

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC19- \_\_\_\_\_

IN RE: PETITION TO AMEND  
RULE 1-3.2(b) OF THE  
RULES REGULATING THE FLORIDA BAR

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**SECOND AMENDED NOTICE OF INTENT TO FILE PETITION TO AMEND  
RULE 1-3.2(b) OF THE RULES REGULATING THE FLORIDA BAR**

Pursuant to Rule 1-12.1 of the Rules Regulating The Florida Bar, notice is hereby given that a Petition to amend Rule 1-3.2(b) of the Rules of Professional Conduct will be filed in the Florida Supreme Court on Wednesday, August 7, 2019.

The Petition will request the Florida Supreme Court to delete Rule 1-3.2(b) and transfer the text to a new rule, Rule 3-4.8, which will provide as follows:

**RULE 1-3.2 MEMBERSHIP CLASSIFICATIONS**

**(a) Members in Good Standing.**

(1) Members of The Florida Bar in good standing means only those persons licensed to practice law in Florida who have paid annual membership fees for the current year and who are not retired, resigned, delinquent, on the inactive list for incapacity, or suspended.

(2) Members of The Florida Bar who have elected inactive status, who have paid annual membership fees for the current year, and who are not retired, resigned, delinquent, suspended, or on the inactive list for incapacity, are considered to be in good standing only for purposes of obtaining a certificate of good standing and for no other purpose. A certificate of good standing issued to an inactive member will reflect the member's inactive status.

~~**(b) Conditionally Admitted Members.** The Supreme Court of Florida may admit a person with a prior history of drug, alcohol, or psychological problems to membership in The Florida Bar and impose conditions of probation as the court deems appropriate on that member. The period of probation will be no longer than 5 years, or for an indefinite period of time as the court deems appropriate by conditions in its order. The conditions may include, but not be limited to, participation in a rehabilitation program, periodic blood and urine analysis, periodic psychological examinations, or supervision by another member of The Florida Bar. The probation will be monitored by The Florida Bar and the costs paid by the member on probation. A failure to observe the conditions of probation or a finding of probable cause as to conduct of the member committed~~

~~during the period of probation may terminate the probation and subject the member to all available disciplinary sanctions. Proceedings to determine compliance with conditions of admission will be processed in the same manner as matters of contempt provided elsewhere in these Rules Regulating The Florida Bar. If necessary, the court may assign a judicial referee to take testimony, receive evidence, and make findings of fact in the manner prescribed in the rule concerning procedures before a referee. The findings of the referee may be appealed as provided in the rule for procedures before the supreme court.~~

~~(e)(b) Inactive Members.~~ [no change]

### **RULE 3-4.8 CONSENT AGREEMENTS**

The Supreme Court of Florida may admit a person to membership in The Florida Bar under a consent agreement as provided in the Rules Relating to Admissions to the Bar. The consent agreement will be monitored by The Florida Bar. The Supreme Court of Florida may require that the member admitted under the consent agreement pay monitoring costs. A failure to observe the conditions of the consent agreement or a finding of probable cause as to conduct of the member committed during the period of the consent agreement may terminate the agreement and subject the member to all available disciplinary sanctions. Proceedings to determine compliance with conditions of admission will be processed in the same manner as matters of contempt provided elsewhere in these Rules Regulating the Florida Bar.

In accordance with Rule 1-12.1 of the Rules Regulating the Florida Bar, any comments or objections to the proposed amendment must be filed with the Florida Supreme Court within 30 days of the filing of the Petition. A copy of all comments or objections shall be served on the Executive Director of the Florida Bar and any persons who may have made an appearance in the matter.

Respectfully submitted on this 7<sup>th</sup> day of May, 2019.

By: /s/ Matthew W. Dietz  
Matthew W. Dietz, Esq.  
Florida Bar No.: 0084905

**CERTIFICATE OF SERVICE**

I certify the foregoing Notice of Intent have been served, to the Bar Executive Director, Joshua E. Doyle, at The Florida Bar Headquarters 651 E Jefferson St, Tallahassee, FL 32399-6584, to his record bar email address of [jdoyle@floridabar.org](mailto:jdoyle@floridabar.org), on this 7<sup>th</sup> day of May, 2019.

By: /s/ Matthew W. Dietz  
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