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APPENDIX B

SELECTED TEXT OF PROPOSED AMENDMENTS WITH REASONS FOR CHANGE

October 3, 2021

RULES REGULATING THE FLORIDA BAR CHAPTER 1 GENERAL 1-3. MEMBERSHIP RULE 1-3.5 RETIREMENT	
(a) Eligibility. Any member of The Florida Bar may retire from The Florida Bar ~~up~~on petition or other written request to, and approval of, the executive director. **(b) Practice of Law Prohibited.** (1) A retired member ~~shall~~must not practice law in this state ~~except upon petition for reinstatement~~unless reinstated to active membership in good standing by the executive director or unless certified as an emeritus lawyer under chapter 12 of these rules, but only for those activities permitted under chapter 12 of these rules~~, and approval of, the executive director; the payment of all membership fees, costs, or other amounts owed to The Florida Bar; and the completion of all outstanding continuing legal education or basic skills course requirements~~. (2) Retired members must affirmatively represent their retired status when any statement of Florida Bar membership is made, e.g., when in writing, Esquire (Ret.) or Member, Florida Bar (Ret.). (3) Retired members must not hold themselves out as being able to practice law in Florida or render advice on matters of Florida law unless certified as an emeritus lawyer under chapter 12 of these rules.	Re-organizes rule into subdivisions and adds new subdivisions (b)(2) and (b)(3) that require retired lawyers to affirmatively state their retired status when they indicate Florida Bar membership and prohibit retired lawyers from holding themselves out as able to practice Florida law unless they are certified as emeritus lawyers. The bar has received inquiries from bar members who are retired about the use of "esquire" or other indicia of being a lawyer. The amendments would add that lawyers who have elected official retirement status must indicate that retired status if they indicate they are lawyers or Florida Bar members, consistent with requirements for inactive members in Rule 1-3.2(b)(3). The amendments will avoid any confusion by the public, who might

(c) Reinstatement. To be reinstated to active membership in good standing, a retired member must: (1) complete the reinstatement application; (2) pay all membership fees, costs, or other amounts owed to The Florida Bar; (3) complete all outstanding continuing legal education or basic skills course requirements as stated elsewhere in these rules; and (4) be approved for reinstatement by the executive director. **(d) Permanent Retirement.** A member who ~~seeks and~~ is approved to permanently retire ~~shall~~is not ~~be~~ eligible for reinstatement or readmission. A retired member ~~shall be~~is entitled to receive ~~such~~ other privileges as the board of governors ~~may~~ authorizes. **(e) Discipline.** A retired member ~~shall~~ remains subject to disciplinary action for acts committed before the effective date of retirement. Acts committed after retirement may be considered in evaluating the member's fitness ~~to resume~~for reinstatement to the practice of law in Florida as elsewhere stated in these ~~Rules Regulating The Florida Bar~~rules. **(f) Referral to Board of Governors.** If the executive director is in doubt as to disposition of a petition, the executive director may refer the petition to the board of governors for its action. **(g) Review of Disposition.** Action of the executive director or board of governors denying a petition for retirement or reinstatement	otherwise believe retired members are eligible to practice law, when retired members indicate their Florida Bar status. New subdivision (c) provides the same information being removed from proposed subdivision (b)(1) above. The non-substantive change in subdivision (d), striking "be," was not approved by the Board of Governors, but was made under the authority granted to bar staff to correct errors in this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.* The amendment as it appears in this petition was noticed in the full-text on-line version of the official notice in the bar *News*.

from retirement may be reviewed ~~up~~on petition to the Supreme Court of Florida.	

RULE 1-3.7 REINSTATEMENT TO MEMBERSHIP	
(a) Eligibility for Reinstatement. [no change] **(b) Petitions Required.** [no change] **(c) Members Who Have Retired or Been Delinquent for Less Than 5 Years, But More Than 3 Years.** [no change] **(d) Members Who Have Retired or Been Delinquent for 5 Years or More.** [no change] **(e) Members Who Have Permanently Retired.** [no change] **(f) Members Delinquent 60 Days or Less.** ~~Reinstatement~~Any member reinstated from delinquency for payment of membership fees, trust account compliance certification, or completion of continuing legal education or basic skills course requirements approved within 60 days from the date of delinquency i~~s effective on the last business day before the delinquency. Any member reinstated within the 60-day period~~ is not considered in violation of these rules and is not subject to disciplinary sanction for practicing law in Florida during that time. **(g) Inactive Members.** Inactive members may be reinstated to active membership in good standing to become eligible to practice law in Florida by petition filed with the executive director, in the form and as provided in (b) above, except: (1) If the member has been inactive for greater than 5 years, has been authorized to practice law in another jurisdiction, and either actively practiced law in that jurisdiction or held a position that requires a license as a lawyer for the entire period of time, the member will be required to complete the Florida Law Update	Within subdivision (f), adds trust account compliance certification, deletes language regarding relation back, and adds that the member is not in violation of the rules. The changes would treat completion of the annual trust account certificate as an administrative delinquency the same as failure to pay membership fees or completion of continuing legal education or basic skills course requirements. Thus, a member would not be subject to discipline if the lawyer removes the delinquency within 60 days by filing the trust account certificate. The rule currently contains language stating that the effective date of reinstatement relates back to the date of delinquency; however, that is inconsistent with current Florida Bar practice, because the bar keeps

