

29.8 PRACTICING LAW WITHOUT A LICENSE

§ 454.23, Fla. Stat.

To prove the crime of Practicing Law Without a License, the State must prove the following two elements beyond a reasonable doubt:

1. (Defendant) [practiced law] [or] [held [himself] [herself] out to the public as qualified to practice law in Florida] [or] [willfully pretended to be qualified to practice law in Florida] [or] [willfully took or used any name, title, addition, or description implying that [he] [she] was qualified, or recognized by law as qualified, to practice law in Florida].
2. At the time, [he] [she] was not licensed or otherwise authorized to practice law in Florida.

The Florida Supreme Court has not formulated a singular, all-encompassing definition of the “practice of law.” In drafting a definition, trial judges should consider Florida Bar v. TIKD Services LLC, 326 So. 3d 1073 (Fla. 2021).

The “practice of law” includes (insert appropriate definition).

Give if applicable.

“Willfully” means intentionally, knowingly, and purposely.

Lesser Included Offense

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CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

This instruction was adopted on April 25, 2023.