

FAMILY LAW SECTION



LEGISLATION COMMITTEE AGENDA

September 21, 2011
Orlando, Hilton WDW Resort
(3:30 pm – 5:45 pm)
(Grand Ballrooms 4 & 5)

- I. **Call to Order**
 - A. Welcome and introduction of guests

- II. **Handbook**
 - A. Committee Member Fact Sheet (**Exhibit "1"**)
 - B. Content / Dates / Call-in-number / Password
 - C. Lobbyist contract approval 2011-2012 (**Exhibit "2"**)

- III. **Approval of Minutes (Exhibit "3")**
 - A. June 22, 2011
 - B. July 20, 2011

- IV. **Old Business**
 - A. **Report of Section Bills**
(*Bills are posted on Section Website*)
 1. Equitable Distribution (coverture formula / security)
(s. 61.075 (6) & (10))
 2. Paternity (chap. 39)
 3. GAL as attorney (s. 61.401)
 4. General Magistrate – jury duty (s. 40.013)
 5. Attorneys fees for fees (s. 61.61 & s. 742.05)
 6. Name Change (s. 68.07 (2)(a))
 7. Uniform Collaborative Law Act

- V. **Rapid Response - Bill Monitoring Assignments (Exhibit "4")**

- VI. **Subcommittee Reports**
 - A. Think Tank – Scott Rubin
 - B. Legal Fathers - Amy Hickman
 - C. Probate / Jurisdictional issues – Kim Rommel-Enright
 - D. Domestic Violence – David Hirschberg
 - E. QDRO - Rana Holz

LEGISLATION COMMITTEE AGENDA
September 21, 2011

VII. New Business

VIII. Next Meetings

A. Telephonic meetings @ noon

- November 18
- December 2, 9, 16, 23
- January 6, 13, 20

B. Live meeting -- January 26, 2012 -- Orlando, Universal Royal Pacific Resort

IX. Good of the Order

X. Adjournment

EXHIBIT "1"

2011-2012 Family Law Section
Legislation Committee Member Fact Sheet

Name: _____

Email: _____

Best Contact Telephone No.: _____

Years in family law practice: _____

Years on the Legislation Committee: _____

Any lobbying experience: _____

Specific family law areas of interest

(i.e. adoption, dependency, children's issues, support issues): _____

Flexibility to travel to Tallahassee (financially and scheduling):

Suggested areas of possible needed legislation: _____

EXHIBIT "2"



The Florida Bar



Scott G. Hawkins
President

John F. Harkness, Jr.
Executive Director

Gwynne A. Young
President-Elect

August 1, 2011

Mr. David Lawrence Manz, Chair
Greenman & Manz
5800 Overseas Hwy Ste 40
Marathon, FL 33050-2744

Re: Report of Florida Bar Board of Governor's Action

Dear Mr. Manz:

During its regular meeting on July 29, 2011 the Board of Governors of The Florida Bar considered the proposed legislative consultant contract between the Family Law Section and Becker & Poliakoff for one year beginning July 1, 2011 which you tendered for review.

I am pleased to report that the Board approved that contract as submitted and as favorably recommended by its Legislation Committee. A completely signed copy of that document is enclosed, and a separate copy has been provided to your section administrator, as well, for further processing.

We look forward to working further with you and Becker & Poliakoff throughout the coming year. If you have any questions or need further assistance, please do not hesitate to contact me.

Sincerely,

Elizabeth L. May
Administrative Assistant

cc: Ms. Carin Marie Porras, Chair-elect
Ms. Maria C. Gonzales, Section Legislative Chair
Nelson Diaz, Becker & Poliakoff
Summer Hall, Section Administrator

EXHIBIT "3"

Minutes
Legislation Committee
 FAMILY LAW SECTION OF THE FLORIDA BAR
 June 22, 2011
 Annual Meeting, Gaylord Palms Resort
 Orlando, Florida

Members in Attendance:

Officers	Present	Absent	Excused
Thomas L. Duggar	X		
Maria C. Gonzalez	X		
Heather Lynn Apicella	X		
Ronald Bornstein	X		
Susan W. Savard	X		
Benjamin T. Hodas	X		
Elisha D. Roy	X		
Members			
Hon. Elizabeth Adams	X		
Patricia Alexander	X		
Abigail Beebe	X		
Hon. Barbara Beilly	X		
Sheena Benjamin-Wise	X		
Steven L. Berzner	X		
Joseph R. Boyd	X		
Jason A. Brodie		X	
Matthew B. Capstraw	X		
Lawrence Charles Datz		X	
Terry L. Fogel	X		
Michael Gilden	X		
Douglas A. Greenbaum	X		
Caryn M. Green	X		
Amy C. Hamlin	X		
Amy U. Hickman	X		
David L. Hirschberg	X		
Peter James Hobson		X	
Rana A. Holz		X	
Luis E. Insignares	X		
Hon. Robert J. Jones		X	
A. Sam Jubran		X	
Hon. Norberto S. Katz	X		
Robert Kohlman			X
Patricia C. Kuendig	X		
Belinda Barndollar Lazzara	X		
David L. Manz			X
Hon. Raymond T. McNeal	X		
Robert J. Merlin	X		

