

The Florida Bar Board of Governors
July 19, 2024
Coral Gables

1. Roll Call

Roland Sanchez-Medina Jr., President
Rosalyn Sia Baker-Barnes, President-elect
Jeremy C. Branning, 1st Circuit
David W. Grimes, 2nd Circuit
Melissa N. VanSickle, 2nd Circuit
Kris B. Robinson, 3rd Circuit
Michael Fox Orr, 4th Circuit
Gordon J. Glover, 5th Circuit
Joshua T. Chilson, 6th Circuit
Sandra Fascell Diamond, 6th Circuit
Frank M. Bedell, 9th Circuit
Diego “Woody” Rodriguez, 9th Circuit
Tad A. Yates, 9th Circuit
Victor R. Smith, 10th Circuit
Nikki L. Simon, 11th Circuit
Jordan A. Dresnick, 11th Circuit
Jorge L. Piedra, 11th Circuit
Jeffrey Rynor, 11th Circuit
Leslie B. Rothenberg, 11th Circuit
Alice Sum, 11th Circuit
Sabrina Vora-Puglisi, 11th Circuit
Jesse R. Butler, 12th Circuit
John A. Schifino, 13th Circuit
Amy Stuart Farrior, 13th Circuit
J. Carter Andersen, 13th Circuit
Paige A. Greenlee, 13th Circuit
Theodore R. Howell, 14th Circuit
Grasford W. Smith, Jr., 15th Circuit
Manuel “Manny” Farach, 15th Circuit
Robin I. Bresky, 15th Circuit
Michael J. Gelfand, 15th Circuit
Alison F. Smith, 17th Circuit
Lorna E. Brown-Burton, 17th Circuit
Hilary A. Creary, 17th Circuit
Adam G. Rabinowitz, 17th Circuit
John D. Agnew, 20th Circuit
E. Duffy Myrtetus, Out of State
Donald A. Workman, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State
Ashlea Edwards, YLD President

Arti H. Hirani, YLD President-elect
Melanie Shore, Public Member
Orlando Rolón, Public Member

Members Absent

W. Braxton Gillam, IV, 4th Circuit
Philip J. Bonamo, 7th Circuit
Stephanie M. Marchman, 8th Circuit
Karl N. Klein, 11th Circuit
Wayne LaRue Smith, 16th Circuit
Brian H. Koch, 17th Circuit
James G. Vickaryous, 18th Circuit
Gregory S. Weiss, 19th Circuit

2. Staff in Attendance

Joshua Doyle, Executive Director
Allison Carden Sackett, Director, Executive Division
Elizabeth Clark Tarbert, Director, Lawyer Regulation Division
Gypsy Bailey, General Counsel & Director, Division of Ethics & Consumer Protection
Terry Hill, Director, Programs Division
Cynthia Jackson, Chief Financial Officer & Director, Division of Administration
Patricia A. Savitz, Staff Counsel
Jennifer Krell Davis, Director, Communications Division
Kristen Wilson, Assistant to the President
Jim Ash, Senior Editor, Florida Bar *News*

3. Invocation and Pledge of Allegiance

Board member Nikki Simon delivered the invocation and board member Sabrina Vora-Puglisi led the Pledge of Allegiance.

4. Remarks, Miami-Dade Mayor Daniella Levine Cava

Bar service develops leadership skills. A Miami-Dade proclamation honoring President Sanchez-Medina, reads: “whose head, heart and heroism will enrich all Floridians as leader of The Florida Bar.”

5. Remarks, the Hon. Nushin Sayfie, Chief Judge, Eleventh Judicial Circuit

The Eleventh Judicial Circuit has 123 judges, 725 FTEs, and 11 court facilities and is the state’s largest. The Supreme Court approved civil justice reforms to enhance accountability. Remote proceedings pose a challenge for beginning lawyers.

6. Remarks, Miami-Dade Court Clerk & Comptroller Jaun Fernandez-Barquin

“Operation Green Light” waived more than \$3.6 million in fees and reinstated 38,000 driver’s licenses. An automated service warns property owners of unauthorized transactions. Court clerks require a better funding mechanism.