continuing legal education course as part of continuing legal education requirements. (2) If the member has been inactive for greater than 5 years and does not meet the requirements of subdivision (1), the member will be required to complete the basic skills course requirement and the 33-hour continuing legal education requirement. (3) An inactive member is not eligible for reinstatement until all applicable continuing legal education requirements have been completed and the remaining portion of membership fees for members in good standing for the current fiscal year have been paid.	the date of delinquency and also keeps records that show when the delinquency was removed. However, the bar does not discipline lawyers who clear their delinquency within the first 60 days. To address the bar's current practice, the language on "relation back" is recommended for removal, but the bar also recommends adding that the member is not in violation of bar rules for practicing law if the member clears the delinquency within 60 days so that aspect of the rule will not change.

CHAPTER 2 BYLAWS OF THE FLORIDA BAR 2-9. POLICIES AND RULES BYLAW 2-9.7 INSURANCE FOR MEMBERS OF BOARD OF GOVERNORS, OFFICERS, GRIEVANCE COMMITTEE MEMBERS, UPL COMMITTEE MEMBERS, CLIENTS' SECURITY FUND COMMITTEE MEMBERS, AND EMPLOYEES	
The bar will provide insurance coverage for current and former members of the board of governors, officers of The Florida Bar, members of UPL, clients' security fund, and grievance committees, and employees of The Florida Bar as authorized by the budget committee and included in the budget. The bar will indemnify current and former officers, board of governors, UPL, clients' security fund, and grievance committee members and bar employees as provided in the standing board policies.	Adds former board members, officers, grievance committee, unlicensed practice of law, and clients' security fund committee members and former employees to those covered by insurance and indemnification for acts committed in their capacity doing bar work. The changes would ensure that those no longer serving in their bar capacity will still be covered by insurance or indemnification provided by the bar for actions taken while acting on behalf of the bar in their official capacity.

CHAPTER 4 RULES OF PROFESSIONAL CONDUCT 4-1. CLIENT-LAWYER RELATIONSHIP RULE 4-1.6 CONFIDENTIALITY OF INFORMATION	
(a) Consent Required to Reveal Information. A lawyer must not reveal information relating to a client's representation ~~of a client~~ except as stated in subdivisions (b), (c), and (d), unless the client gives informed consent. **(b) When Lawyer Must Reveal Information.** A lawyer must reveal confidential information to the extent the lawyer reasonably believes necessary to: (1) ~~to~~ prevent a client from committing a crime; or (2) ~~to~~ prevent ~~a~~ death or substantial bodily harm ~~to another~~. **(c) When Lawyer May Reveal Information.** A lawyer may reveal confidential information to the extent the lawyer reasonably believes necessary to: (1) ~~to~~ serve the client's interest unless it is information the client specifically requires not to be disclosed; (2) ~~to~~ establish a claim or defense on the lawyer's behalf ~~of the lawyer~~ in a controversy between the lawyer and client; (3) ~~to~~ establish a defense to a criminal charge or civil claim against the lawyer based on conduct in which the client was involved;	In subdivision (b), the amendment makes clear that the mandatory disclosure of confidential information to prevent death or substantial bodily harm includes the client. The rule as written is unclear, and the bar's Ethics Hotline has received calls where a client intends to harm him or herself. Removing the language "to another" would make clear the bar member must report where the lawyer has confidential information the disclosure of which would prevent death or substantial bodily harm to anyone. The change would also be more consistent with American Bar Association Model Rule 1.6.

(4) ~~to~~ respond to allegations in any proceeding concerning the lawyer's representation of the client; (5) ~~to~~ comply with the Rules Regulating The Florida Bar; ~~or~~ (6) ~~to~~ detect and resolve conflicts of interest between lawyers in different firms arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client; or (7) respond to specific allegations published via the internet by a former client (e.g. a negative online review) that the lawyer has engaged in criminal conduct punishable by law. **(d) Exhaustion of Appellate Remedies.** [no change] **(e) Inadvertent Disclosure of Information.** A lawyer must make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the client's representation ~~of a client~~. **(f) Limitation on Amount of Disclosure.** [no change]	The Professional Ethics Committee proposed this amendment, believing that this strikes an appropriate balance regarding concerns of lawyers that negative online reviews that are not truthful are proliferating and creating reputational issues for lawyers, and the lawyer's obligations to preserve confidential information relating to a client's representation. This very narrow exception allows a lawyer to respond only to a negative online allegation by a former client that the lawyer has engaged in criminal conduct. A lawyer would not be able to respond to any online allegations by a current client, to avoid a conflict of interest in the current lawyer-client relationship. The lawyer would only be able to disclose a minimal amount of information to respond to a specific allegation of criminal wrongdoing. A lawyer would not be able to