Ashley J. Myers	X	
Shannon Novey		X
Henry S. Pennypacker	X	
Monica C. Pigna	X	
Carin M. Porras	X	
David A. Riggs	X	
Kimberly Rommel-Enright	X	
Christopher W. Rumbold	X	
Scott L. Rubin	X	
Thomas J. Sasser	X	
Robin J. Scher	X	
Jodi Seiflin		X
Laura Davis Smith	X	
Sarah Rebecca Sullivan	X	
Robyn L. Vines	X	
Jeffrey A. Weissman	X	
C. Debra Welch	X	
Julia Wyda	X	
Adam M. Zborowski	X	
Frank D. Zilaitis	X	

Guests present:

Diane Kirigin, Section Chair
Deborah Day, PsyD
Gilbert Perez
Alan Frisher
Kim Kaszuba
Gil Bradford
Jessica Bridges
Sara Kennedy

Meeting Called to Order by Co-Chair Thomas Duggar.

Thomas joined by Maria thanked the officers of Committee. They have been invaluable to the legislative process. They also thanked all members of the Committee. Cupcakes given to all members as special thanks for their hard work rather than certificates. Enjoy!

Thomas thanked the chairs of all subcommittees this past year. Despite personal hardships - could always count on them. For the committee officers, Thomas and Maria's gift is the unique gift of honey. It is incentive to come to entice members to travel to Tallahassee. Thomas thanked Nelson and Edgar for their hard work. Nelson is not available for the meeting. He is in Alaska today. The Section would not come close to legislative successes we have had without our lobbying team. They are vitally important - they do a wonderful job! They take their job seriously and get it done. We take a lot of time from them! They are wonderful to work with and do a great job for the Section!

Chairs of rapid response committees were also thanked. Bill monitoring takes a tremendous amount of time. Weekly meetings were held on specific bills assigned to each of the committees. Thank you for the memos and feedback. Chairs of the Rapid Response Committees are recognized: Heather Apicella, Rob Boyd, David Hirschberg, Hon. Robert Jones, Hon. Norberto Katz, Robert Kohlman, Elisha Roy.

Maria recognizes Lorie Askott and her new daughter Laya.

Approval of minutes from the meetings of 1/27/11, 3/11/11, 3/25/11, 4/4/11 and 4/15/11. Motion for approval of minutes by Norberto Katz. Motion duly seconded. Unanimous vote. Minutes duly approved.

Legislative update and Report from Nelson Diaz and Edgar Castro. Nelson and Edgar thank the Legislation Committee. The legislative season has been a 4 month season. Only 10% of bills passed this year. The main goals were Keeping Children Safe Act, UIFSA and the alimony bill. It has been a particularly challenging session. The climate is one of family law fatigue. Thanks to Tom Sasser, Elisha Roy and Rob Boyd for coming to Tallahassee. Priority bills have been passed!

No team they represent is like working for the Section. We provide expertise and feedback and give them information needed to share with legislators. This coming year the Legislative Season will start in September, with the session beginning in January. The season is earlier this coming year than in the past.

Thomas commented that half way through session, all of our bills were dead. Due to Tom Sasser and Elisha Roy - some of them came back. Tom Sasser testified, as did Rob Boyd and Elisha Roy. The bills finally began to move. It is a testament to hard work to lobbying team and committee members.

Remaining bills are already drafted and in the pipeline. Paternity is one of them, as are Equitable Distribution, the GAL, the magistrate's bill, the name change bill and the collaborative law bill. We have plenty of pending legislation for the coming year. Section has pushed a lot of bills for the last 3 years or so. There is a feeling of family law fatigue now. We will need to push back from the legislators at this point. Thomas advocated pulling back on the number of bills submitted on an annual basis. Need to discuss this. We have 7 bills fully vetted - no need for further proposals. More bills will come through with new subcommittees. There is a lot of legislation already out there. Doesn't mean to stop creating proposals or fixes - we do need to address pull back issue.

