

**LEGISLATION COMMITTEE  
-MINUTES-  
March 3, 2011 @ noon  
(Telephonic meeting)**

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**Attendance:**

Thomas Duggar, Co-Chair  
Maria Gonzalez, Co-Chair  
Heather Apicella, Vice-Chair  
Ron Bornstein, Vice-Chair  
Susan Savard, Secretary  
Elisha Roy, Executive Committee Liaison  
Magistrate Barbara Beilly  
Sheena Benjamin-Wise  
Steven Berzner  
Robert Boyd  
Terry Fogel  
Michael Gilden  
Carin Green  
David Hirschberg  
Robert Kohlman  
Magistrate Robert Jones  
Sam Jubran  
Magistrate Norberto Katz

David Manz  
Judge Raymond T. McNeal  
Shannon Novey  
Monica Pigna  
David Riggs  
Kimberly Rommel-Enright  
Christopher Rumbold  
Scott Rubin  
Thomas Sasser  
Laura Davis-Smith  
Robyn Vines  
Jeff Weissman  
Debra Welch  
Adam Zborowski  
Frank Zilaitis

**Excused Absences**

Ben Hodas, Sec.  
Patricia Alexander  
Matt Capstraw  
Amy Hamlin  
Rana Holz  
Patricia Kuendig  
Belinda Lazzara  
Robert Merlin  
Steve Pennypacker  
Carin Porras  
Robin Scher  
Jodi Seitlin  
Sarah Sullivan  
Julia Wyda

I. **Call to Order:** Maria Gonzalez and Thomas Duggar called the meeting to order at: 12:05pm.

II. **Legislative Update**

A. **Status of the Section's draft Bills:** Thomas Duggar provided the report on the status of the Sections bills.

- a. **Keeping Children Safe** – HB 387 filed in the House by Rep. Steube / SB 504 filed in the Senate by Sen. Bogdanoff.
- b. **Paternity** - HB 541 filed in the House by Rep. Diaz and SB 1476 filed in the Senate by Sen. Flores.
- c. **Collaborative Law** – Unfortunately, this bill is not out of the Senate bill drafting, and is not expected to come out of the bill drafting. Nelson has had a very difficult time finding a senate sponsor and no one is willing to sponsor and move forward with this bill. It appears that Collaborative Law has not been given priority in the "bill drafting stage," and it appears this was a dictate from leadership which would explain Nelsons' difficulties.
- d. **UIFSA**- is out of bill drafting and we have Rep. Mayfield and Sen. Flores as sponsors. We expect the bill to be filed today.

- e. **Equitable Distribution-** This bill is out of bill drafting; however, we are having a difficult time finding a senate sponsor. We will try to amend on some very small bills (i.e. General Magistrates Bill).
  - f. UIFSA, Paternity, and Keeping Children Safe are the 3 bills which it appears we will be moving forward with. We have very good sponsors on these bills, they have all be versed and fully understand the bills. This is a very good thing. We are very pleased with the sponsorship which we have on these 3 bills.
- B. House Bills CV J1 and CV J2:** Magistrate Kirigin gave a report as to these bills:
- a. Magistrate Kirigin stated that the Section sent out a blast email regarding these bills, expressing that we must all be extremely concerned and very worried about these bills. The bills have gone through the House Judiciary Committee are were approved 15 to 0, and 13 to 2. Essentially the Bills are proposing to dismantle the separation of powers doctrine; specifically the rule making authority would be taken from the purviews of the Supreme Court and placed with the Legislator. This has been attempted before, but they are claiming that the Bill is based upon a model which allegedly follows the federal scheme (however, after reviewing the same it really does not follow the federal model at all). Magistrate Kirigin thanked Matt Capstraw for his very hard work on drafting comments on this bill which went to Paul Hill, Esq.

The email blast sent out this morning lists each member of the House Judiciary Committee and we are requesting that each person write to those members and advise them that this will negatively impact family law and the way we practice. This concern is not an over exaggeration, we need to be very worried about this. Please get your friends, family and colleges motivated on this issue, and advise them as to the concerns with these bills.

### **III. Rapid Response Committee Reports / Bill Monitoring**

#### **I. Elisha Roy**

- a. HB721/SB1050 – Effects of crimes on ED and alimony
  - i. The Team will be meeting next week; and will provide a report during next Friday's call (3/11/11).