Comment	
[no change] **Authorized disclosure** [no change] **Disclosure adverse to client** [no change] **Withdrawal** [no change] **Dispute concerning lawyer's conduct** A lawyer's confidentiality obligations do not preclude a lawyer from securing confidential legal advice about the lawyer's personal responsibility to comply with these rules. In most situations, disclosing information to secure this advice will be impliedly authorized for the lawyer to carry out the representation. Even when the disclosure is not impliedly authorized, subdivision (c)(5) permits this disclosure because of the importance of a lawyer's compliance with the Rules of Professional Conduct. Where a legal claim or disciplinary charge alleges complicity of the lawyer in a client's conduct or other misconduct of the lawyer involving representation of the client, the lawyer may respond to the extent the lawyer reasonably believes necessary to establish a defense. The same is true with respect to a claim involving the conduct or representation of a former client. The lawyer's right to respond arises when an assertion of complicity has been made. Subdivision (c) does not require the lawyer to await the commencement of an action or proceeding that charges complicity, so that the defense may be established by responding directly to a third party who has made the	respond to a former client's allegations that fall short of an allegation of specific criminal wrongdoing.

assertion. The right to defend, of course, applies where a proceeding has been commenced. Where practicable and not prejudicial to the lawyer's ability to establish the defense, the lawyer should advise the client of the third party's assertion and request that the client respond appropriately. In any event, disclosure should be no greater than the lawyer reasonably believes is necessary to vindicate innocence, the disclosure should be made in a manner that limits access to the information to the tribunal or other persons having a need to know it, and appropriate protective orders or other arrangements should be sought by the lawyer to the fullest extent practicable. If the lawyer is charged with wrongdoing in which the client's conduct is implicated, the rule of confidentiality should not prevent the lawyer from defending against the charge. A charge can arise in a civil, criminal, or professional disciplinary proceeding and can be based on a wrong allegedly committed by the lawyer against the client or on a wrong alleged by a third person; for example, a person claiming to have been defrauded by the lawyer and client acting together. A lawyer entitled to a fee is permitted by subdivision (c) to prove the services rendered in an action to collect it. This aspect of the rule expresses the principle that the beneficiary of a fiduciary relationship may not exploit it to the detriment of the fiduciary. As stated above, the lawyer must make every effort practicable to avoid unnecessary disclosure of information relating to a representation, to limit disclosure to those having the need to know it, and to obtain protective orders or make other arrangements minimizing the risk of disclosure.	
<u>Subdivision (c)(7) allows a lawyer to respond to specific allegations published via the internet by a former client (e.g. a negative online review) that the lawyer has engaged in criminal conduct punishable by law. However, under subdivision (f), even when the lawyer is operating</u>	Comment added to further explain new subdivision (c)(7).

within the scope of the (c)(7) exception, disclosure must be no greater than the lawyer reasonably believes necessary to refute the specific allegations. **Disclosures otherwise required or authorized** [no change] **Detection of Conflicts of Interest** [no change] **Acting Competently to Preserve Confidentiality** [no change] **Former client** [no change]	

4-3. ADVOCATE **RULE 4-3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR** The prosecutor in a criminal case ~~shall~~must: **(a)** [no change] **(b)** not seek to obtain from an unrepresented accused a waiver of important pre-trial rights such as a right to a preliminary hearing; and **(c)** [no change] **Comment** A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations such as making a reasonable effort to assure that the accused has been advised of the right to and the procedure for obtaining counsel and has been given a reasonable opportunity to obtain counsel so that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate. ~~Florida has adopted the American Bar Association Standards of Criminal Justice Relating to Prosecution Function. This is the product of prolonged and careful deliberation by lawyers experienced in criminal prosecution and defense and should be consulted for further guidance.~~ See also rule 4-3.3(d) governing ex parte proceedings, among which grand jury proceedings are included. Applicable law may require other measures by the prosecutor and knowing disregard of these obligations or systematic abuse of prosecutorial discretion could constitute a violation of rule 4-8.4. Subdivision (b) does not apply to an accused appearing pro se with the approval of the tribunal, nor does it forbid the lawful questioning	Professor Randolph Braccialarghe raised the issue with bar staff because he believes The Florida Bar never adopted the American Bar Association Standards of Criminal Justice Relating to Prosecution Function. Bar staff could find no record that The Florida Bar ever adopted the American Bar Association Standards of Criminal Justice Relating to Prosecution Function. Rather, it appears that the rule merely adopted the commentary from American Bar Association Model Rule 3.8. Therefore, the comment seems to be inaccurate and should be removed.

of a suspect who has knowingly waived the rights to counsel and silence. The exception in subdivision (c) recognizes that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or to the public interest.	

