

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
RE: PETITION TO AMEND THE
RULES REGULATING THE FLORIDA
BAR - PROFESSIONAL SERVICE
CORPORATIONS

CASE NO. 71,401

FILED

SID J. WHITE

FEB 15 1989

CLERK, SUPREME COURT

By _____
Deputy Clerk

SECOND AMENDED
PETITION TO AMEND RULES REGULATING THE FLORIDA BAR

THE FLORIDA BAR, pursuant to rule 1-12.1, Rules Regulating The Florida Bar, hereby petitions the court to amend rule 4-5.4, Rules Regulating The Florida Bar and says:

1. The Board of Governors of The Florida Bar at their meeting in July, 1987, approved amendment to the Rules Regulating The Florida Bar by enactment of rule 4-8.6, professional service corporations.

2. Notice of intention to file a petition to amend the rules was published in the October 1, 1987, edition of The Florida Bar News.

3. On November 2, 1987, the Bar filed its original petition in this matter.

4. By letter dated December 17, 1987, this court presented a question to the Bar concerning the operation of the new rule.

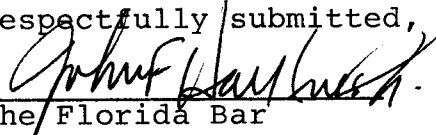
5. Thereafter the Bar deliberated the question and on or about November 30, 1988, an amended petition was filed by the Bar in this case.

6. During its deliberations the Bar determined that in addition to creation of rule 4-8.6, amendment to 4-5.4, Rules Regulating The Florida Bar was also necessary. A copy of the amendment to rule 4-5.4 is attached.

7. Notice of intent to file amendment to rule 4-5.4 was published in the January 15, 1989, edition of The Florida Bar News. A copy of the publication is attached.

WHEREFORE, The Florida Bar prays the court will amend rule 4-5.4, Rules Regulating The Florida Bar in addition to the creation of rule 4-8.6 in this cause.

Respectfully submitted,


The Florida Bar
John F. Harkness, Jr.
Executive Director
Rutledge R. Liles
President
Stephen N. Zack
President-elect
John A. Boggs
Director of Lawyer Regulation
650 Apalachee Parkway
Tallahassee, Florida 32399-2300
(904) 222-5286

4-5.4 Professional independence of a lawyer.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit if:

(1) A nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration; or

~~(2) A nonlawyer is a corporate director or officer thereof; or~~

(3) A nonlawyer has the right to direct or control the professional judgment of a lawyer.