

IN THE SUPREME COURT OF FLORIDA

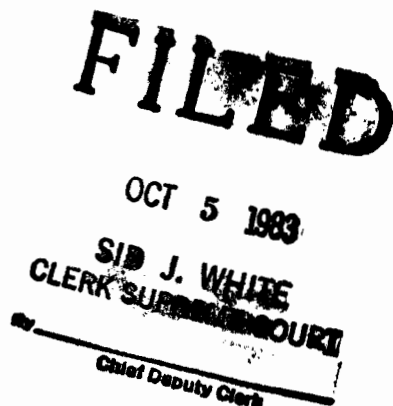
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THE FLORIDA BAR, re:

Petition to Amend Florida Bar
Integration Rule, Section 11.02(4)(f)
(Trust Fund Disbursements)

Case No.

PETITION



The Board of Governors of The Florida Bar, pursuant to Florida Bar Integration Rule, Article XIII, files this petition and says:

- (1) Pursuant to Article V, Section 15, Florida Constitution, this court has jurisdiction over this matter.
- (2) Florida Bar Integration Rule Bylaws, Article XIII, Section 1, requires the Board of Governors to ". . . make a continuous study of the Integration Rule . . ." and recommend desirable improvements to the Supreme Court of Florida.
- (3) The Board of Governors of The Florida Bar, at its September 1983 meeting, voted to recommend to this court adoption of an amendment to Florida Bar Integration Rule, Section 11.02(4)(f). The amendment would provide for trust fund disbursements in certain limited situations.
- (4) The proposed amendment to Florida Integration Rule, Section 11.02(4)(f) is as follows:

11.02(4)(f)

Except as hereinafter provided, the lawyer will not disburse funds held for a client to or on behalf of that client unless the funds held for that client are collected funds. The exceptions are as follows:

- (a) The deposit is made by certified or cashier's check issued by a bank authorized to transact business in the State of Florida; or

- (b) The deposit is made by a check representing loan proceeds issued by a bank, savings bank, savings and loan association or other institutional lender; or
- (c) The deposit is made by a bank check, official check, treasurer's check, or money order or other such instrument issued by a bank or savings and loan association within the State of Florida when the attorney has reasonable and prudent grounds to believe the instrument will clear and represent collected funds in the attorney's trust account within a reasonable period of time; or
- (d) The deposit is made by a check drawn on the trust account of an attorney licensed to practice in the State of Florida or on the escrow or trust account of a real estate broker licensed under Chapter 475 of the Florida Statutes when the attorney has a reasonable and prudent belief that the deposit will clear and represent collected funds in his trust account in a reasonable period of time.

The above exceptions are at the risk of the attorney. If any of the deposits fail, the attorney shall within two (2) working days after notice replace the funds in the attorney's trust account. Violation of any part of this section is an offense punishable by disciplinary proceedings.

- (5) The Florida Bar does plan to file a brief in support of this petition.
- (6) Pursuant to Florida Bar Integration Rule, Article XIII, this petition will be published in the October 15, 1983, edition of The Florida Bar News.

Respectfully submitted,

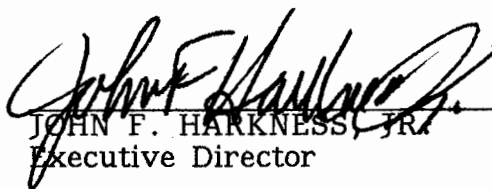
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