER 3 RULES OF DISCIPLINE

SUBCHAPTER 3-3 JURISDICTION TO ENFORCE RULES

RULE 3-3.1 SUPREME COURT OF FLORIDA; DISCIPLINARY AGENCIES

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on March 27, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.

- Budget Committee approved fiscal impact 6-0 on September 17, 2014.
- Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-3.2 BOARD OF GOVERNORS OF THE FLORIDA BAR

Explanation: Amendments are to conform to this Court’s Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court’s Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on March 27, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014. Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-3.4 GRIEVANCE COMMITTEES

Explanation: Amendments are to conform to this Court’s Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court’s Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on March 27, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014. Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-3.5 CIRCUIT COURT JURISDICTION

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on March 27, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014. Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

SUBCHAPTER 3-4 STANDARDS OF CONDUCT

RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on May 22, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved 6-0 fiscal impact on September 17, 2014. Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-4.4 CRIMINAL MISCONDUCT

Explanation: Amendments are to conform to this Court's a Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 6-0 on substantive basis on May 22, 2014.
- Rules Committee approved 5-0 on strategic basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014.
- Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-4.6 DISCIPLINE BY FOREIGN OR FEDERAL JURISDICTION; CHOICE OF LAW

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

Disciplinary Procedure Committee approved 6-0 on substantive basis on May 22, 2014.

Rules Committee approved 5-0 on procedural basis on August 22, 2014.

Budget Committee approved fiscal impact 6-0 on September 17, 2014.

Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

RULE 3-4.7 OATH

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 6-0 on substantive basis on May 22, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014. Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

SUBCHAPTER 3-5 TYPES OF DISCIPLINE

RULE 3-5.4 PUBLICATION OF DISCIPLINE

Explanation: Amendments are to conform to this Court's Florida Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 6-0 on substantive basis on July 24, 2014.
- Rules Committee approved 5-0 on procedural basis on August 22, 2014.
- Budget Committee approved fiscal impact 6-0 on September 17, 2014.
- Program Evaluation Committee approved 10-0 on strategic basis on October 23, 2014.

Board Action: Board of Governors approved on consent calendar on December 12, 2014.

SUBCHAPTER 3-7 PROCEDURES

RULE 3-7.17 VEXATIOUS CONDUCT AND LIMITATION ON FILINGS

Explanation: Amendments are to conform to this Court's Guidelines for Rules Submissions. There are no substantive changes to the rule.

Reasons: To conform the rule to this Court's Guidelines for Rules Submissions.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Disciplinary Procedure Committee approved 5-0 on substantive basis on January 29, 2015.

- Program Evaluation Committee approved 12-0 on a strategic basis on March 26, 2015.
- Rules Committee approved 6-0 on procedural basis on April 16, 2015.
- Budget Committee approved fiscal impact 6-0 on May 4, 2015.

Board Action: Board of Governors approved on consent calendar on May 22, 2015.

CHAPTER 4 RULES OF PROFESSIONAL CONDUCT
 SUBCHAPTER 4-1 CLIENT-LAWYER RELATIONSHIP
RULE 4-1.5 FEES AND COSTS FOR LEGAL SERVICES

Explanation: Within subdivision (f)(4)(B)(ii), changes "division" to "approval."

Reasons: The amendment corrects an editorial error made when the amendments to the rule were adopted in *In re: Amendments to the Rules Regulating the Florida Bar*, 718 So. 2d 1179 (Fla. 1998). The rule currently reads “division” as in division of fees, when the remainder of the rule that was adopted addressed court approval for exceeding the contingent fee schedule.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 5-0 on substantive and procedural basis on February 11, 2015.
- Budget Committee approved fiscal impact 5-0 on February 23, 2015.
- Program Evaluation Committee approved 12-0 on a strategic basis on March 26, 2015.

Board Action: Board of Governors approved on consent calendar on May 22, 2015.

SUBCHAPTER 4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION
RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT

Explanation: Changes the name of Law Office Management Assistance Service to Practice Resource Institute and the functions of the Practice Resource Institute to reflect current practice.

Reasons: The Law Office Management Assistance Service has been totally restructured as a result of a program evaluation and recommendations by the Program Evaluation Committee and Board of Governors. The new program and Florida bar department are called “The Florida Bar Practice Resource Institute.” The Special Committee on Technology/Office Tools & Resources was tasked with restructuring and overhauling the Law Office Management Assistance Service program which included a mandate to come up with a new name and retire the Law Office Management Assistance Service name. Survey results demonstrated that

the Law Office Management Assistance Service name and perception of the Law Office Management Assistance Service program had become tired, dated, and negative, or that the vast majority of the bar membership had no knowledge of the program because it really was not memorable, marketable, or brand-able. The new role of Practice Resource Institute does not include onsite reviews/consultations of law offices. It essentially functions as a law practice/office management and law office technology help desk and resource center using practice management advisors to provide assistance and recommendations via phone, e-mail, video conference, a self-help knowledge base, and live chat. The Practice Resource Institute practice management advisors are not involved with discipline or diversion consultations, and they do not give any legal or ethics advice.