7. Liaisons, Representatives, and Guests

President Sanchez-Medina introduced the following liaisons, representatives, and guests:

Schuyler Analise Smith, Hamilton, Miller & Birthisel
Adisley “Adi” Cortez Rodriguez, U.S. Department of Justice
Monica Vignes-Pitan, Legal Services of Greater Miami
Jessica D. Thomas, Florida Association for Women Lawyers
Charbel J. Barakat, Regional General Counsel, D. R. Horton
Adam JTW White, Emmanuel Sheppard & Condon
Amanda L. Fernandez, Cuban American Bar Association
Ben Garcia, Virgil Hawkins, Florida Chapter, National Bar Association
Harold F. Pryor, Jr., State Attorney, Seventeenth Judicial Circuit
Rita Florez, Senior Attorney, Lawyer Regulation, Miami
William Chung, Senior Attorney, Lawyer Regulation, Miami
Jennifer R. Falcone, Chief Branch Discipline Counsel, Miami
Enryo Longchamp, Paralegal, Lawyer Regulation, Miami
Tonya Avery, Branch Counsel, Miami
Augusto Perera, Cuban American Bar Association
Patrick Montoya, Cuban American Bar Association
Gustavo Ceballos, Cuban American Bar Association
Fabian Ruiz, Cuban American Bar Association
Joshua Padron, Cuban American Bar Association
Giselle Gutierrez, Cuban American Bar Association
Jodi Martinez-Cid, Cuban American Bar Association
Javier A. Ley-Soto, Cuban American Bar Association
Laura Arboleda, Colombian American Bar Association
Rand Lieber, Traffic Court Rules Committee
Charise A. Morgan, Miami-Dade Bar
Angela Benjamin, Miami-Dade Chapter, FAWL
Todd Michaels, Florida Justice Association
Elaine D. Walter, Appellate Court Rules Committee
Vanessa Vasquez De Lara, Coral Gables Bar Association
Michael’s Deborah Saint-Vil, Haitian Lawyers Association
Carlos Martinez, Public Defender, Eleventh Judicial Circuit

8. Citizens Advisory Committee Report

Chair Hilary Creary introduced the following committee members: Michelle “Mish” Pelaez, Miami; Giorgina Pinedo-Rolón, Orlando; Beth (Doughtie) Stokes, Jacksonville; Linda Goldstein, Tampa; Joey Arellano, Tallahassee; Jonathan Chariff, Miami; Tashara Cooper, Orlando; Ron Cunningham, Gainesville; Dr. Jeffrey Danziger, Maitland; Jarrod Dawson, Pensacola; Kimberly Jackson, St. Petersburg; Robert L. Johnson, Jr., Melbourne.

9. Minutes Approval

The board approved the regular minutes from the May 10, 2024, meeting. That approval included actions taken by the Executive Committee in executive session at a May 10, 2024, meeting, and the following actions:

- At a June 28, 2024, meeting the Executive Committee voted 11-0 to recommend acceptance of amendments to Civil Procedure Rules, Form 1.983; Florida Probate Rules 5.240, 5.241, 5.550, 5.649, 5.681, 5.905; Criminal Procedure Rule 3.220; Juvenile Court Rules 8.345, new rule 8.445, 8.505, 8.535, 8.210, 8.215, 8.217, 8.240, 8.345, 8.347, 8.350, 8.415, 8.425, and 8.505.
- At a July 11, 2024, meeting, the Executive Committee voted to approve the appointment of attorney Benjamin C. Mordes to the Florida Rural Legal Services Board of Directors to fill the remainder of a term that expires December 31, 2024.