CHAPTER 5. RULES REGULATING TRUST ACCOUNTS **5-1. GENERALLY** **RULE 5-1.1 TRUST ACCOUNTS** **(a) Nature of Money or Property Entrusted to Attorney.** (1) *Trust Account Required; Location of Trust Account; Commingling Prohibited*. [no change] (2) *Compliance with Client Directives*. [no change] (3) *Safe Deposit Boxes*. [no change] **(b) Application of Trust Funds or Property to Specific Purpose.** [no change] **(c) Liens Permitted.** [no change] **(d) Controversies as to Amount of Fees.** [no change] **(e) Notice of Receipt of Trust Funds; Delivery; Accounting.** [no change] **(f) Disputed Ownership of Trust Funds.** [no change] **(g) Interest on Trust Accounts (IOTA) Program.** (1) *Definitions*. As used in this rule, the term: (A) [no change] (B) [no change]	

(C) [no change] (D) [no change] (E) "Interest or dividend-bearing trust account" means a federally insured checking account, business or consumer deposit account or sub account, business or consumer deposit account or sub account that does not have a maturity date (non-maturing deposit), or investment product, including a daily financial institution repurchase agreement or a money market fund. A daily financial institution repurchase agreement must be fully collateralized by, and an open-end money market fund must consist solely of, United States Government Securities. A daily financial institution repurchase agreement may be established only with an eligible institution that is deemed to be "well capitalized" or "adequately capitalized" as defined by applicable federal statutes and regulations. An open-end money market fund must hold itself out as a money market fund as defined by applicable federal statutes and regulations under the Investment Company Act of 1940 and have total assets of at least $250 million. The funds covered by this rule are subject to withdrawal on request and without delay. (F) [no change] (G) [no change] (H) [no change] (I) [no change]	Definition is expanded to include all possible accounts.

(J) [no change] (2) *Required Participation*. All nominal or short-term funds belonging to clients or third persons that are placed in trust with any member of The Florida Bar practicing law from an office or other business location within the state of Florida must be deposited into one or more IOTA accounts, unless the funds may earn income for the client or third person in excess of the costs incurred to secure the income, except as provided elsewhere in this chapter. Only trust funds that are nominal or short term must be deposited into an IOTA account. The Florida ~~bar~~Bar member must certify annually, in writing, that the bar member is in compliance with, or is exempt from, the provisions of this rule.	Non-substantive change to capitalize the title of The Florida Bar.
(3) *Determination of Nominal or Short-Term Funds*. The lawyer must exercise good faith judgment in determining on receipt whether the funds of a client or third person are nominal or short term. In the exercise of this good faith judgment, the lawyer must consider ~~such~~ factors as the: (A) amount of a client's or third person's funds to be held by the lawyer or law firm; (B) period of time the funds are expected to be held; (C) likelihood of delay in the relevant transaction(s) or proceeding(s); (D) lawyer or law firm's cost of establishing and maintaining an interest-bearing account or other appropriate investment for the benefit of the client or third person; and	The non-substantive change in subdivision (g)(3), striking "such," was not approved by the Board of Governors, but was made under the authority granted to bar staff to correct errors in this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions*. The amendment as it appears in this petition was noticed in the full-text on-line version of the official notice in the bar *News*.

(E) minimum balance requirements ~~and/~~or service charges or fees imposed by the eligible institution. The determination of whether a client's or third person's funds are nominal or short term rests in the sound judgment of the lawyer or law firm. No lawyer will be charged with ethical impropriety or other breach of professional conduct based on the exercise of the lawyer's good faith judgment. (4) *Notice to Foundation*. [no change] (5) *Eligible Institution Participation in IOTA*. Participation in the IOTA program is voluntary for banks, credit unions, savings and loan associations, and investment companies. Institutions that choose to offer and maintain IOTA accounts must meet the following requirements: (A) Interest Rates and Dividends. Eligible institutions must maintain IOTA accounts ~~which~~that pay the highest interest rate or dividend generally available from the institution to its non-IOTA business or consumer account customers, or its non-maturing deposit account customers when IOTA accounts meet or exceed the same minimum balance ~~or other account eligibility~~ qualifications~~, if any~~. (B) Determination of Interest Rates and Dividends. In determining the highest interest rate or dividend generally available from the institution to its non-IOTA accounts in compliance with subdivision (5)(A), above, eligible institutions may consider factors, in addition to the IOTA account balance, customarily considered by the institution when setting interest rates or dividends for its customers, provided that these factors	The rule is expanded to include additional comparable accounts to ensure the highest possible interest is available for IOTA accounts.