Source: Special Committee on Technology/Office Tools & Resources
Background Information – Member Commentary / Committee Action:

- Special Committee on Technology/Office Tools & Resources approved unanimously on October 17, 2014.
- Program Evaluation Committee approved 11-0 on strategic and substantive basis on January 29, 2015.
- Rules Committee approved 5-0 on a procedural basis on February 11, 2015.
- Budget Committee approved fiscal impact 5-0 February 23, 2015.

Board Action: Board of Governors approved on consent calendar on March 27, 2015.

CHAPTER 6 LEGAL SPECIALIZATION AND EDUCATION PROGRAMS

SUBCHAPTER 6-10 CONTINUING LEGAL EDUCATION REQUIREMENT

RULE

RULE 6-10.1 CONTINUING LEGAL EDUCATION REQUIREMENT

Explanation: Within subdivision (b), clarifies that all members are required to complete and report continuing legal education requirements except those exempt under rule 6-10.3, and which CLE exempt members are automatically qualified and which must apply for the exemption.

Reasons: Changes clarify which members must apply and be approved for continuing legal education exemption and which are automatically exempt.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on a strategic basis and approved 13-1 on a substantive basis on May 21, 2015.
- Rules Committee approved 4-0 on a procedural basis on June 2, 2015.
- Budget Committee approved fiscal impact 5-0 on June 24, 2015.

Board Action: Board of Governors approved on voice vote without objection on July 24, 2015.

RULE 6-10.4 REPORTING REQUIREMENTS

Explanation: Within subdivision (a), clarifies that all members are required to complete and report continuing legal education requirements except those exempt under rule 6-10.3, and which CLE exempt members are automatically qualified and which must apply for the exemption.

Reasons: Changes clarify which members must apply and be approved for continuing legal education exemption and which are automatically exempt.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on a strategic basis and approved 13-1 on a substantive basis on May 21, 2015.
- Rules Committee approved 4-0 on a procedural basis on June 2, 2015.
- Budget Committee approved fiscal impact 5-0 on June 24, 2015.

Board Action: Board of Governors approved on voice vote without objection on July 24, 2015.

RULE 6-10.7 CONFIDENTIALITY

Explanation: Replaces "suspended from" with "not eligible to practice law" addressing failure to meet continuing legal education requirements.

Reasons: The amendments make terminology within the Rules Regulating the Florida Bar consistent and better describes the status of a lawyer who has not met continuing legal education requirements.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic basis on July 23, 2015.
- Rules Committee approved 5-0 on procedural basis with minor non-substantive changes on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

CHAPTER 8 LAWYER REFERRAL RULE

SUBCHAPTER 8-2 REQUIREMENTS

RULE 8-2.2 CONTENTS OF APPLICATION

Explanation: Within subdivision (c)(3), adds "and eligible to practice law in Florida" to describe members in good standing.

Reasons: The amendment clarifies that lawyer referral services connected to a local bar association in Florida may only reinstate participants who are members in good standing and eligible to practice law in Florida after a disciplinary action, as lawyers who are not eligible to practice law in Florida should not be permitted to receive referrals as participants in a lawyer referral service connected to a local bar association in Florida.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic basis on July 23, 2015.
- Rules Committee approved 5-0 on procedural basis on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

SUBCHAPTER 8-5 IMMUNITY

RULE 8-5.1 GENERALLY

Explanation: Amendments delete references to the Lawyer Referral Service Committee.

Reasons: Amendments delete references to the Lawyer Referral Service Committee, as the committee no longer exists.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 9-0 on a strategic basis on March 1, 2016.
- Program Evaluation Committee approved 11-0 on substantive basis on March 8, 2016.
- The bar's Chief Financial Officer determined de minimus fiscal impact on March 10, 2016.
- Rules Committee approved 5-0 on a procedural basis on March 22, 2016.

Board Action: Board of Governors approved on consent calendar on May 20, 2016.

CHAPTER 10 RULES GOVERNING THE INVESTIGATION AND PROSECUTION OF THE UNLICENSED PRACTICE OF LAW

SUBCHAPTER 10-5 COMPLAINT PROCESSING AND INITIAL INVESTIGATORY PROCEDURES

RULE 10-5.1 COMPLAINT PROCESSING

Explanation: Within subdivision (c), removes the words "the appropriate" when referring to the circuit committee to which a case is referred.

