

Bill No. CS for CS for SB 192

Barcode 055188

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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2	1/AD/2R	.	
3	04/27/2005 02:11 PM	.	
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11 Senator Campbell moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 5, line 14, through

15 page 7, line 7, delete those lines

16

17 and insert: a lawyer-referral service, or a group or prepaid

18 legal plan must be filed with The Florida Bar and accompanied

19 by an affidavit signed under oath and affirming under penalty

20 of perjury that the person:

- 21 (a) Has read and understands the rules regulating The
- 22 Florida Bar which govern lawyer advertising;
- 23 (b) Acknowledges that he or she is the person
- 24 responsible for the advertisement;
- 25 (c) If the advertisement is by or on behalf of a
- 26 member of The Florida Bar or an authorized business entity
- 27 properly organized under the rules regulating The Florida Bar,
- 28 acknowledges that he or she is the appropriate person for the
- 29 Supreme Court of Florida to discipline if the advertisement is
- 30 found to be in violation of the rules regulating The Florida
- 31 Bar which govern lawyer advertising. If the advertisement is

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1 by or on behalf of a lawyer licensed to practice in a foreign
2 country or in another state, a law firm owned by a lawyer
3 licensed to practice in a foreign country or in another state,
4 a lawyer-referral service, or a group or prepaid legal plan,
5 the advertisement must contain the following statement: "The
6 advertiser states that, although not directly subject to the
7 rules regulating The Florida Bar which govern lawyer
8 advertising, the advertiser has read and, by submitting this
9 advertisement, agrees to comply with the rules regulating The
10 Florida Bar which govern lawyer advertising, including filing
11 requirements.";

12 (d) Affirms that the advertisement complies with the
13 rules regulating The Florida Bar which govern lawyer
14 advertising;

15 (e) Acknowledges that a knowing violation of the rules
16 regulating The Florida Bar which govern lawyer advertising
17 subjects the person to a civil penalty of \$1,000 for the first
18 offense and a civil penalty of \$10,000 for each subsequent
19 offense; and

20 (f) Affirms that the person:

21 1. Has filed the advertisement for review with The
22 Florida Bar in compliance with the rules regulating The
23 Florida Bar which govern lawyer advertising;

24 2. Is responsible for filing and will file the
25 advertisement for review with The Florida Bar in compliance
26 with the rules regulating The Florida Bar which govern lawyer
27 advertising; or

28 3. Has determined that the advertisement is exempt
29 from the filing requirement as set forth in the rules
30 regulating The Florida Bar.

31 (5) The Florida Bar shall retain a copy of each

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1 affidavit submitted to The Florida Bar in accordance with
2 subsection (4) for 2 years.

3 (6) A person who violates subsection (2), subsection
4 (3), or subsection (4) is subject to a civil penalty of \$1,000
5 for the first offense and a civil penalty of \$10,000 for each
6 subsequent offense. Any person who, upon information and
7 belief, claims a violation of subsection (2), subsection (3),
8 or subsection (4) may, in a court of competent jurisdiction,
9 seek to enforce such penalties and seek an injunction against
10 any person who violates subsection (2), subsection (3), or
11 subsection (4). As

12
13
14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, lines 22-28, delete those lines

17
18 and insert:

19 service, or a group or legal plan; requiring
20 that such advertisement be filed with The
21 Florida Bar; requiring that such advertisements
22 be accompanied by a sworn statement certifying
23 that the advertisement complies with the
24 standards required for advertisements placed by
25 lawyers licensed in this state; requiring The
26 Florida Bar to retain certain copies of
27 advertisements for a

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