do not discriminate between IOTA accounts and accounts of non-IOTA customers, and that these factors do not include that the account is an IOTA account. The minimum interest rate paid net of all fees and service charges ("yield") must be no less than 25 basis points (.25%). When the Wall Street Journal Prime Rate ("indexed rate") is between 325 and 499 basis points (3.25% and 4.99%), the yield must be no less than 300 basis points (3.00%) below the indexed rate in effect on the first business day of each month. When the indexed rate is 500 basis points (5.00%) or above, the yield must be no less than 40% of the indexed rate in effect on the first business day of each month. (C) Remittance and Reporting Instructions. [no change] (6) *Small Fund Amounts*. [no change] (7) Confidentiality and Disclosure. [no change] **(h) Interest on Funds That Are Not Nominal or Short-Term.** [no change] **(i) Unidentifiable Trust Fund Accumulations and Trust Funds Held for Missing Owners.** [no change] **(j) Disbursement against Uncollected Funds.** [no change] **(k) Overdraft Protection Prohibited.** [no change]	Adds that eligible institutions must tie interest rates for IOTA accounts to specific indexed rate points with the hope of raising current IOTA account interest rates.

Comment	
[no change] **Foundation Provision of Training and Technology; Grantees' Funds from Non-IOTA Sources** [no change]	

CHAPTER 11. RULES GOVERNING THE LAW SCHOOL PRACTICE PROGRAM 11-1. GENERALLY RULE 11-1.1 PURPOSE	
The bench and the bar are primarily responsible for providing competent legal services for all persons, including those unable to pay for these services. As one means of providing assistance to lawyers who represent clients unable to pay for ~~such~~legal services and to encourage law schools to provide clinical instruction in trial work of varying kinds, the following rules are adopted.	Rule 11-1.1 has only a change striking "such" to remove legalese to comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

RULE 11-1.2 ACTIVITIES	
(a) Definition. [no change] **(b) Appearance in Court or Administrative Proceedings.** An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any indigent person if the person on whose behalf the student is appearing has ~~indicated in writing~~ consented in writing to that appearance and the supervising lawyer has ~~also indicated in writing approval of~~approved that appearance in writing. In those cases in which the indigent person has a right to appointed counsel, the supervising ~~attorney shall~~lawyer must be personally present at all critical stages of the proceeding. In all cases, the supervising ~~attorney shall~~lawyer must be personally present when required by the court or administrative tribunal, ~~who~~which ~~shall~~ determines the extent of the eligible law student's participation in the proceeding. **(c) Appearance for the State in Criminal Proceedings.** An eligible law student may ~~also~~ appear in any criminal matter on behalf of the state with the written approval of the state attorney or the attorney general and of the supervising lawyer. ~~In such cases the~~The supervising ~~attorney shall~~lawyer must be personally present when required by the court, ~~who~~which ~~shall~~ determines the extent of the law student's participation in the proceeding. **(d) Appearance on Behalf of Governmental Officers or Entities.** An eligible law student may ~~also~~ appear in any court or before any administrative tribunal in any civil matter on behalf of the state, state officers, or state agencies, or on behalf of a municipality or county~~, provided~~ that ~~the municipality or county~~ has a full-time legal staff~~,~~ with the written approval of the ~~attorney~~lawyer representing the state,	Non-substantive amendments in subdivisions (b), (c), (d), and (e) are made to comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.* Additionally, the word "attorney" is replaced with "lawyer" as "lawyer" is a term defined within the Rules Regulating The Florida Bar and "attorney" is not.

state officer, state agency, municipality, or county. The ~~attorney~~lawyer representing the state, state officer, state agency, municipality, or county ~~shall~~must supervise the law student and ~~shall~~ be personally present when required by the court or administrative tribunal, which ~~shall~~ determines the extent of the law student's participation in the proceeding. **(e) Filing of Consent and Approval.** In each case, the written consent and approval referred to above ~~shall~~must be filed in the record of the case and ~~shall be~~ brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. If the client is the state attorney, state officer, or governmental entity, ~~it shall be sufficient to file~~filing the written consent and approval with the clerk and each presiding judge once for the term of the student's participation is sufficient. ~~**(f) Fixing of Standards of Indigence.** The board of governors shall fix the standards by which indigence is determined under this chapter upon the recommendation of the largest voluntary bar association located in the circuit in which a program is implemented hereunder.~~	Subdivision (f) regarding determination of indigency is recommended for deletion, because there is guidance for lawyers on determining indigency in the comment to Rule 4-6.1, indigency is defined in state statutes, and lawyers can look to that guidance rather than having the board and a local entity set the standards for indigency, which could lead to inconsistency.

