

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO RULES CASE NO. SC2025-
REGULATING THE FLORIDA BAR –
RULES 4-7.19 AND 4-7.20

**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 new rules or amendments to Rules Regulating Fla. Bar 4-7.19 and 4-7.20. This section provides information regarding development of these rules proposals as required by *In re: Guidelines for Rules Submissions*, AOSC22-78 (Fla. 2022).

The entry below provides the following information regarding each proposal: an explanation of each amendment; the reasons for each recommended change; the source of each proposal; and voting records of pertinent committees and the Board of Governors. There were no dissenting views within the Board of Governors.

Amendments

RULES REGULATING THE FLORIDA BAR

Chapter 4 Rules of Professional Conduct

4-7 Information About Legal Services

RULE 4-7.19 EVALUATION OF ADVERTISEMENTS

Explanation: In subdivision (h), deletes the specific dollar amount and adds "set by the bar's executive director as approved by the Board of Governors." Also adds that The Florida Bar will provide the Florida Supreme Court with 30-days' notice prior to the effectiveness of any increase in the amount of a fee or the imposition of any new fee.

Reasons: The proposed changes are to provide the bar greater flexibility when updating the advertisement filing fees to reflect increasing program costs similar to existing language found in R. Regulating Fla. Bar 1-3.10(d). As indicated in the rule, these fees are intended to "offset the cost of evaluation and review of advertisements submitted under these rules and the cost of enforcing these rules." However, these fees were last increased in 2006 and the program's operating costs are now well in excess of the filing fees received. If revised, the language would permit The Florida Bar to adjust these fees as needed to offset the program's costs.

Source: Board Review Committee

Background Information – Member Commentary / Committee

Action:

- Board Review Committee on Professional Ethics approved 7-0 on a substantive basis on January 18, 2024.
- Rules Committee approved 6-0 on a procedural basis on February 28, 2024.
- Program Evaluation Committee approved 16-0 on a strategic basis on May 9, 2024.

Board Action: Board of Governors approved on voice vote without objection on May 10, 2024.

RULE 4-7.20 EXEMPTIONS FROM THE FILING AND REVIEW REQUIREMENT

Explanation: Adds new subdivision (h) creating an exemption for advertisements and other communications regarding legal services made by legal aid organizations.

Reasons: The Supreme Court of Florida requested that the bar review the issue of "clarifying advertising rules for legal aid organizations" by letter dated August 1, 2023 after review of the report and recommendations of The Florida Bar's Special Committee on Greater Public Access to Legal Services submitted to the Supreme Court on March 22, 2023.

Source: Supreme Court of Florida

Background Information – Member Commentary / Committee Action:

- Board Review Committee on Professional Ethics voted 6-0 to refer the proposed amendment to the Rules Committee and Program Evaluation Committee for further review and consideration whether the term "legal aid organization" should be defined on November 30, 2023.
- Rules Committee approved 6-0 on a substantive and procedural basis on February 28, 2024.
- Program Evaluation Committee approved 16-0 on a procedural basis on March 14, 2024.

Board Action: Board of Governors approved on voice vote without objection on May 10, 2024.

Official Notice of Amendments

The bar's official notice of intent to file all the proposals in this petition was published in the June 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-bar-rules-4-7-19-4-7-20-4-8-6-and-4-7-19/>

Other Pending Amendments

There are no proposed amendments to these rules pending before this Court.

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.

The referral letter from the court regarding Rule 4-7.20 is 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

Joshua E. Doyle
Executive Director
Florida Bar Number 25902

Roland Sanchez-Medina, Jr.
President 2024-25
Florida Bar Number 935115

Rosalyn Sia Baker-Barnes
President-elect 2024-25
Florida Bar Number 327920

Michael Fox Orr
President-elect designate
Florida Bar Number 14594

Elizabeth Clark Tarbert
Director, Lawyer Regulation

Florida Bar Number 861294
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
Tel: (850) 561-5600
Primary E-mail Address:
jdoyle@floridabar.org
Secondary E-mail Address:
rules@floridabar.org

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

/s/ Kelly N. Smith

Kelly N. Smith
Senior Attorney, Rules Program
Florida Bar Number 97636