Maria: We have 7 bills on the Agenda. Some of these bills made it out of bill drafting this year. The product was there to review. Some of the bills went

through several revisions with staff comments. When we go to Tallahassee representing the Section, they are very grateful (sponsor and staff) to see knowledgeable people who are ready to discuss these bills. Maria encourages all of us to make it to Tallahassee, regardless if you get to speak and defend a particular bill. Maria suggests that we all read the most recent FAMSEG article. Abigail Beebe went up for the first time this year and answered constitutional questions. She defused a situation, and the bill passed unanimously. Keeping Children Safe Act which has been near and dear to hearts of this committee for the past 3 years. There were due process issues with the statute. We should feel happy that bills such as this proposed by the Section passed this year. A lot was accomplished by virtue of the passage of this bill alone. It has taken lots of work and a lot of effort. The remaining bills may take time any perhaps several years, but don't be discouraged. Bills 1-7 below on the Agenda are out of bill drafting and we already have staff analysis to disclose weak points or concerns for the committee to further address.

Exhibit 2 to the Agenda: Reflects a Chart of the bills we were monitoring - not section bills - they did affect our marital and family law practice in one aspect or another. There were multiple DV bills proposed this year. One DV bill dealt with mirroring DV and repeat violence language. Now there is harmony between the two sections of the statute. Subject to funding, there will be a DV hotline to let victim know when service of the temporary injunction has been made.

Rapid response committee dealt with military timesharing - house and senate versions were very different. House version passed. Our children, adoption and dependency committee has also been looking at this issue. We may be working on further revisions to this statute in the future.

Remaining section bills:

- Paternity
- Equitable distribution
- GAL as attorney
- General Magistrate
- Attorney's fees for fees
- Name Change
- Uniform Collaborative Law Act

Subcommittee Reports

Probate/Jurisdictional issues – Julia Wyda: Committee met in January. Tasked with family/probate overlap - who has jurisdiction to - 61.052 and caselaw –Cooper, Goldberg - family law should be abated. Not all judges are doing this 61 and 744 amendments - Guardianship and probate issues also extend to children's issues. Candace Trusty in probate section wants some of our language added to probate statute. 744 and 61. This issue needs to be

explored. Maria will contact RPPTL as well as elder law section to find out what they are seeing on these issues. Kim will be taking over next year for this subcommittee.

QDRO - Rana Holz – absent. Will report at next meeting.

Domestic Violence – David Hirschberg - Tasked with reviewing DV bill - Gehan's law. Jodi Seitlin worked tirelessly on bill. Temp injunction causes surrender of gun and ammo. Husband, after service of injunction, shoots Wife. Bill initially very rough as drafted. The committee charged with reviewing it. No room this year to come to legislation. Subcommittee met several times. Thanks to Chris Rumbold and Robin Scher for work on bill- new members for subcommittee solicited.

New Business

T. Fogel introduced Eugene Pettis who may be next president of Fla Bar. Not technically campaigning - this is friendly appearance. On BOG for past 6 years. Civil work. Executive committee of BOG. He is looking for an opportunity of leadership. Section is successful legislatively. Strength of the Bar comes through the sections. He has served on strategic planning committee for 3 years. Looks for consistent components - tries to have continuity. He will be filing on 11/15 for bar president.

Thomas: In the past, there have been subcommittees that are not necessarily there to make and draft legislation; they are there just think through legislative issues. "Think tank." We may need a more global perspective rather than various ad hoc committees. With potential changes in legislative perspective, a global perspective that reports to this body is a wise move. Commission subcommittee of legislation - think tank of legislation - look at and vet issues they deem appropriate. It would be more to just work through process and figure out what needs to be done to present to legislation as whole. Sign up sheet circulated; the following will be the members of the "Think-Tank Legislative Committee:

Ron Bornstein
Heather Apicella
Ben Hodas
Patricia Kuendig
David Hirschberg
Michael Gilden
Bob Merlin
Terry Fogel
Scott Rubin (Chair)
Hon. Elisabeth Adams
Chris Rumbold
Tom Sasser

Elisha Roy
Steve Berzner
Maria Gonzalez

Tom Sasser raised the issue of a bright line test as to biological father's ability to intervene when there is a legal father. Courts are allowing bio fathers to intervene when legal father has already been determined. This creates uncertainty and we need to spend time on this answer. This problem exists and we need to look to it. Legally, the only person who can disestablish paternity is the legal father. What does that mean for bio father. Can they intervene? Do we want a bright line law? Courts are not following law or statutes. There are now issues - especially in adoption - can't have 2 legal fathers - or mothers. Not more than 2 legal parents - allowing bio father's to intervene creates 2 legal fathers. Tom asks that subcommittee be formed to investigate this issue. Sign up sheet circulated.