RULE 11-1.3 REQUIREMENTS AND LIMITATIONS	
In order to make an appearance ~~pursuant to~~under this chapter, the law student must: **(a)** ~~have~~ register~~ed~~ with the Florida Board of Bar Examiners as a certified legal intern registrant; ~~have paid~~pay ~~the~~a $75 registration fee ~~for such registration~~ if the registration is ~~completed~~filed within the first 250 days of the registrant's law school education or $150 if the registration is filed after the 250-day deadline (any fee paid under this subdivision will be deducted from the applicable application fee if the certified legal intern registrant later applies for admission to The Florida Bar); and ~~have received~~receives a letter of clearance as to character and fitness from the Florida Board of Bar Examiners; ~~any fee paid under this subdivision shall be deducted from the applicable application fee should the certified legal intern registrant subsequently decide to apply for admission to The Florida Bar~~; **(b)** be ~~duly~~ enrolled in the United States in, and appear~~ing~~ as part of a law school practice program of, a law school approved by the American Bar Association; **(c)** have completed legal studies amounting to at least 4 semesters or 6 quarters for which the student has received not less than 48 semester hours or 72 quarter hours of academic credit or the equivalent ~~if the school is on some other basis~~; **(d)** be certified by the dean of the student's law school as being of good character and competent legal ability and as being adequately trained to perform as a legal intern in a law school practice program;	Rule 11-1.3 contains only non-substantive amendments to comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

(e) be introduced to the court in which the student is appearing by ~~an attorney~~a lawyer admitted to practice in that court; **(f)** neither ask for nor receive any compensation or remuneration of any kind for the student's services from the person on whose behalf the student renders services~~, but this shall~~; although this does not prevent a state attorney, public defender, legal aid organization, ~~or~~ state officer, or governmental entity from paying compensation to the eligible law student ~~(~~nor ~~shall~~does it prevent ~~any of the foregoing~~them from ~~making such charge~~charging for ~~its~~ services as ~~it~~they may ~~otherwise~~ require~~)~~; and **(g)** certify in writing that the law student has read and ~~is familiar with~~and will abide by the Rules of Professional Conduct as adopted by ~~this court and will abide by the provisions thereof~~The Supreme Court of Florida.	

RULE 11-1.4 CERTIFICATION OF STUDENT	
The certification of a student by the law school dean or the dean's designee: **(a)** ~~Shall~~must be filed with the clerk of~~ this court~~the Supreme Court of Florida, ~~and~~where~~, unless it is sooner withdrawn,~~ it ~~shall~~ remains in effect ~~until the expiration of~~for 18 months after it is filed unless withdrawn sooner~~.~~; **(b)** ~~May~~may be withdrawn by the dean, or the dean's designee, at any time by mailing a notice, that does not need to include the cause for withdrawal, ~~to that effect~~ to the clerk of ~~this court~~the Supreme Court of Florida~~. It is not necessary that the notice state the cause for withdrawal.~~; **(c)** ~~May~~may be terminated by ~~this court~~the Supreme Court of Florida at any time without notice or hearing and without any showing of cause.~~ Notice of the termination may be filed with the clerk of the court.~~	Rule 11-1.4 contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

RULE 11-1.5 APPROVAL OF LEGAL AID ORGANIZATION	
Legal aid organizations that provide a majority of their legal services to the indigent and use law student interns~~ pursuant to~~under this chapter must be approved by the ~~supreme court~~Supreme Court of Florida. A legal aid organization seeking approval ~~shall~~must file a petition with the clerk of the court certifying that it is a nonprofit organization and ~~reciting~~stating with specificity the: **(a)** ~~the~~ structure of the organization and whether it accepts funds from its clients; **(b)** ~~the~~ major sources of funds used by the organization; **(c)** ~~the~~ criteria used to determine potential clients' eligibility for legal services performed by the organization; **(d)** ~~the~~ types of legal and nonlegal services performed by the organization; and **(e)** ~~the~~ names of all Florida Bar members ~~of The Florida Bar~~ who are employed by the organization or who regularly perform legal work for the organization. Legal aid organizations ~~approved on the effective date of~~under this chapter ~~need not reapply for approval, but all such organizations~~ are under a continuing duty to notify the court promptly of any significant modification to their structure or sources of funds.	Rule 11-1.5 contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