Reasons: The rule currently requires that a case be assigned to "the appropriate" circuit committee for investigation. As there is no venue requirement in the rules, the words "the appropriate" are not necessary and may lead to confusion.

Source: Standing Committee on the Unlicensed Practice of Law

Background Information – Member Commentary / Committee Action:

- Standing Committee on the Unlicensed Practice of Law approved 18-0 on June 25, 2015.
- Rules Committee approved 5-0 on a substantive and procedural basis on August 13, 2015.
- Program Evaluation Committee approved 14-0 on a strategic basis on October 15, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on consent calendar on December 4, 2015.

CHAPTER 11 RULES GOVERNING THE LAW SCHOOL PRACTICE PROGRAM

SUBCHAPTER 11-1 GENERALLY

RULE 11-1.7 SUPERVISION

Explanation: Within subdivision (a), adds "eligible to practice law in Florida" to describe members in good standing.

Reasons: The amendment adds the requirement that lawyers who supervise certified legal interns must be eligible to practice law in Florida. The amendment provides additional protection to clients who are represented by certified legal interns by requiring that those who supervise certified legal interns be eligible to practice law in Florida.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic basis on July 23, 2015.
- Rules Committee approved 5-0 on procedural basis on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

RULE 11-1.10 CERTIFICATION OF MEMBERS OF OUT-OF-STATE BARS

Explanation: Within subdivision (a)(4), adds "eligible to practice law in that jurisdiction" to describe members in good standing.

Reasons: This amendment adds the requirement that members in good standing also be eligible to practice law to rules addressing lawyers who are admitted to jurisdictions other than Florida who apply to become certified to appear in Florida courts while employed by the state attorney, public defender, or attorney general's office. This requirement provides the additional protection to the public that persons certified be eligible to practice law in their home state.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic basis on July 23, 2015.
- Rules Committee approved 5-0 on a procedural basis on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

CHAPTER 13 AUTHORIZED LEGAL AID PRACTITIONERS RULE SUBCHAPTER 13-1 GENERALLY RULE 13-1.2 DEFINITIONS

Explanation: Within subdivision (a)(2), adds "eligible to practice law in that jurisdiction" and within subdivision (c) adds "eligible to practice law in Florida" to describe members in good standing.

Reasons: The amendment in subdivision (a)(2) adds the requirement that members in good standing also be eligible to practice law to rules addressing lawyers who are admitted to jurisdictions other than Florida who authorized legal aid practitioners. This requirement provides the additional protection to the public that out-of-state lawyers who become authorized legal aid practitioners be eligible to practice law in their home state. The amendment in subdivision (c) adds the requirement that Florida bar members who supervise out-of-state lawyers as authorized legal aid practitioners are eligible to practice law in Florida to further protect the public. A lawyer who supervises an authorized legal aid practitioner in Florida should be eligible to practice law in Florida in order to properly supervise the authorized legal aid practitioner.

Source: Bar staff

Background Information – Member Commentary / Committee Action:

- Program Evaluation Committee approved 14-0 on substantive and strategic on July 23, 2015.
- Rules Committee approved 5-0 on a procedural basis on August 13, 2015.
- Budget Committee approved fiscal impact 5-0 on October 26, 2015.

Board Action: Board of Governors approved on voice vote without objection on December 4, 2015.

Official Notice of Amendments

Pursuant to R. Regulating Fla. Bar 1-12.1(g), formal notice of intent to file, which included all the proposals in all 3 biennial petitions that are being filed simultaneously, was published in the September 1, 2016 issue of the bar *News*. A copy of that published notice from the Internet version of that *News* issue is included with this petition, in Appendix C. This notice can also be found at:

<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/Articles/8E415C29C5A99DA285258014005E48F5>

Discrepancy with Thomson Reuters' Florida Rules of Court

During the preparation of this petition, the bar noted discrepancies between the Rules Regulating the Florida Bar as maintained by the bar and the Rules Regulating the Florida Bar as published in Thomson Reuters' *Florida Rules of Court*. The bar has notified the publisher of the following 2 errors to be corrected:

- In the comment to rule 4-1.5, in the first sentence of the 8th paragraph under the header "Contingent fee regulation," there is a space between "4-1.5" and "(f)(4)(B)(iii)" which should not exist. *See, In re: Amendment to the Rules Regulating the Florida Bar – Rule 4-1.5(f)(4)(B) of the Rules of Professional Conduct*, Case No. SC05-1150, 939 So. 2d 1032 (Fla. 2006).
- In rule 11-1.7, the letters denoting subdivisions (a) through (d) are not bold as adopted by this Court in *The Florida Bar re Amendments to Rules Regulating the Florida Bar*, 635 So. 2d 968, 972 (Fla. 1994), as clarified (Mar. 16, 1994), as supplemented (July 7, 1994).