Frank Zilitas discusses Representative Workman - Alan Frischer from Brevard County is present as a guest. Workman stated he was going to make alimony changes - said so on radio show. "Lifetime sentence of permanent periodic alimony." Alan Frischer sees himself as victim of permanent periodic alimony. He wants changes. Tom: will pass on information to lobbying team to see what Workman has in mind.

Future meetings:

7/22/11 at noon - telephonic meeting for new legislation committee members only

9/21/11 - live meeting Orlando Hilton Walt Disney World Resort

Legislative update – telephonic seminar, 7/15/11 - flyer will go out.

Good of the Order
Adjournment 4:30 p.m.

**Minutes of the Legislation Committee
Telephonic Meeting of July 20, 2011**

Members in Attendance:

Deborah O. Day, Psy.D.
Thomas Duggar, Co-Chair
Maria Gonzalez, Co-Chair
Benjamin Hodas, Co-Vice-Chair
Heather Apicella, Co-Vice-Chair
Abigail Beebe, Co-Secretary
Susan Savard, Co-Secretary
Hon. Elisabeth Adams
Lauren Alperstein
Angel Bello-Billini
Sheena Benjamin-Wise
Jason Berger
Steven Berzner
J. Robert Boyd, Jr.
Matthew Capstraw
Lorraine Durham
Lucille Espey-Francis
Terry Fogel
Holly Gershon
Caryn Green
Douglas Greenbaum
Amy Hamlin
Amy Hickman
David Hirschberg
Allyson Hughes
Kim Kaszuba
Norberto Katz
Michelle Klinger
David Manz
Robert Merlin
Charles Fox Miller
Shannon Novey
Monica Pigna
Carin Porras
Rosemarie Roth
Christopher Rumbold
Thomas Sasser
Laura Davis Smith
Sarah Sullivan
Robyn Vines
Philip Wartenberg
Jeffrey Weissman
Adam Zborowski

Excused Absences:

Patricia Alexander
Hon. Barbara Beilly
Michael Gilden
Hon. Robert Jones
Scott Rubin
Robin Scher
Jodi Seitlin
C. Debra Welch
Elisha Roy
Amy Hickman

Absences:

Toni Ann Butler
Margaret Ciraldo
Barbara Goiran

Belinda Lazzara
Hon. Ray McNeal

Meeting called to Order at 6:05 p.m.

Maria Gonzalez welcomes all members to the meeting. All current proposed bills have been previously approved by the Executive Council last year. The purpose of this meeting is to recommend to the Executive Council which bills should be advanced for this legislative year and to give guidance and direction to our lobbyists concerning sponsorship of our bills. This year the legislative season begins much earlier, in January. Our goal for the meeting is to identify what it is we want to lobby this year. We currently have 7 pending bills. Equitable Distribution is in two parts and may be considered 2 separate bills for a total of 8 bills as follows (in no particular order of priority):

- 1 -2. Equitable Distribution - ED Coverture formula / ED security
3. Paternity
4. GAL as attorney
5. General Magistrate/Jury Duty
6. UCLA
7. Name Change
8. Attorney fees for fees

In addition, there is a proposal for a bill which may be sponsored by Representative Whartman concerning alimony which we expect will consume much time from this committee and our lobbyist. Maria asked Nelson for an update.

Nelson advised that he does not wish to disclose the Section's position concerning the alimony bill unless there is a companion bill in the Senate. Maria noted that the committee is not in a position to comment on the bill as we have not reviewed it and it has not been disseminated.

Tom Sasser has reviewed the proposed alimony bill and noted that the bill proposes to eliminate permanent periodic alimony. Terry Fogel reminded the committee of Nelson's prior update in Orlando that there is a probability that the Section will need to take a low profile for this legislative year. Maria advised that Nelson's recommendation continues to apply now. We have three larger bills: equitable distribution, collaborative law and paternity and the other proposed bills are smaller bills which may be advanced as amendments to other bills and moved as secondary bills.

David Manz stated that he recognizes that some or all of the Section's bills may be held hostage and that we may have no bills going through this year if we decide to oppose the alimony bill. We should do whatever Nelson feels is best. Our bill proposals may fall as a result of our position on the alimony bill, if it makes headway. Nelson agrees. We must be willing and prepared to sacrifice our bills, but not compromise on the alimony bill.