10. Consent Calendar

After agreeing to withdraw items 5b(i) and 5b(ii), the board approved the consent agenda, which included the following items:

- A legislative advising services agreement between The Florida Bar and Metz, Husband & Daughton, P.A.
- A state governmental policy research, monitoring, and strategic advice agreement between The Florida Bar and Metz, Husband & Daughton, P.A.
- A legislative advising services agreement between The Florida Bar and Pamela Burch Fort.
- Legislative advising services agreements between the Elder Law Section and BH and Associates, Inc.; the Family Law Section and Smith, Bryan and Myers, Inc.; the Workers' Compensation Section and Converge Public Strategies; the Business Law Section and Metz, Husband & Daughton, P.A.; the Tax Section and the Advocacy Group at Cardenas Partners; the Trial Lawyers Section and Messer Caparello, P.A.; and the Real Property, Probate & Trust Law Section, and Jones Walker, LLP.
- A Workers' Compensation Rules Advisory Committee political position request regarding proposed amendments to Rules 60Q-6.124, 6.114, and 6.102, Florida Administrative Code, to be sent to the Division of Administrative Hearings.
- Florida Registered Paralegal District Committee Nominations: Angela C. Acedo, FRP member, Orlando; Bruce Malasky, public member, Fort Lauderdale.
- UPL Circuit Committee Nominations: Committee 5, William C. Hanlon, III, public member; Committee 13B, Jennifer Cacioppo, public member; Committee 18A, Mark Wylie, public member.

The following Consent Calendar items were prohibited:

- A Pro Bono Legal Services Committee request to send a letter to Chief Justice Carlos Muñiz that advocates for a judicial training program.
- An Animal Law Section legislative position request to oppose a proposed amendment to the Florida Constitution regarding hunting and fishing.

11. Disciplinary Procedure Committee Report

Chair Brian Burgoon presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Rule 3-5.2 (Emergency Suspension; Interim Probation; and Interim Placement on the Inactive List for Incapacity Not Related to Misconduct), Rule 3-5.4 (Publication of Discipline), Rule 7-2.4 (Prerequisites to Payment), Rule 14-4.1 (Arbitration Proceedings), Rule 20-5.1 (Generally), Standing Board Policy 15.90 (Review and Approval of Disciplinary Cost, Diversion Fee, Restitution, and Fee Arbitration Award Payment Plans).

12. Appellate Court Rules Committee Report

Immediate Past Chair Elaine Walter presented.

Items on Final Action: The board voted 33-0-0 to accept proposed amendments to Rule 9.100.

13. Traffic Court Rules Committee Report

Vice Chair Rand Scott Lieber presented.

Items on Final Action: The board voted 36-0-0 to accept proposed amendments to Rule 6.450 (d) and 6.450 (e).

14. Young Lawyers Division President's Report

President Ashlea Edwards introduced the following members of the YLD Board of Governors: Randall Baskin, 6th Circuit; Christopher Butler, 14th Circuit; Lauren Baio, Out-of-State; Carleen Leffler, 7th Circuit; Julia Maddalena, 14th Circuit; Rachel Ponte, 5th Circuit; Tiffany Pereira, 20th Circuit; Haley VanFleteren, 1st Circuit; Valeen Hyde, 4th Circuit; Caleb Kenyon, 8th Circuit; Evan Gardner, 8th Circuit; Lucie Robinson, 9th Circuit; Reginald Penn, 18th Circuit; Ashley Wright, 9th Circuit; Freddelle Menard, 15th Circuit; Samendio Mathieu, 18th Circuit; Imani Williams, 15th Circuit; Michael Kranz, 15th Circuit; Anthony "AJ" Davila, 16th Circuit; Alexis Dion Deveaux, 13th Circuit; Selina Patel, 17th Circuit; Tiffany-Ashley Disney, 11th Circuit; Jamy Barreau, 19th Circuit; Tyler Lattimore, Out-of-State; Veronique Malebranche, 11th Circuit; Reno Pierre, 17th Circuit; Ciara Willis, 13th Circuit; Sarah Morris, 4th Circuit; Emmanuela Saint Jean, Out-of-State; Shekka Drayton, 1st Circuit; Caitlin Powell, 6th Circuit; Altanese Phenelus, 11th Circuit; Brittney Polo, 11th Circuit; Yineth Sanchez Aslan, 17th Circuit; Saray Ravelo, 2nd Circuit; Joseph Coleman, 20th Circuit; Andrew Moody, 10th Circuit; Alina Fernandez, 4th Circuit; Brittany Dix, 13th Circuit; Kellen Vincent, 3rd Circuit; Michael Levine, 11th Circuit; Warren Chin, 12th Circuit; and Alexa Tirse, 11th Circuit. Two YLD committees will promote pro bono and legal aid service. Affiliate Outreach Conference grants will be linked to the enhancement of legal practice. The AOC showcase will focus on professionalism. A Transition to Practice Committee will produce eight to 10 free CLEs.

