

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULES CASE NO. SC2025-
REGULATING THE FLORIDA BAR –
MISCELLANEOUS PETITION

**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. Regulating Fla. Bar 1-12.1.

Discussion of Proposed Amendments

The bar proposes amendments to Rules Regulating Fla. Bar. 1-3.7, 1-12.1, 2-3.11, 4-7.20, 6-12.7, 10-2.1, 11-1.8, and 20-5.2. This section provides information regarding development of these rules proposals as required by *In re: Guidelines for Rules Submissions*, AOSC22-78 (Fla. 2022).

The entries below provide the following information regarding each proposal: an explanation of each amendment; the reasons for each recommended change; the source of each proposal; voting records of pertinent committees and the Board of Governors.

Amendments

RULES REGULATING THE FLORIDA BAR

Chapter 1 General

1-3 Membership

RULE 1-3.7

Explanation: In subdivisions (a) and (b), adds “from the bar” after “retirement” to make it clear “retired” means the bar member elected retirement status from the bar and did not just retire from their practice. Within subdivision (d), adds that membership lapses for members who have been delinquent for 5 years or longer.

Reasons: The term "lapse" is not currently in the rule. It is a short cut way of referring to the effect of the existing rule, which is that delinquent members must seek readmission through the Florida Board of Bar Examiners. Adding the term "lapse" will make clearer to members the impact of the long-term delinquency.

Source: Bar Staff

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 7-0 on a substantive and procedural basis on July 18, 2024.
- The bar's chief financial officer agreed with de minimis fiscal impact assessment on November 15, 2024.
- Program Evaluation Committee approved 18-0 on a strategic basis on December 12, 2024.
- Board of Governors first reading on December 13, 2024.

Board Action: Board of Governors approved on voice vote without objection on January 17, 2025.

1-12 Amendments

RULE 1-12.1

Explanation: Adds new subdivision (h) allowing the bar to file a response to comments filed in rules petition cases within 30 days of the comment deadline.

Reasons: Currently, the Court requires the bar to file a motion for leave to respond to comments. If the rule is amended as proposed, the bar would no longer have to file the motion and the Court would not have to rule, conserving judicial resources.

Source: Bar Staff

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 7-0 on a substantive and procedural basis on July 18, 2024.
- Board of Governors first reading on September 20, 2024.
- The bar's chief financial officer agreed with de minimis fiscal impact assessment on November 15, 2024.
- Program Evaluation Committee approved 18-0 on a strategic basis on December 12, 2024.

Board Action: Board of Governors approved on voice vote without objection on December 13, 2024.

Chapter 2 Bylaws of the Florida Bar

2-3 Board of Governors

Bylaw 2-3.11 Generally

Explanation: Adds that email voting is allowed for all bar committees only if an emergency, necessary to meet an impending deadline, to confirm a matter of consensus, or on a matter that is solely related to committee procedures. If 10% of the members entitled to vote on the matter request a meeting in lieu of an electronic vote, voting must be suspended and a meeting scheduled to hear the matter.

Reasons: Bylaw 2-3.11 currently allows for The Bar and its board, section, divisions, and committees to conduct "electronic

meetings." However, Roberts Rules of Order defines "electronic meeting" as "meetings at which, rather than all participating members being physically present in one room or area as in traditional (or "face-to-face") meetings, some or all of them communicate with the others through electronic means such as the Internet or by telephone. A group that holds such alternative meetings does not lose its character as a deliberative assembly (see *Robert's Rules of Order Newly Revised* (12th ed.) 1:1) so long as the meetings provide, at a minimum, conditions of opportunity for simultaneous aural communication among all participating members equivalent to those of meetings held in one room or area." *Robert's Rules of Order Newly Revised* (12th ed.) 9:31.

Roberts Rules of Order goes on to specify that "it is important to understand that, regardless of the technology used, the opportunity for simultaneous aural communication is essential to the deliberative character of the meeting. Therefore, a group that attempts to conduct the deliberative process in writing (such as by postal mail, e-mail, 'chat rooms,' or fax)-which is not recommended- does not constitute a deliberative assembly. Any such effort may achieve a consultative character, but it is foreign to the deliberative process as understood under parliamentary law." *Robert's Rules of Order Newly Revised* (12th ed.) 9:34.

