

Supreme Court of Florida

No. SC21-6

IN RE: AMENDMENTS TO RULES REGULATING THE FLORIDA BAR—BYLAWS 2-8.1, 2-9.4, AND 2-11.1.

May 13, 2021

PER CURIAM.

This matter is before the Court for consideration of proposed amendments to the Rules Regulating the Florida Bar (Bar Rules), specifically, the Bylaws of the Florida Bar (Bylaws). We have jurisdiction. *See* art. V, § 15, Fla. Const; R. Regulating Fla. Bar 1-12.1. We adopt The Florida Bar’s (Bar) amendments as proposed and, on the Court’s own motion, make an additional amendment to the Bar Rules.

BACKGROUND

The Bar filed a petition proposing amendments to the following bylaws: 2-8.1 (Establishment and appointment of committees) and 2-9.4 (Ethics). The Bar also proposes adding a new subchapter, 2-11 (Writing and Signatures), and bylaw 2-11.1 (Writing and

Signatures). The Bar published the proposed amendments for comment, but no comments were filed. As discussed below, we adopt the Bar's amendments as proposed, but we further amend Bar Rule 15-2.1 (Standing Committee on Advertising; Membership and Terms) to ensure consistency with the amendment to bylaw 2-8.1.

AMENDMENTS

First, bylaw 2-8.1 (Establishment and appointment of committees), is amended to add the ethics committee and advertising standing committee to the list of committees that are not appointed by the president-elect of the Bar. Instead, this Court will now appoint members to these two committees. Additionally, the bylaw is amended to simplify the wording as proposed by the Bar.

Next, we amend bylaw 2-9.4 (Ethics) to incorporate the change of the appointment authority for the ethics committee members. A new subdivision, (f) Appointments to the Professional Ethics Committee, is added to state that this Court appoints the members of the ethics committee, with advice from the president or president-elect of the Bar.

Next, we amend rule 15-2.1 (Standing Committee on Advertising; Membership and Terms). Where previously the rule indicated that the president-elect of the Bar was the appointment authority for the members of the advertising committee, the rule will now state that this Court is the appointment authority. This change is necessary for consistency with the amendment of bylaw 2-8.1 as described above.

Finally, we amend the Bar Rules to add subchapter 2-11 (Writing and Signatures), and bylaw 2-11.1 (Writing and Signatures). This amendment makes clear that the definitions of “writing,” “written,” and “signed” found in the terminology section of chapter 4 (Rules of Professional Conduct), Preamble: A Lawyer’s Responsibilities, apply to Bar functions regulated by chapter 2, as well as to client representations regulated by chapter 4.

CONCLUSION

Accordingly, we amend The Florida Bar Rules as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective July 1, 2021, at 12:01 a.m.

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, MUÑIZ,
COURIEL, and GROSSHANS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER
THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules Regulating The Florida Bar

Joshua E. Doyle, Executive Director, Dori Foster-Morales,
President, Michael G. Tanner, President-elect, Gregory S. Weiss,
Chair, Rules Committee, and Elizabeth Clark Tarbert, Ethics
Counsel, The Florida Bar, Tallahassee, Florida,

for Petitioners

APPENDIX

BYLAW 2-8.1. ESTABLISHMENT AND APPOINTMENT OF COMMITTEES

In addition to those committees established elsewhere under this chapter or other chapters of the Rules Regulating The Florida Bar, the board of governors ~~shall~~may create ~~such~~other committees as it ~~may deem~~s advisable and ~~necessary from time to time~~. The board of governors may dissolve a committee when it deems that the committee's work of the committee has been completed or is no longer necessary. The board of governors may provide for members of any committee to serve for staggered terms beyond the current administrative year. Any vacancies in these committees ~~shall be~~are filled for the unexpired ~~portion~~term in order to provide a regular rotation of committee members. Before June 1 of each year, the president-elect ~~shall~~appoints all committee members (except for grievance, ~~and unlicensed practice of law, professional ethics, and advertising~~), who ~~shall~~ serve for the ensuing administrative year. The president-elect ~~shall~~reports the membership of committees to the board of governors and ~~shall, with the advice and consent of the board of governors, name and designates~~ the chair and vice-chair of each committee with the advice and consent of the board of governors. Persons who are not members of The Florida Bar may be appointed to committees with the advice and consent of the board of governors. The president ~~shall~~fills committee vacancies occurring in the ~~membership of the committees for the remainder of the unexpired term~~ and may remove or appoint additional members to a committee.

BYLAW 2-9.4. ETHICS

(a) [No changes]

(b) **Amendment.** The adoption of, repeal of, or amendment to the rules authorized by subdivision (a) is effective only under the following circumstances:

(1) The proposed rule, repealer, or amendment is approved by a majority vote of the board of governors at any regular meeting of the board of governors.

(2) The proposal is published in *The Florida Bar News* at least 20 days ~~preceding~~before the next regular meeting of the board of governors.

(3) [No changes]

(c) – (e) [No changes]

(f) Appointments to the Professional Ethics Committee.

The Supreme Court of Florida appoints members of the Professional Ethics Committee with advice from the bar’s president or president-elect.

2-11. WRITING AND SIGNATURES

BYLAW 2-11.1. WRITING AND SIGNATURES

“Writing” or “written” in this chapter denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording, and electronic communications. A “signed” writing includes an electronic sound, symbol, or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

RULE 15-2.1. MEMBERSHIP AND TERMS

The total number of standing committee on advertising members is determined at the discretion of the board of governors of a number no more than 20, 3-5 of which are nonlawyers representing the public. Members of the committee are appointed

by the ~~president-elect of The Florida Bar, as provided in rule 2-8.1~~Florida Supreme Court. The ~~president-elect~~Court designates the chair and vice-chair, with the ~~advice and consent~~ of the board of governors. Members of the committee serve staggered 3-year terms unless removed by the ~~president or president-elect~~Court for non-attendance or other good cause. No member may serve more than 2 consecutive terms. A quorum consists of a majority of the members.