

### **I. Call to Order**

- Present – Mary Lou Cuellar-Silo, Mikalla Davis, Helen Torres, Charis Campbell, TJ Bryant, Cory Brandfon, Ashley Taylor, Mikalla Davis, Nadja Prias, Mark Sawicki, Norbert Katz, Michael Adriano, Joan Koch
- On the phone - Trish Armstrong, Robert Merlin, Ariel Cappano, Matt Capstraw, Latoya Williams, Evan Marks, Roberta Walton, Linda Clark, Magistrate Rebecca Hunt, Lisa Klineberg, Shayna Kavanaugh, Victoria Adkins Snell
- Table the approval of the minutes. Corrections to be made.

### **II. Old Business**

#### **A. Magistrate Rules and Form**

- Norbert Katz moved to approve agenda, TJ Bryant – 2<sup>nd</sup>. Agenda approved.
- Family Law Section is working on the product and Trish Armstrong moved to table the magistrate proposal. Magistrate Hunt is also seeking to have the written comments if this is tabled until June so that efforts are not duplicated.
- Norberto Katz reminded them that we can extend it for a little longer but that this needs to be resolved and therefore, we need to have a deadline set. Mary Lou, said Jack had asked us to table this last year in Boca Raton. There needs to be communication between the Section and the Committee and there are concerns of tabling this since it has been 7 months. Cory asked if we are able to vote on a deadline. Mikalla stated that we are approved on 2<sup>nd</sup> reading, and that it was published in the Bar news, and that we received a comment but it seems that there are more concerns than what was made on the comment.
- The motion to table was not 2<sup>nd</sup>. Magistrate Hunt understands that we can move forward but even if this popped up at the June meeting, further discussions will not assist in finalizing the product. Mary Lou once again asked for unity and no further delay, since the committee did its work and we are asked to table this orally, but that we need to finalize. Norbert, asked if there are any new written comments. Trisha Armstrong said that Matthew Capstraw asked for some changes and that the request has been pending. Norbert asked if revisions were made, or if there is anything in writing that is new that we need to look at. Trisha advised that the Section wants to make new comments.
- To finalize, Norbert asked about what are we doing here today, and why are we tabling this if there is nothing for us to look at? Norbert asked Mikalla, about where we are in the process. Mikalla stated that we are not done. Trish confirmed that even after 2<sup>nd</sup> reading, Magistrate Hunt has to come back and recommend changes to the section's comments.
- Cory differs to GM Hunt as to how to proceed.
- Mikalla explained that the next step for us, is to put it on the Board of Governor's agenda and until they meet, we can make changes and they can also say sorry we heard there are concerns and send it back. Likely they will talk to individuals from the Board of Governors, and therefore not approve it. Cory asked whether we should give them more time, since the next Board of Governor's meeting is in March. Mary Lou- agreed to table it but that it needs to be heard before the Board of Governor's meeting.

- Norbert moved to table this, contingent to receive a written report by on or before February 26, 2020 in order to hear Magistrate Hunt's suggestions and to schedule a vote first week of March. As such a friendly amendment to make an electronic vote by email and Cory second the motion.
- Vote – No Oppose

#### **B. Fox v Fox Rehearing 12.530**

- Mary Lou - 2<sup>nd</sup> reading to approve rule 12.530, urgency committee to address whether the rule should be amended and whether a motion for rehearing is required if judge does not make statutorily required findings. The proposed language is on page 30 of the agenda, move on behalf of the subcommittee, to approve the changes attached in the agenda.
- No need to 2<sup>nd</sup> – vote, 19 favor, passes
- Trish – before we move on, move to take it out of cycle, Ashley 2<sup>nd</sup>.
- Vote – 1 abstain, 16 agreed, passes

#### **C. Collaborative Law Amendments**

- Mikalla stated that the next step for that rule is to be published. Mary Lou indicated that Bob Merlin would address a comment that was received by ADR rules and the policy of the Supreme Court that basically echoed comments filed by Greg Firestone. Apparently that the subcommittee voted to reject changes as proposed, and that Bob was drafting a response to the supreme court to be delivered by Feb 17. With respect to the use in the forms of the word facilitator, Firestone believes the use of some words were confusing but the subcommittee felt there was no need to define every word that is used or to adopt the suggested revisions.
- Mikalla – we can approve by acclamation since we are not asking for any changes to take place.
- Everyone agrees that there will be no amendments.