Editorial Corrections and Request for Waiver of Rules Procedures

During the preparation of this petition, the bar detected minor editorial errors within proposals as officially noticed. These editorial errors were not reviewed by the Board of Governors, but were made under the authority granted to bar staff to correct errors in this Court's administrative order AOSC06-14, dated June 14, 2006. These minor editorial errors were not corrected in the official bar *News* notice.

- Regarding subdivisions (a) and (b) of rule 3-4.6, when adopted, the letter of the subdivision was not bolded in *In re Amendments to the Rules Regulating the Florida Bar & The Florida Rules of Judicial Admin.*, 907 So. 2d 1138 (Fla. 2005). This technical error was added to this petition per staff's discretionary authority granted by this Court to correct editorial errors.
- Within rule 3-5.4, when adopted, the entire phrase "Florida Bar *News*" was italicized instead of just the word "News" in subdivision (d) and the third paragraph of the comment. *In re Amendments to the Rules Regulating the Florida Bar*, 24 So. 3d 63 (Fla. 2009). The editorial change by staff is for consistency in terminology throughout the Rules Regulating the Florida Bar.
- Within rule 3-5.4, when adopted, the "bar's" in the second sentence of the second paragraph was capitalized instead of lower case. *In re Amendments to the Rules Regulating the Florida Bar*, 24 So. 3d 63 (Fla. 2009). The amendment corrects this technical error.
- Within the commentary to rule 4-1.5, the word "plans" in the commentary header "Credit plans" was capitalized instead of lower case when originally adopted in *Amendment to the Rules Regulating the Florida Bar*, 875 So. 2d 448, 497 (Fla. 2004). The amendments conform the word "plans" to the lower case which is consistent with other rules and conforms to this Court's Guidelines for Rules Submissions.

The bar submits that these deviations from the requirements of R. Regulating Fla. Bar 1-12.1 are minimal and the amendments themselves are non-controversial. The bar therefore requests that these additional revised proposals be

accepted by this Court, and that this Court waive approval by the Board of Governors as to all the edits and Board of Governors approval and official notice in the print version of the bar *News* for all necessary rules, pursuant to R. Regulating Fla. Bar 1-12.1(i).

All other requested amendments in this petition were promulgated in full compliance with applicable rules and policies.

Other Pending Amendments

There are currently 2 pending petitions involving amendments to Rules Regulating the Florida Bar filed by the bar:

- *In re Amendments to Rules Regulating the Florida Bar Rule 4-1.19 and Florida Family Law Rule of Procedure 12.745 (Collaborative Law Process)*, Case No. SC16-1685, was filed September 16, 2016; and
- *In re: Amendments to the Rules Regulating the Florida Bar - Subchapter 4-7 (Lawyer Referral Services)*, Case No. SC16-1470, was filed August 15, 2016;

The proposed amendments within this filing are unrelated to these 2 different rules matters and may be considered independent of them.

Contents of Appendices

The complete text of all proposals is included in Appendix A to this petition, in legislative format (i.e., deleted language struck through, shown first, followed by new language underlined).

A separate two-column presentation follows in Appendix B, which includes extracted text of affected rules with proposed amendments in legislative format and an abbreviated recitation of the reasons for the changes.

The notice of intent to file this petition is provided in Appendix C.

Comments in Response to Amendments

No comments were received by the bar in response to these amendments.

Oral Argument Not Requested

The bar does not seek oral argument regarding these amendments, unless this Court orders oral argument or bar members file comments that require additional response or appearance by the bar.

Effective Date Request

As to all amendments sought in this filing, the bar requests that any changes be made effective no sooner than 60 days from the date of this Court's order so that the bar can educate its members regarding any amendments.

The bar requests that this Court enter an order amending the Rules Regulating the Florida Bar as requested in this petition.

Respectfully submitted,

/s/ John F. Harkness, Jr.

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CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this petition is typed in 14 point Times New Roman Regular type.

/s/ John F. Harkness, Jr.

John F. Harkness, Jr.
Executive Director
Florida Bar Number 123390

CERTIFICATE OF READ-AGAINST

I certify that the Rules Regulating the Florida Bar set forth within this petition have been read against the most recent copy of Thomson Reuter's *Florida Rules of Court*.

/s/ John F. Harkness, Jr.

John F. Harkness, Jr.
Executive Director
Florida Bar Number 123390