

Attorney Compensation, Arrest Booking Photos: Florida Governor Signs Bills Affecting Lawyers

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“The takeaway is you better have lawyers that know what they’re doing,” Javier Lopez, a partner at Kozyak Tropin & Throckmorton, said about CS/HB 625.



The Florida governor signed nearly 45 bills into law on Monday, with at least five that will impact the legal profession.

Among the new laws is CS/HB 625, which requires lawyers to provide a set of disclosures to the personal representative or trustee in probate or trust administration services if the attorney intends to charge a fee using the statutory fee schedule.

Javier Lopez, a partner at Kozyak Tropin & Throckmorton in Miami, said transparency is always a win for attorneys in their profession.

“The takeaway is you better have lawyers that know what they’re doing,” Lopez said about CS/HB 625. “In these types of bills, you see an excuse or harmless-error exception. But the bill does not seem to have that exception. So if the lawyer does not make these disclosures, the attorney may not be paid for his or her legal services without prior court approval.”

A second bill Florida Gov. Ron DeSantis signed into law is CS/SB 1046, which prohibits the republishing or dissemination of select arrest booking photos.

The bill strengthens an existing law on mugshots, now exposing a person or entity to civil action, if they were required to remove the arrest booking photo from their website.

‘Monetizing humiliation’

Brian Bieber, a partner at GrayRobinson in Miami, said the bill is long overdue and will protect millions of Americans from one of the drawbacks of the Internet.

Bieber said one thing worse than having a photograph published in the worst moment of a person’s life is that he or she cannot erase it from the Internet.

“This will affect criminal defense lawyers because we will now be able to tell clients with confidence that if we are successful in having their case dismissed, we will be able to wipe all records of the arrest from the face of the internet,” Bieber said.

Kendall Coffey, a partner at Coffey Burlington in Miami, said the arrest booking photos were originally utilized as a deterrent in crimes, like driving under the influence of alcohol, so a person would be motivated to take a taxi rather than risk capture from authorities.

“Beyond some benefit for law enforcement as a deterrent, it has also become a small industry of monetizing humiliation,” said Coffey, a former U.S. Attorney in the Southern District of Florida. “This is an amendment to existing laws. The idea is that there should not be an ability for a private website to post mugshots and for a price, take them down.”

A third bill signed into law, CS/CS/SB 1040, covers the duties of the state attorney general. The legislation will relieve the department of legal affairs from select responsibilities, including those associated with certain neighborhood-improvement districts.

And the law will authorize some declarations during a state of emergency that can be extended by executive order.

The Sunshine State governor also signed into law CS/HB 425.

Under the bill, in connection with the disposition of unclaimed property, the department of financial services will be required to provide copies of select wills and trusts, along with any relevant codicils or amendments, to certain people upon request. The bill also included an increased threshold required to use a different method of identity verification for electronic claims.

A notaries public bill, CS/HB 121, will update the new online notarization in several ways, including by instituting a self-certification requirement for remote online notarization services; implementing privacy requirements for personally identifying information during the course of online notarization; and, allowing witnesses to be remotely sworn in for court proceedings and for attorney admission to The Florida Bar.