### **III. OLD BUSINESS**

**A. New Notary Law** – Evan Marks states that the subcommittee met on October, in connection with the new notarial certificate. We have received comments with changing the firms and those changes are in effect. Report is on page 32 of the agenda.

**B. Review of financial affidavits** by Cory Brandfon – There was difficulty getting quorum at meeting and even though there is a work product and proposed changes, there is still a need to figure out a way to vote on it. Therefore, unable to provide any new reports.

**C. Remote Testimony**, by GM Rebecca Hunt – There have been weekly meetings and each rule committee has made their own proposals and the rules of judicial administration has made its own changes. Can't move forward until Judicial Review is finalized. Revisit at the next meeting.

**D. Timesharing** – Susan Giacoletto. No response from Susan Giacoletto. Mikalla requested re-assignment, since there has been no action on this. After DOR establishes child support, they are saying that there is need for a form to establish. Adriano agreed to take charge of the committee.

**E. Email Designation** – by Ramona Chaplin. She reported subcommittee met and there should be another meeting soon to finalize.

**F. Gender neutral forms** by Shayna Cavanaugh – Mikalla reported on her behalf, that only 12.100, had some pending issues, not sure if to consider today. We already approved the form. Evan Marks summarized, that basically it is a change from father and mother to petitioner and respondent. This is 1<sup>st</sup> reading an on agenda for 2<sup>nd</sup> reading. Evan Marks seeks to waive 2<sup>nd</sup> reading.

Mikalla confirmed that subcommittee never met on this and that it has not formally been made part of the agenda for vote.

- Mark Evans motioned to vote that Subcommittee doesn't need a 2<sup>nd</sup> reading. 16 in favor, approved.
- Motion to dispense 2<sup>nd</sup> reading by Mark Sawicki, Cory 2<sup>nd</sup>. 15 in favor, passed
- Cory's motion to move out of cycle, 2<sup>nd</sup> by Mark Sawicki. 15 in favor, passed

**G. Petition to establish parentage**, by Susan Giacoletto. No response from her and no subcommittee met, so Mikalla suggests to re-assign. Mark Sawicki, motioned to discussion. He is also on the Family Bar Rules Committee and the LGBT committee, which also deals with gender neutral, adoption and other related issues. Suggests that the committee include more than just parentage. Norberto says its more statutory and case law derivative which means that we cannot accomplish anything. However, Mark agreed to chair to encompass a broader view.

**H. Rule 12.410(d)(2)** by Ashley Taylor – background is that there an issue with notice of the service of a subpoena. There is need for an immediate notification from the sheriff's office as to when parties are being served because failure to receive the notice results in violation of the current rule. However, the rules of civil procedure we changed our rules once upon a time to mimic the rules of civil procedure and how they did service, but since then they changed their rule and corrected this issue but we have not so therefore we need to have our rule changed to match the rule to match the rules of civil procedure and not have the issue any longer.

All in favor to amending the rule to the exact language of the civil rules of procedure

Vote, 14 all in favor

**I. 12.351 and 5-day rules opinion**, Tabled, Trisha Armstrong no longer on the line

**J. 12.911(d) and 12.407 (Minor child being subpoenaed)** – by Ashley Taylor. Proposing the rule as it reads now is incorrect. Proposed the form 12.922(d) mirror 12.407.

Vote, Favor – 13, Abstain – 1, passed

**K. Parties Appearance Simplified Dissolution** – by Latoya Shelton Williams. Unavailable, however an additional meeting is necessary to bring a final suggestion to the committee, as per her email.