RULE 11-1.6 OTHER ACTIVITIES	
(a) Preparation of Documents; Assistance of Indigents. ~~In addition, an~~An eligible law student may engage in other activities~~,~~ under the general supervision of a member of ~~the bar of this court~~The Florida Bar, but outside the personal presence of that lawyer, including preparation of: (1) ~~preparation of~~ pleadings and other documents to be filed in any matter in which the student is eligible to appear,~~ but such pleadings or documents must be~~ signed by the supervising lawyer; (2) ~~preparation of~~ briefs, abstracts, and other documents to be filed in appellate courts of this state, ~~but such documents must be~~ signed by the supervising lawyer; (3) ~~except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this court, assistance~~applications and supporting documents for post-conviction relief to indigent inmates ~~or~~of correctional institutions or other persons who request ~~such~~ assistance ~~in preparing applications for and supporting documents for postconviction relief~~, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this court. If there is ~~an attorney~~a lawyer of record in the matter, all ~~such~~ assistance must be supervised by ~~the attorney of record,~~ and all documents submitted to the court must be signed by, that lawyer~~ and all documents submitted to the court on behalf of such a client must be signed by the attorney of record~~. **(b) Identification of Student in Documents and Pleadings.** Each document or pleading must contain the name of the eligible law	Rule 11-1.6 contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

student who has participated in drafting it. If the student participated in drafting only a portion of it, that fact may be mentioned. **(c) Participation in Oral Argument.** An eligible law student may participate in oral argument in appellate courts but only in the presence of the supervising lawyer.	

RULE 11-1.7 SUPERVISION	
~~The member of the bar under whose supervision an eligible law student does any of the things permitted by~~A supervising lawyer under this chapter must: **(a)** be a ~~lawyer~~a member of The Florida Bar in good standing and eligible to practice law in Florida whose service as a supervising lawyer for this program is approved by the dean of the law school in which the law student is enrolled~~ and who is a member of The Florida Bar in good standing and eligible to practice law in Florida~~; **(b)** be a lawyer employed by a state attorney, public defender, an approved legal aid organization, a state officer, or a governmental entity enumerated in rule 11-1.2~~(d)~~; **(c)** assume personal professional responsibility for the student's guidance in any work undertaken and for supervising the quality of the student's work; and **(d)** assist the student in the student's preparation to the extent the supervising lawyer considers it necessary.	Rule 11-1.7 contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

~~**RULE 11-1.8 MISCELLANEOUS**~~ ~~Nothing contained in this chapter shall affect the right of any person who is not admitted to the practice of law to do anything that the person might lawfully do prior to the adoption of this chapter.~~	Deleted as unnecessary.

RULE 11-1.~~9~~8 CONTINUATION OF PRACTICE PROGRAM AFTER COMPLETION OF LAW SCHOOL PROGRAM OR GRADUATION **(a) Certification.** A law student at an American Bar Association-approved Florida law school who has filed an application for admission to The Florida Bar, ~~has~~ received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, ~~has~~ completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200 hours of actual participation in the program, and ~~has~~ had certification withdrawn by the law school dean by reason of successful completion of the program or ~~has~~ graduated from law school following successful completion of the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs ~~pursuant to~~under this chapter if the supervising ~~attorney~~lawyer: (1) files a certification in the same manner and subject to the same limitations as that required to be filed by the law school dean; ~~and files a separate certificate of the dean stating that the law student has successfully completed the law school practice program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification. The maximum term of certification for graduates shall be 12 months from graduation; and.~~ (2) further certifies that the ~~attorney will~~lawyer assumes the duties and responsibilities of ~~the~~a supervising ~~attorney~~lawyer ~~as provided by other provisions of~~under this chapter~~.~~; and (3) files a separate certificate of the dean stating that the law student has successfully completed the law school practice	Rule 11-1.9 (proposed rule 11-1.8) contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification. ~~The maximum term of certification for graduates shall be 12 months from graduation; and~~.

(b) Graduates of Non-Florida Law Schools. A graduate of an American Bar Association-approved non-Florida law school may qualify for continuation in the practice program if the graduate has ~~made application~~filed an application for admission to The Florida Bar, ~~and~~ received a letter of initial clearance as to character and fitness from the Florida Board of Bar Examiners, and has successfully completed a clinical program in law school that met the definition of a law school practice program under rule 11-1.2~~(a) and~~ that awarded a minimum of 3 semester hours or the equivalent or required at least 200 hours of actual participation in the program.

(c) Term of Certification. The maximum term of certification for graduates is 12 months from the date of graduation.

(~~c~~d) Termination of Certification. ~~Failure of a post-graduate certified legal intern to do any of the following shall result in the automatic termination of certification:~~

~~(1) failure to take the next available Florida bar examination;~~

~~(2) failure to take the second available Florida bar examination, if unsuccessful on the first administration;~~

~~(3) failure to pass every portion of the Florida bar examination by at least the second administration, if unsuccessful on the first administration; or~~

~~(4) denial of admission to The Florida Bar.~~Failure to take the next available Florida bar examination, failure of any portion of the Florida bar examination on the second administration if a second administration is required, or denial of admission to The Florida Bar terminates certification under this rule. **(e) Withdrawal of Certification.** Certification may be withdrawn in the same manner as the law school dean's withdrawal of certification.	