Explicitly stating in the bylaws that email votes are authorized will remove any ambiguity and make clear that bar committees can vote by email.

Source: Bar Staff

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 5-0 on a substantive and procedural basis on October 7, 2024.
- The bar's chief financial officer agreed with the de minimis fiscal impact assessment on November 15, 2024.
- Program Evaluation Committee approved 18-0 on a strategic basis on December 12, 2024.
- Board of Governors first reading on December 13, 2024.

Board Action: Board of Governors approved on voice vote without objection on January 17, 2025.

Chapter 4 Rules of Professional Conduct

4-7 Information about Legal Services

RULE 4-7.20 Exemptions from the Filing and Review

Requirement

Explanation: Adds subdivision (i) to exempt sponsored search engine results that do not include images, audio, or video other than the presumptively valid content in Rule 4-7.16.

Reasons: These amendments are intended to resolve difficulties associated with submitting and reviewing sponsored search engine results that frequently include thousands of potential iterations when each iteration is considered a separate advertisement submission.

Source: Bar Staff

Background Information – Member Commentary / Committee

Action:

- Board Review Committee on Professional Ethics approved 8-0 on January 16, 2025.
- Rules Committee approved 6-0 on a procedural basis on April 1, 2025.
- Program Evaluation Committee approved 15-0 on a strategic basis on March 27, 2025.
- Board of Governors first reading on March 28, 2025.
- The chief financial officer agreed with de minimis fiscal impact assessment on April 28, 2025.

Board Action: Board of Governors approved on voice vote without objection on May 16, 2025.

Chapter 6 Legal Specialization and Education Programs
6-12 Basic Skills Course Requirement Rule

RULE 6-12.7 CONFIDENTIALITY

Explanation: The rule is re-written.

Reasons: Clarifies that confidentiality under this rule applies to the basic skills course requirement and not continuing legal education requirements or certification.

Source: Board of Legal Specialization and Education

Background Information – Member Commentary / Committee

Action:

- Board of Specialization and Legal Education approved 14-0 on April 5, 2024.
- Program Evaluation Committee approved 16-0 on a strategic and substantive basis on May 9, 2024.
- The bar's chief financial officer agreed with de minimis fiscal impact assessment on July 11, 2024.
- Rules Committee approved 7-0 on procedural basis on July 18, 2024.
- Board of Governors first reading on July 19, 2024.

Board Action: Board of Governors approved on voice vote without objection on December 12, 2024.

Chapter 10 Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law

10-2 DEFINITIONS

RULE 10-2.1 GENERALLY

Explanation: Within rule 10-2.1, adds that filing must be in an electronic format approved by the Supreme Court of Florida unless excused by the Supreme Court of Florida.

Reasons: The changes would make bar unlicensed practice of law cases consistent with bar discipline cases by requiring electronic filing of documents. See *In Re Amendments to Rule Regulating The Florida Bar – Chapters 3 & 14*, Case No. SC22-1293 (Fla. 2023). This will be easier for the Court to maintain records and also easier for any party to determine the official record solely

from the electronic filings. The changes also bring bar unlicensed practice of law cases consistent with most other court filings, which are required to be filed electronically.

Source: Florida Supreme Court Clerk

Background Information – Member Commentary / Committee

Action:

- Unlicensed Practice of Law Standing Committee approved 19-0 by email vote concluding March 22, 2024.
- Rules Committee approved 7-0 on August 12, 2024.
- Board of Governors first reading on September 20, 2024.
- The bar's chief financial officer agreed with de minimis fiscal impact on November 17, 2024.
- Program Evaluation Committee approved 18-0 on a strategic basis on December 12, 2024.

Board Action: Board of Governors approved on voice vote without objection on December 13, 2024.

Rules Governing the Law School Practice Program

11-1. GENERALLY

RULE 11-1.8 PRACTICE AFTER GRADUATION

Explanation: Amendments to subdivisions (a) and (b) change the requirement from initial clearance letter to successful criminal history check.