#### **II. GM Norberto Katz**

- a. HB129/SB262 – Intimidation of a judge
  - i. The Team met on February 8, 2011 and the majority of the team voting, voted to take no action. There were some concerns voiced; however, the consensus is to take no action.

b. s.748.046 – Repeat DV

- i. The Team met on February 11, 2011, and we went through each provision in the email which we received. A report was previously emailed out to the Committee as to the Teams recommendations. So as to be clear, the team was looking at the email with proposed ideas, not a bill. Tom Duggar advised that at this point in time there is no DV bill, rather at this time this is just a concept. This may change tomorrow. Tom suggested that we table until next week to determine if a bill is filed. Magistrate Katz asked that everyone review the email with the Teams recommendations, so in the event this bill moves and the Committee must vote, it is prepared to do so.

III. Rob Boyd

a. HB516/SB 966 – Sovereign immunity

- i. This bill essentially provides a cap on liability for caregivers provided that 75% of the clients are disabled or in foster care. The Team has taken the position, to take no position and monitor. Rob stated that Florida Children First is actively taking a position on this, and therefore, we should just monitor it and see what happens.

b. HB337/SB348 – Domestic Partnerships

- i. Rob provided the Committee with the names of the sponsors in the House and Senate. The team recommends to take no position.

IV. Robert Kohlman

a. HB345/SB878 – Child Welfare/Lambourg Keep Families United Act

- i. The Team tried to have a meeting on Friday but the technology failed. This makes a number of changes to Chapter 39. There are concerns of the Team members regarding some of the provisions of the bill. There is a consensus that we should monitor and provide technical assistance to address some of the issues raised in this bill. We have not met or arranged another meeting at this time to further discuss those concerns; however, the Team will see if they can meet before next Friday. Robert is unavailable next Friday; however he will see if Matt Capstraw can provide a report next Friday. Tom Duggar advised we will continue to monitor.

#### **IV. ADDITIONAL COMMENTS:**

- I. Thomas Duggar stated that the session starts next week. The second week is when the Legislator gets active and when we will need some people to come up to Tallahassee and speak. We will be calling on people to come up and testify, especially in areas which you have expertise in. We find out very late when the meetings are; so we unfortunately cannot give much notice.
- II. Thomas Duggar also stated that for those of you who are new, there will be lots of bills which we choose to monitor. There are three (3) decisions to be made when reviewing a bill: 1). oppose 2). Takeno action/monitor, or; 3). support. The vast majority of time the right thing to do is take no action. There will be times where in may be necessary to take a stance in opposition to something.

#### **III. Additional Comments on House Bills CV J1 and CV J2:**

- a. Magistrate Katz asked Magistrate Kirigin if there was any coordination going on between the Florida Bar Sections in drafting "talking points." Magistrate Kirigin stated that the first several talking points address the federal model, which we all have the same issue with. The rest of the "talking points" are focused on the individual Sections. The family law reference has to do with the Mandatory Financial Affidavit; and one other issue. Magistrate Kirigin has asked the Legislation Committee to form an immediate fast track committee to address these problems. Magistrate Jones is going to Chair this Subcommittee; there have been several other individuals asked to join (i.e. Scott Rubin, Mr. Wasserman, and all other past Chairs have been asked to be on this Committee); any members of the Legislation Committee who wish to join are welcome. Magistrate Kirigin does not believe that they are at the point where the Bar has a coordinated effort. Discussion began. When you read the materials, they are pretty shocking. Part of the problem is that with the budget problems going on, we don't know how involved the judiciary committee can be. It sounds like a lot of groups are relying on OSCA, which could be a problem because OSCA has a lot of other issues aside from this going on (i.e. budget cuts). Magistrate Jones stated that it is important that everyone actively participate in opposing this bill. Magistrate Jones expressed concern with the timeline because having a response by Monday may be very difficult. Magistrate Jones also stated that in light of the budgetary problems OSCA is going to have some issues fully addressing this problem. Magistrate Jones stated that we are really going to be relying on the Bar and the Sections to address this Bill.
- b. Magistrate Kirigin stated that she contacted Luis Insignares this morning (regarding sending out the "email blast"), and he advised that there may be another bill, similar in nature, with some traction.

c. Magistrate Jones, pointed out that there is a 40-50 million dollar reduction in the courts budget, and the loss of several employees.

IV. Magistrate Kirigin asked that the bill tracking ledger (which Nelson sends out) be emailed to the Committee prior to the Friday conference calls so that everyone has the information in front of them.

V. Thomas Duggar stated that Nelson has stated that this may be a very defensive year for us. This is how this is tracking; which was not what we foresaw in June, 2010. Nelson has worked very very hard to find sponsors, but he is facing a lot of

**V. Next Meeting – Friday, March 11, 2011 at noon**

**VI. Good of the Order**

**VII. Adjournment: 12:34pm**