**L. Children's In Camera Testimony** – by Michael Adriano. children should testify, Michael Adriano, received a recommendation to incorporate rule for Juvenile Procedure 8.255(d) into our rule 12.047 because our rule does not explain how a child should testify. Judge Pollack disagrees with any changes. Cory asked to join subcommittee. Rule just changed so judges are trying to figure out what constitutes reasonable cause to testify. Subcommittee needs to regroup and address what the recommendations will be. Move to the next issue.

**M. Disqualification of Magistrates and Hearing Officers**, Norberto Katz asked recently to handle. Will report at the next meeting.

Before moving to New Business, Cory Brandfon asked to revisit section (I) because it is a straightforward change and that even though Trisha Armstrong was not on the call, he inquired to discuss pursuant to the material provided in the agenda. The subcommittee had already concluded its recommendation. Problem arose when the rule of judicial administration was changed to do away with 5 extra days. Mary Lou agreed to discuss but then it was decided based on Trisha Armstrong's email that we should circulate an update by email and vote that way. Cory asked that it be placed out of cycle if we would be proceeding that way and it was agreed to do so.

#### **IV. New Business**

A. Jodi Terracina's Concern regarding 12.285 Page 48; this was addressed last time and we had agreed not to proceed on it.

B. Volunteers for a fast-track subcommittee – to have a committee that always can be reached to expedite, to be chaired by Ashley Taylor, Nadja Prias, Michael Adriano, Cory Brandfon

C. Child Support Guidelines- Low income and high income – We had recommended changes to the child support worksheet re income parents with income below the poverty guidelines. Then the section suggested we should also address parents who make more than 10K but we need to take a look at the statute and see how to fit these parties into the child support worksheet. We need a subcommittee; Ashley Taylor, Roberta Walton, Micheal Adriano and TJ Bryant will chair. It was clarified that a proposal was ready to go but because of the errors, amendment was pulled.

D. Victim of Domestic Violence Confidential Address – This is a follow up from the cycle report. Currently, only a victim of domestic violence can request for address to be confidential. However, the Section believes there are other types of victims that should be allowed to make the address confidential and therefore they are seeking we include victims of all other categories. It is agreed that there is a basis for a subcommittee to address all other categories in the instructions to the forms. Roberta will chair, Helen Torres, Adriano, and Charis

E. 2020 Legislation (Open Discussion) – Mikalla asked if there was anything that we need to pay attention to, but no one believed that there was a need to.

#### **V. INFORMATIONAL**

**A. Supreme Court Update** by Chair Mary Lou Cuellar-Stilo

1. 2020 Regular Cycle Report was filed. Mikalla said it would be published for comments.
2. IWO/IDO Amendments to 12.996 (A) and 12.996 (D) SC18-1908 Received opinion December 5, 2019. Nothing else to add.

3. Service amendment to 12.080 was filed as a joint report on December 31, 2019 in SC19-2163. – Nothing else to add.

**B. Family Law Section Report**

Need a volunteer to be the FLRC Family Law Section Liaison – It was confirmed that Trisha Armstrong is the liaison and Mark Sawicki agreed to work with her.

**C. Judicial Administration Rules Committee Liaison Report.** Presenter: Rebecca Hunt, committee meeting is on Friday and one issue is remote testimony and 2.425, case management. The subcommittee that she is on has been looking at proposals that would require both petitioner and respondent in a family law case to file a notice of related cases and confirm whether the cases are opened or closed; and additional details as to what type of cases to include. Interested in any comments before she goes to the meeting. No additional comments were made.

**D. Joint Assignment from Court Preserving Challenge to Trial Court’s Findings,** to be addressed at the next meeting.

**VI. ANNOUNCEMENTS**

A. List of Active Subcommittee Matters Page 40 – Mikalla advised that parties are being evaluated to determine who will be allowed to stay or who should be removed based on attendance. If interested in leadership roles, please let Mikalla know.

B. Next Meeting Dates for Annual Meeting was confirmed:

June 17-20, 2020 at the Hilton Orlando Bonnet Creek – Friday morning.

Fall Meeting- October 7-10, 2020 Tampa Airport Marriott , Friday

Adjourned 3:31 pm.