Reasons: The Court approved amendments to rule 11-1.3 to allow practice as a certified legal intern based on a successful criminal history check in lieu of a letter of clearance in *In Re: Amendments to Rules Regulating The Florida Bar - Rules 11-1.2 and 11-1.3*, Case No. SC2024-0236 (Fla. 2024). The Florida Board of Bar Examiners General Counsel noted the discrepancy with rule 11-1.8 and alerted the bar. The changes to rule 11-1.8(a) and (b) would mirror those changes and expedite approving recent law school graduates to practice as certified legal interns after graduation. The changes were not reviewed or approved by the Florida Board of Bar Examiners.

Source: Florida Board of Bar Examiners General Counsel

Background Information – Member Commentary / Committee Action:

- Rules Committee approved 8-0 on a substantive and procedural basis on February 3, 2025.
- Program Evaluation Committee approved 15-0 on a strategic basis on March 27, 2025.
- Board of Governors first reading on March 28, 2025.
- The bar's chief financial officer agreed with de minimis fiscal impact assessment on April 28, 2025.

Board Action: Board of Governors approved on voice vote without objection on May 16, 2025.

*Chapter 20. Florida Registered Paralegal Program
20-5. Ineligibility for Registration or Renewal*

Rule 20-5.2 Duty to Update

Explanation: Changes "The Florida Bar" to "the Florida Registered Paralegal."

Reasons: The burden of notification should be placed on the Florida Registered Paralegal instead of The Florida Bar. Supervising lawyers could change frequently with a Florida Registered Paralegal, not to mention the large volume of status changes with Florida Registered Paralegals in continuing education compliance and fees.

Source: Florida Registered Paralegal Enrichment Committee

Background Information – Member Commentary / Committee Action:

- Florida Registered Paralegal Eligibility and Compliance Committee approved 4-0 on June 21, 2024.
- Florida Registered Paralegal Enrichment Committee approved 20-0 on June 21, 2024.
- Rules Committee approved 7-0 on a substantive and procedural basis on July 18, 2024.
- Board of Governors first reading on September 20, 2024.
- The bar's chief financial officer agreed with de minimis fiscal impact on November 17, 2024.
- Program Evaluation Committee approved 18-0 on a strategic basis on December 12, 2024.

Board Action: Board of Governors approved on voice vote without objection on December 13, 2024.

Official Notice of Amendments

The bar's official notice of intent to file all the proposals in this petition was published in the July 2025 issue of the bar *News* in accordance with R. Regulating Fla. Bar 1-12.1(g). A copy of the notice including the full text in legislative format published on the bar's website is included with this petition in Appendix C. The online notice can also be found at:

<https://www.floridabar.org/the-florida-bar-news/proposed-amendments-to-various-bar-rules/>

Other Pending Amendments

There are no proposed amendments to these rules pending before this Court. The proposed amendments within this filing are unrelated to the petitions listed below and may be considered independently of them.

- *In re: Amendments to Rules Regulating The Florida Bar – Rules 6-3.5 and 6-3.6*, filed January 3, 2025, Case No. SC2025-0017
- *In re: Amendments to Rules Regulating The Florida Bar – Discipline Rules*, filed January 3, 2025, Case No. SC2025-0019 (Rules 3-5.2, 3-5.4, 3-7.7, 3-7.18, 14-4.1, 20-5.1, and Code for Resolving Professionalism Referrals 1.2)
- *In re: Amendments to Rules Regulating The Florida Bar – Chapter 1*, filed January 3, 2025, Case No. SC2025-0020

(Rules 1-3.6, 1-3.10, 1-3.11, and 1-7.3)

Contents of Appendices

The complete text of all proposals is included in Appendix A to this petition in legislative format (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.

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

Background materials are in Appendix D.

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

The bar requests that any amendments in response to this petition be made effective no sooner than 30 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/ Joshua E. Doyle

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CERTIFICATE OF SERVICE

I certify that a copy was furnished on August 6, 2025, by e-mail through the Florida Courts E-Filing Portal to:

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CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this petition is typed in 14-point Bookman Old Style type.

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 edition of Thomson Reuter's *Florida Rules of Court*.

/s/ Kelly N. Smith

Kelly N. Smith
Senior Attorney, Rules Program
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