RULE 11-1.~~10~~9 CERTIFICATION OF MEMBERS OF OUT-OF-STATE BARS **(a) Persons Authorized to Appear.** A member of an out-of-state bar may practice law in Florida ~~pursuant to~~under this chapter if the member of the out-of-state bar: (1) ~~the appearance is made as~~is an employee of the attorney general, a state attorney, a public defender, or the capital collateral representative;~~ and~~ (2) ~~the member of an out-of-state bar has made application~~has applied for admission to The Florida Bar;~~ and~~ (3) ~~the member of an out-of-state bar~~ submits to the jurisdiction of the Supreme Court of Florida for disciplinary purposes; and (4) ~~the member of an out-of-state bar~~ is in good standing with that bar, is eligible to practice law in that jurisdiction, and is not currently the subject of disciplinary proceedings. **(b) Term of Certification.** The maximum term of certification under this section is 12 months from the date of certification~~; provided, however, that the certification may extend~~but may be extended beyond 12 months if the certificate holder has passed the Florida bar examination and is awaiting the results of the character and fitness evaluation of the Florida Board of Bar Examiners. ~~Certification may be withdrawn in the same manner as provided for the withdrawal of certification by a law school dean.~~ **(c) Termination of Certification.** Failure to take the next available Florida bar examination, failure of any portion of the Florida	Rule 11-1.10 (proposed rule 11-1.9) contains only non-substantive amendments comport with this Court's administrative order AOSC06-14, dated June 14, 2006, *In Re: Guidelines for Rules Submissions.*

bar examination, or denial of admission to The Florida Bar terminates certification under this rule. **(d) Withdrawal of Certification.** Certification may be withdrawn in the same manner as the law school dean's withdrawal of certification.	

CHAPTER 19 CENTER FOR PROFESSIONALISM **~~RULE 19-1.5 RELATIONSHIP TO THE SUPREME COURT COMMISSION ON PROFESSIONALISM~~** ~~The commission on professionalism has been established by administrative order of the Supreme Court of Florida and has been charged with the planning and implementation of an ongoing plan and policy to ensure that the fundamental ideals and values of the justice system and the legal profession are inculcated in all of those persons serving or seeking to serve in the system.~~ ~~The center shall endeavor to assist the commission in this regard consistent with the center's funding, staffing, operational, and reporting structure.~~	This Court issued an order disbanding the Supreme Court Commission on Professionalism and Civility on March 12, 2019, Administrative Order No. AOSC19-12. This rule is therefore obsolete.

CHAPTER 20 FLORIDA REGISTERED PARALEGAL PROGRAM **20-5. INELIGIBILITY FOR REGISTRATION OR RENEWAL** **RULE 20-5.1 GENERALLY** ~~The following individuals are~~A person is ineligible for registration ~~as a Florida Registered Paralegal~~ or ~~for~~ renewal of a registration ~~that was previously granted~~ to become a Florida Registered Paralegal if that person: **(a)** ~~a person who~~ is currently suspended or disbarred or ~~who~~ has resigned or been revoked in lieu of discipline from the practice of law in any state or jurisdiction; **(b)** ~~a person who~~ has been convicted of a felony in any state or jurisdiction and ~~whose~~has not had the person's civil rights ~~have not been~~ restored; **(c)** ~~a person who~~ has been found to have engaged in the unlicensed ~~(~~or unauthorized~~)~~ practice of law in any state or jurisdiction within 7 years of the application date; **(d)** ~~a person whose~~has had that person's registration or license to practice ~~has been~~ terminated or revoked for disciplinary reasons by a professional organization, court, disciplinary board, or agency in any jurisdiction; **(e)** ~~a person who~~ is no longer primarily performing paralegal work as defined elsewhere in these rules;	The rule lead-in and subdivisions (a), (b), (c), (d), (e), (f), and (g) contain only non-substantive amendments comport with this Court's style guide.

(f) ~~a person who~~ fails to comply with prescribed continuing education requirements as set forth elsewhere in this chapter;~~ or~~ **(g)** ~~a person who~~ is providing services directly to the public as permitted by case law and subchapter 10-2 of these rules; or **(h)** engages in conduct involving dishonestly, fraud, deceit, or misrepresentation in the application or reapplication process.	Including a character and fitness provision like that for lawyers in Rule 4-8.4 allows the Florida Registered Paralegal Compliance Committee to deem someone unfit after a thorough investigation has been conducted as to whether an applicant possesses the professional standard or integrity expected of a Florida Registered Paralegal during the application or reapplication process.