

SB 1288 – Solicitation of Legal Services (Similar PCB CJS 20-02)

This bill creates s. 501.2106, F.S., outlining what constitutes deceptive and unfair trade practices in legal advertising. Additionally, this bill creates s. 877.025, F.S., adding a **1st degree misdemeanor** for a person using, causing to be used, obtaining, selling, transferring, or disclosing to another person without written authorization protected health information to solicit legal services. An **unranked, 2nd degree felony (Level 4 by default)** is also added for committing this violation “with intent to sell, transfer, or use protected health information for financial gain...except the term of imprisonment may not exceed 10 years.” Such violations are also considered deceptive and unfair trade practices.

It is not known how extensive such activity is, nor is it known how much it might decrease once this law would go into effect. Per DOC, in FY 17-18, the incarceration rate for a Level 4, 2nd degree felony was 31.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate & House