



The Florida Bar
FAMILY LAW
SECTION

LEGISLATION COMMITTEE

– AGENDA –

Loews Royal Pacific Resort, Orlando Florida

Pacifica 8-10

January 30, 2014

(3:30p.m. – 5:45p.m.)

- I. Welcome and Call to Order (Heather Apicella & Abigail Beebe)**
 - A. Introduction of Guests**

- II. Review and Approval of Minutes (Heather Apicella & Abigail Beebe)**
 - A. September 26, 2013 (Exhibit “1”)**

- III. Sub-Committees (Heather Apicella & Abigail Beebe)**
 - A. Supportive Relationship (Steve Berzner)**
 - B. Equal Timesharing (Dr. Day)**
 - C. Social Media (Robin Scher/Kim Rommel-Enright)**
 - D. Relocation (Robin Vines)**
 - E. Florida Prepaid College Plan (GM Kirigin/Carin Porras)**
 - F. International Custody Consideration (Sonja Jean)**
 - G. Foreign Law Bill (Chris Rumbold)**

- IV. Upcoming Legislation Year**
 - A. Report from Lobbyist (Nelson Diaz & Edgar Castro)**
 - B. Alimony (Elisha Roy)**

- V. New Business (Heather Apicella & Abigail Beebe)**
 - A. Collaborative Statute (Robert Merlin/Kathy Beamer)**
 - B. Uniform Child Abduction Prevention Act**

- VI. Upcoming Events (Heather Apicella & Abigail Beebe)**
 - A. FLAFCC Regional Training, Miami Florida (2/7/14) – “Equal Time-Sharing: Is it Presumptively Best? FLAFCC Forum Examining Bosh Sides of the Issue” (Maria Gonzalez)**
 - B. 2014 Out of State Spring Retreat – March 26 -30, 2014: The Bellagio, Las Vegas (Luis Insignares/Elisha Roy) (Exhibit “2)**

- VII. Next Live Meeting (Heather Apicella & Abigail Beebe)**
 - A. June, 2014 – Gaylord Palms Resort & Convention Center, Orlando**
 - i. In conjunction with the Annual Florida Bar Convention**

VIII. Good of the Order

IX. Adjournment

Exhibit “1”

**Minutes of Legislation Committee
Annual Meeting at The Breakers in Palm Beach
Thursday, September 26, 2013**

The meeting was called to order at 2:15p.m. by Abigail Beebe

Opening introductions.

Minutes for approval

Ron moved to approve. Angel seconded. Unanimous vote to approve Minutes.

Telephonic meeting minutes approval

Sonja jean moved to approve. Judy seconded. Unanimous vote to approve Minutes.

Introduction by Elisha Roy on PR

At the end of last year we as a group expressed dissatisfaction about the lack of our voices on the alimony issue. Our side of the issue is not as compelling and also we were disjointed as a group. At the June meeting we approved to hire Brett Doster. Took better part of summer to get them onboard but they have already started.

Also hired John Costello as lobbying for the governor's office (Gary Rutledge). They began work without contract.

Nelson and Edgar are still on the team as well.

There are two plans regarding alimony, but we can't implement either until we agree what to do. We reformed it ourselves with durational in 2010, but now with guidelines and bifurcation we wouldn't agree to.

The AAML came out with a position that is similar to FAR so we must make some decisions and then take it to EC.

Everyone is on the ground running but we need to know our message before someone can tell it for us.

As soon as we agree on a position we can move forward a voice to the public.

Once we decide this weekend, we will see a shift, just need to know where we are going to go.

Abby - Nelson and Edgar report.

Nelson - glad we are back.

Last year the governor vetoed the alimony bill, based on the meetings with the governor with lobbyist, governor does not want a contentious bill.

We have met with the Speaker that will be the Speaker after next.

Meetings have been taking place and laying ground work, but once a decision is made then we can move forward.

We have a bit of an edge in the house now that the governor has made his position clear ("dont send me something unless everyone agrees on it")

Speaker has said he won't pass anything if the governor won't sign it

We need to keep pressure on governor to keep him where he is so he doesn't force a settlement.

Alimony Generally - based on our call, the approval of guidelines in concept, We will give everyone 2 minutes to discuss.

Debbie - pass

Phil W. - want to reiterate my point from call - I like the move to certain alimony resorts

John - pass

Patty A - pass

Jeff Weissman - the bill sailed through, we drafted a product and we were happy the bill was vetoed. Do we go naked against the bill like last year or do we have a product and sell it as wisdom. Going with latter. We worked hard on the bill.

Sheena - approving this would push us toward a guideline concept and we should be cautious. Caution the committee is guidelines where we want to take Florida

Julia - Like paul, I like a range vs a guidelines

Luis - Not sure the guidelines are competent, are we going to propose legislation or reach out and compromise with FAR

Elisha - we told FAR in June we would work with them but didn't mean we wouldn't war with them either, much like they did with us. Gov message is clear, all in agreement or nothing.

Luis - I don't think they think they can get anything done without our collaboration.

Abby - agreed, we have to decide where we go today.

Nelson - made it clear last year that the bill had been greased and was moving. This is landscape today, but it can change tomorrow. They are pressuring the gov to make a compromise, we need him to stay where he was.

Angel - if we are talking about guidelines at percentage as in paragraph 3, I am uncomfortable as I don't know where that came from.

Sonja - I agree with Angel

Ron - are we in a position to agree to a product, but still tweak the bill

Abby - we are tweaking it today

Ron - the language in this bill tends to eliminate nominal alimony. Sometimes there is a need but no present ability today where nominal will be needed. Another concern is paragraph 3 we talk about gross incomes, by setting it to gross are we eliminating imputed? Jeff W - No it is still in there for imputation

Other concern is in paragraph 5 - do we ignore non-special needs

Robin Scher - guidelines are the issue, made comments in the minutes. Not really happy with and the bill is contrary to standing positions, which we can change. The numbers on the guidelines come from no economic basis, they are pulled from the sky. This is a major change from the position this section has taken for years so the numbers must have a basis. We should commission a study for the economic basis on numbers. This is an about face.

Phil S. - I don't want to rely on the gov to do nothing, that changes. I believe something needs to be done.

Amy C - I am not opposed to guidelines, but not convinced that these have economic basis. I am for working for something along that line.

Michelle - Lynn britt here today to talk about guidelines?

Elisha - No, supposed to be.

Cindy Crawford - all for uniformity, have some concerns about the science. Have some concerns about political landscape.

David Hirsh- on the call with Paul, what did the committee do on short term

Jeff W - there are numerous deviations, which I can go through, and the numbers are not arbitrary.

Amy Hickman - If we need a position, I agree, but we need to understand the numbers or wont have a seek at the table.

Reuben Doupe - FAR has numerous misrepresentations and we need to address. Codification of law is not a change in position. We need a better product. Section 3 still has a need and ability to pay determination therefore there will still be litigation. Maybe defining both better in the statute will reduce litigation.

Kim Enright - I don't recall talking about guidelines, although I think they make sense (I don't practice in an area that does alimony) but I would like to know more.

Paul Leinoff - We need to have viable product to give the gov to counter FAR, not sure if guidelines are ok. But if we do support it, we take alot of discretion away from the judges. Not in favor.

Caryn Green - paragraph 6 - income shall not be more than historically earned, what if the spouse never worked. Could be a conflict.

Robyn Vines - I am concerned about what I have heard and guidelines, but more understanding is needed.

Rob Boyd – guidelines are the way it is going, judges have asked us in Tallahassee and frankly the first question asked in taking an alimony case is “who is the judge” as we all know different judges rule different ways, so that alone says there needs to be something leveling the field and that is what FAR will win with.

David Manz - 8 states have guidelines, we looked at them all. Akin to what they did, how do we come up with the numbers in cs? People spend all they have and child support goes on guidelines till you run into finley v. scott. You can't do that on a marriage. 61.075 has discretion on deviation, we made it mandatory. We as a committee know guidelines are coming. It is wrong to go to different judges in a county and get different results it is not right. We sit with a client and can't give them certainty, which is wrong. That is where we are in the country, the law is going to guidelines. There are things we can continue to fix, but philosophically this is where it is going.

Maria - if we think guidelines for length of marriage is one thing (missed rest)

Elisha - I have concerns about guidelines as your million \$ household will look different than this million \$ household. One may be broke, other may be flush. Philosophically speaking I think it is wrong to have different results; I have concern about the court application of deviations. I think we can't go straight without a product in dealing with FAR. I think if we put guidelines out and everything else was in I would be full on board. I have huge concern about political ramifications. I am concerned that we have taken position guidelines bad so hard that we change position now could politically hurt us. We can figure it out, we are smart, we have pr people for spin but I do have political concerns, huge.

Jeff W on science - it is an interesting debate, guidelines/no guidelines.

Change of the committee - last legislation term we were told FAR was coming out with a bill, so we had to scramble to come up with a competing bill on alimony. Meetings to pick it apart and revise, repeated. Then we didn't file the bill because we were told FAR didn't have traction. Then FAR bill flew through house and senate and then governor veto. Was frustrated why we did all this. So we then get the bill together again, because FAR takes out retroactivity. Years ago, Vicky Ho was after guidelines, I agreed and the section voted it down.

Committee didn't come up with guidelines, FAR thrust it upon us and is coming again. It is in the FAR bill. We were charged with doing the bill to compete but if we did what the section wanted we wouldn't stick so we needed a product and better than FAR.

In most situations it is a 60-40 split of income stream before child support. So you will often come up with a 55-45 split with multiple kids. This is what is taking place in the courts without guidelines. The courts are using guidelines, but not calling it guidelines. We have just incorporated in the guidelines the courts used, and included an exhaustive list of deviations. You can go with the current state and not have guidelines but what we were told was FAR is coming back and we have to work with those concepts and add deviations and discretion and this is what we came up with.

I think we need to be on the offensive not the defensive this year.

Elisha - there are no empirical studies, it is from the 8 states and it is really impossible to do empirical study on alimony. Million dollar household issue.

Abby - decide if we are going to vote on the committee product

John Foster - Moves we accept the product as written

Amy Hickman - second

Maria Gonzalez - We will have to change at least 3 standing positions

Friendly amendment -John - vote to approve the product in concept

Sonja - second

Yes 21, No 3, Abstain 1

Discussion of changes needed

Robyn Vines - moves to revise the language in 5(h) dealing with tax consequences to consider taxes imposed by other jurisdictions

Jeff W - second

Robyn vines - to include the phrase, "including taxes imposed by other jurisdictions."

Discussion -

Jeff - in fl no income tax, but other states do and the statute does consider that. I.e. football player who plays in 20 states and is taxed in all 20, so this will allow you to diviate to consider that.

6 yes, 16 no, 1 abstain

Jeff W - Paraph (6) - imputation language. "Even if such info available the court shall not impute....."(Plug in this language from final bill). Someone was a student during the marriage, graduate with a MBA. Haven't worked before the marriage or during the marriage, but now have this degree and with this language if all they ever earned \$0 and now they have a degree, there is competent substantial evidence of their earning capacity, I still cant impute income.

Jeff W moves to eliminate the line "Even if such info is available.....spouse every previously earned."

Caryn Green second

25 yes, 0 no, 0 abstain

Ruben - on paragraph 1 and 3 add "of one spouse" and "by the other spouse"

Boyd second

13 yes, 1 no, abstain 9

Ruben - paragraph 1(c) "the parties" delete and add "each party"

Sheena seconds.

Discussion - Jeff this was vetted by the committee, if you have different spending by the parties, this would philosophically punish one side for the spending of the other. Case found that where one side was spending more and wasn't spending as much, the court shouldn't look to the frugality of one party during the marriage.

1 yes - Motion fails

Reuben - moves that in 3(a) that 40% goes to 45%

Fails for lack of a second

Maria - rehab plans in Paragraph 8(b), delete "completion of a reehabilitative plan" and add "expiration of the rehabilitative plan perriod for failure to complete or otherwise" of a reability

Robyn Vines seconds.

Jeff W - Maria brings up a good point that we did not consider in the committee. You shouldn't have to wait to the end of a 3 year plan when 2 years in they have not complied. This was a glitch maria caught. but this language does not fix it fully.

Open discussion of languagge tweaks to fix the rehab issue

Amy hickman "Plug in the language on paragraph from Elisha"

Sonja Jean seconds

24 yes - Motion passes.

Ron Bornstien - first sentance of paragraph 1 and 3 precludes nominal. Open for debate of the think tank for the language.

Elisha - the statute changed in 2010 and courts are still awarding nominal.

Elisha - I agree, but judge will see it is precluded.

Ron discusses that paragraph 1 and 3 have added, "Nothing herein shall preclude the court from awarding nominal alimony"

Reuben - amend pargraph 1 (get language from final product)

Amended by robin vines

Second by ron bornstien

15 yes, 3 no, 4 abstain - Motion passes

John Foster - Moves we accept the product as amended today

Phil Schipani Seccnds

Motion carries

Abby - we have a product to take to EC

Standing position must be addressed now, 5 minute recess

Standing position 67 - that we oppose any rule or legislation that changes the structure permanent alimony

Caryn - move we delete 67 as standing position

Sonja Jean - second

16 yes, 1 opposed, 5 abstain - Passes

SP 68 - does not need to be changed

SP - 69 no change needed

SP 70 -

Jeff W moves to delete SP 70

David Hirsh second

Motion passed

SP 71 - duration cap

Sonja Jean moves to delete 71

Sheena seconds

21 yes, 0 no, 2 abstain - Motion passes

SP 72 - No change needed

SP 74 -

Jeff W - moves to delete 74

Caryn seconds

Motion passes

SP 75

Philip S - move to delete SP75

John foster seconds

Motion passes

SP 79 - No change needed

Philip S moves to delete

Failed for lack of second

SP 46

Julia W moves to delete

22 yes, 2 opposed - Motion passes

Maria - do we need to adopt new SP to support the bill we just voted on
We will hold for EC vote

Reports of area POCs

Nothing to report

Steve Berzner - report on supportive relationship

Committee met 4 times since last meeting

Reviewed 61.14 as it relates to

Reviewed cases, french out of 4th, other two are overton 1st and bowman 2nd which conflict with French. French says find it, it is there, Overton/Bowman say once you find it you have to find the impact and certified conflict.

May want to wait and see what the SCT does with the certification of conflict.

We also decided it should have recommendations to the 11 factors in statute to be considered. Right now statute doesn't have where it finds if there is a recipient spouse supporting a live in which we think should be added.

Also may want to add if there is another live in contributing.

We want to add a factor that "if the recipient is supporting another other than a minor child"

Can have supportive relationships without cohabitation and would like to add the support of another.

Subparagraph B(1) that a supportive relationship has existed, then in another portion is says "exists", to make it consistent, we think it should add exists.

Equal timesharing - Debra Day

SP of the section is the statute is fine as written with no presumption. We are working a subcommittee.

Social Media – Robin Scher

Anybody with articles please send, we are getting some but please send anything you come across. Please send to kim or robin

Relocation - robyn vines - no report

Collaberative Law - Robert Merlin

We are asking the section to send the statute this session, it hasn't been sent the last two years. All the political capital has gone to alimony reform, but we are asking that legislation send it this year. It is based on what has been passed in 6 states. Collaborative is here and growing. A conference was held in May and over 200 professionals were there. The section is being viewed as money hungry divorce attorneys, this statute is voluntary and would go a ways to demonstrate that we are more than that and would assistin our public image.

Abby - Soto bill SB104 - says it is a 50/50 parenting bill, but it is not a 50/50, we have a group watching it. Discussion about the bill. Subcommittee to watch the bill and review it for amendment of 50/50

Subcommittee:

Chair - Sarah Kay
Rob Boyd
Sonja Jean
Lauren Alperrstien
Bonnie sockel-stone
Diana Sulea (sulealaw@gmail.com)

Subcommittee on UCCJEA/European case

Chair - Sonja Jean
Paul Lienoff
Suvan Savard
Lauren Alperstien

Next meeting: at Lowes Pacifica in conjunction with the board certification review course.

The meeting was adjourned at 5:10 p.m.

Exhibit “2”



40th Anniversary

THE FAMILY LAW SECTION
*Out of State
Retreat*



*March 26-30, 2014
Bellagio
Las Vegas, Nevada*



Wednesday, March 26, 2014

Welcome to Las Vegas! Check in to your room at The Bellagio, explore, look around, and join us for a "Welcome to Vegas Reception"!

Reception: 6:00 pm – 7:30 pm Room Donatello 1

Thursday, March 27, 2014

We hope you enjoyed your first night in Vegas! We have a great day planned. Grab your notebook for the morning and camera for the afternoon!

Breakfast: 8:00 am – 9:00 am Room Raphael 1

CLE Seminar: 9:00 am – 12:00 pm Room Raphael 1

Consulting Support: Utilizing Different Professionals in your Family Law Case



Mark O'Mara
O'Mara Law Group,
Orlando, FL
Criminal Defense Issues in
your Family Law Case



Shannon Carlyle
The Carlyle Appellate Law
Firm, The Villages, FL
Appellate Support: Utilizing
an Appellate Lawyer in
your Family Law Case



Chris Carlyle
The Carlyle Appellate Law
Firm, The Villages, FL
Appellate Support: Utilizing
an Appellate Lawyer in
your Family Law Case



Dr. Deborah O. Day, Psy.D.
Psychological Affiliates,
Winter Park, FL
Licensed Psychologist,
Licensed Mental
Health Counselor,
Certified Family Mediator

Lunch on Own

Helicopter Excursion: 2:00 pm – Depart from Bellagio
Maverick's Grand Canyon helicopter tour will descend and land 3,500 feet into the Grand Canyon in Hualapai Indian Territory. Champagne, beverages and a light snack will be served some 300 feet above the mighty Colorado River in one of the greatest natural wonders of the world. Fly back through the Grand Canyon, view the red rock formations of the Bowl of Fire and conclude your adventure with an exciting flight over Downtown Las Vegas and the Las Vegas Strip.



Evening on Own

Friday, March 28, 2014

It's not over! Enjoy Part 2 of the CLE, relax, and then get ready to experience "The Bellagio" this evening!

Breakfast: 8:00 am – 9:00 am Room Donatello 2

CLE Seminar: 9:00 am – 12:00 pm Room Donatello 3

Lunch and Dinner on Own



Bellagio Signature Drink Cocktail Reception: 6:30 pm – 7:15 pm
Room Donatello 2

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Bellagio "O" Show-Cirque Du Soleil: 7:30pm Bellagio Hotel

Saturday, March 29, 2014

Let's soak up the last day of glitz, glamour, and gaming! Join us for our Executive Council meeting in the morning and then our "Goodbye-Stays in Vegas" Reception and Dinner at the Cosmopolitan!

Breakfast: 8:00 am – 9:00 am Room Donatello 2

EC Meeting: 9:00 am – 12:00 pm Room Donatello 2

Lunch On Own

Reception: 6:00 pm – 7:15 pm Chandelier at the Cosmopolitan Hotel

Sponsored by **THE CARLYLE
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Dinner: 7:30 pm D.O.C.G.

CLE Credits: TBD



HOTEL INFORMATION

Bellagio

Las Vegas, NV

Go to www.familylawfla.org to book your room online.

Room Rates: Wednesday-Thursday – \$199
Friday-Saturday – \$238

Registration Form



40th Anniversary

2014 Family Law Section Out of State Retreat

March 26-30 • Bellagio • Las Vegas, NV



40th Anniversary

TO REGISTER BY MAIL, SEND THIS FORM TO: The Florida Bar, Order Entry Department, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831.

Name _____ Florida Bar # _____

Address _____

City/State/Zip _____ Phone # _____

E-mail _____

DP: Course No. _____

REFUND POLICY: A \$25 service fee applies to all requests for refunds. Requests must be in writing and postmarked on or before February 10, 2014.

REGISTRATION	ITEM #	QUANTITY	COST	TOTAL COST
<input type="checkbox"/> Section Member	8100113	_____	\$650	\$_____
<input type="checkbox"/> Non-Section Member	8100114	_____	\$700	\$_____
<input type="checkbox"/> Guest of Section Member	8100115	_____	\$650	\$_____
			TOTAL ENCLOSED	\$_____

METHOD OF PAYMENT (CHECK ONE):

Check enclosed made payable to The Florida Bar

Credit Card (Fax to 850/561-9427.)

MASTERCARD VISA DISCOVER AMEX Exp. Date: ____/____ (MO./YR.)

Signature: _____

Name on Card: _____

Billing Address with Zip Code: _____

Card No. _____



Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.