MOTION: by Tom Sasser: Give priority to only 1 bill (the 2 part proposed bills on equitable distribution) and defend the alimony proposal. Motion seconded by Terry Fogel.

Discussion followed:

Carin Porras suggested another option: append the smaller bills onto other bills. Tom Sasser does not think this is possible due to the single subject rule.

Nelson advised that Senator Bogdenoff advised that she intends to file the collaborative law bill. This is a controversial bill. Many legislators want to delete the language concerning firing the

attorney if the case doesn't settle.

Terry Fogel commented that during the year she was chair of legislation, there was real opposition to the bill. It may create havoc. We must choose the bills carefully.

Lucille Espey-Francis is opposed to dropping the collaborative bill and is in favor of all methods of alternate dispute resolution. She believes it will send a message that the Section is sensitive to the current economic climate.

Robert Merlin advised that he has spoken with Senator Bogdenoff and the Senator met with him yesterday. He advised that the Senator is enthusiastic about the bill and being the sponsor of the collaborative bill. Bob states that the collaborative bill should be considered. Discussion of the alimony issue and that Senator Storms may not let it go through. It is premature to advocate only one bill and opposition to another proposal. There is nothing concrete in the alimony bill. collaborative can save money for the court system.

Matt Capstraw noted that we have been very successful in the past with our bills. Suggests that we put a few bills forward and force our opposition to expend energy to oppose them. Let them do the work. The ED bill may be favored by those who propose the alimony bill.

Jeff Weissman noted that we should follow the insight and suggestions of our lobbyist. No one has a more keen sense of what is happening in Tallahassee than Nelson. Jeff wants to hear from Nelson.

Nelson advised that he believes it will ultimately be a compromise. Sen. Storm may not support the alimony bill. The bill may be dead upon arrival. There is no way of knowing. Nelson recommends that we consider promoting 2 bills for filing, but notes that we may have to limit them in the event we run into problems with the alimony issue. Other smaller bills may be amended onto something else. Nelson suggests that we lobby 2 bills. This should nevertheless give us enough time to deal with the alimony issue. If not, drop one of our bills at that time.

Jeff Weissman asks if Tom Sasser will accept Nelson's proposal to advance 2 bills as a friendly amendment to Tom's motion. Tom advises that he needs to know what the 2nd bill will be otherwise he rejects the request for a friendly amendment. Tom believes that there are problems with the collaborative law bill. He also voices concern over learning of contact with senators which is to come from our lobbyist and not directly from committee and/or section members. Tom believes that we should focus on the magnitude of the bill importance and suggests if we go with 2 bill, then it should be one small and 1 large bill. Maria calls the question.

VOTE ON MOTION: Give only 1 set of bills priority, (the 2 part proposal for equitable distribution), and defend the alimony bill proposal.

29 in favor
7 opposed
Motion carries

The committee vote will be presented to EC during the EC meeting which is scheduled for July 27th. Nelson will be notified once EC votes on the matter.

Meeting adjourned at 6:37 p.m.

{1019.001/00058901.DOC-}

EXHIBIT "4"

LEGISLATION COMMITTEE

Rapid Response - Bill Monitoring Assignments 2011-2012

Team 1

Patty Alexander -Chair
Allyson Hughes
Hon. Ray McNeal
Abigail Beebe
Deborah Day
Kim Rommel-Enright
Sarah Sullivan
Hon. Elisabeth Adams
Jason Berger

Team 2

Rob Boyd - Chair
Steven Berzner
Angel Bello-Billini
Terry Fogel
Hon. Barbara Goiran
Carin Poras
Rosemarie Roth
Lauren Alperstein
Margaret Ciraldo

Team 3

Amy Hamlin – Chair
Amy Hickman
GM Robert Jones
Michael Gildea
Robin Scher
Jodi Seitlin
Jeff Weissman
Adam Zborowski
Toni Butler

Team 4

David Hirschberg - Chair
Tom Sasser
Elisha Roy
Heather Apicella
David Manz
Laura Davis-Smith
Philip Wartenberg
Kim Kaszuba
Thomas Duggar

Team 5

Christopher Rumbold - Chair
GM Norberto Katz
Sheena Benjamin-Wise
GM Barbara Beilly
Belinda Lazzara
Robert Merlin
Scott Rubin
Deborah Welch
Holly Gershon

Team 6

Matt Capstraw – Chair
Ben Hodas
Maria Gonzalez
Doug Greenbaum
Charles Fox Miller
Shannon Novey
Robyn Vines
Caryn Green
Lucille Espey-Francis