15. Rules of General Practice and Judicial Administration Committee Report

Liaison Alice Sum presented.

Items on Final Action: The board voted 36-0-0 to accept proposed amendments to Rule 2.215 (Trial Court Administration), Rule 2.265 (Municipal Ordinance Violations), and Rule 2.430 (Retention).

16. Criminal Procedure Rules Committee Report

Liaison Tad Yates presented.

Items on Final Action: The board voted 36-0-0 to accept proposed amendments to Rule 3.134 (Time for Filing Formal Charges), Rule 3.220 (Discovery), Rule 3.851 (Collateral Relief After Death Sentence Has Been Imposed and Affirmed on Direct Appeal), and Rule 3.853 (Motion for Post Conviction DNA Testing).

17. Juvenile Court Rules Committee Report

Liaison Tad Yates presented.

Items on Final Action: The board voted 32-1-0 to accept proposed amendments to Rule 8.245 (Discovery).

18. Small Claims Rules Committee Report

Liaison Eric Meeks presented.

Items on Final Action: The board voted 36-0-0 to accept a proposed amendment to Rule 7.020 (Applicability of Rules of Civil Procedure).

19. Member Benefits Committee Report

Liaison Melissa VanSickle presented.

Items on Final Action: The board voted without objection to add Smart Draw flowchart design software and Savi (Student Loan Benefits Made Easy), to the Member Benefits Program.

20. Program Evaluation Committee Report

Chair Michael Orr presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Rule 6-3.5 (Standards for Certification). The board voted without objection to approve proposed amendments to Rule 6-3.6 (Recertification). The board voted without objection to approve proposed amendments to Bylaws of the Administrative Law Section.

Items on First Reading: Proposed amendments to Rule 6-12.4 (Deferment and Exemption), Rule 6-12.7 (Confidentiality), Rule 6-13.2 (Definitions), Rule 6-13.4 (Recertification), Rule 6-18.4, (Recertification), BLSE Policy 2.09, (Professional Ethics and Competence), BLSE Policy 6.02 (Reporting), and proposed amendments to the internal operating procedures of the Appellate Court Rules Committee, Code and Rules of Evidence Committee, Rules of General Practice and Judicial Administration Committee, and the Criminal Procedure Rules Committee.

The Program Evaluation Committee will evaluate the Health and Wellness of Florida Lawyers Committee, the Standing Committee on Professionalism, and the overall operations of Florida Bar committees.

21. Budget Committee Report

Chair Jeffrey Rynor presented.

The committee voted to approve a moderate to significant fiscal impact of \$375,000 for the proposed amendments to Standing Board Policy 5.56 (Basic Section Support Services). No board action is required.

22. Investment Committee Report

Committee member Jeffery Rynor presented.

The Long-Term Fund contained \$71.53 million, and the Short-Term Fund contained \$25.31 million.

23. Board Review Committee on Professional Ethics Report

Vice Chair Jesse Butler presented.

The work of the BRC remains consistent with prior years. Advertising filings fell slightly in the past fiscal year. The Ethics Hotline answered nearly 20,000 calls. Written inquiries increased from 201 to 280. Ethics opinions were rated highly desirable by 94% of respondents to the latest Bar member survey.

24. Rules Committee Report

Vice Chair Jeremy Branning presented.

Items on First Reading: Proposed amendments to Standing Board Policy 5.53 (Section Budget Policies), and Standing Board Policy 5.56 (Section Administrative Support Policy).

25. Legislation Committee Report

Chair Gordon Glover presented.

The committee voted to prohibit legislative and/or political position requests by the Animal Law Section and the Pro Bono Legal Services Committee.

Items on Final Action: The board voted without objection to reactivate the 2022-2024 voluntary Florida Bar group legislative positions for the 2024-2026 biennium.

Gov. Ron DeSantis signed a \$116.5 billion state budget for FY 2024-2025 after vetoing \$950 million. Those vetoes did not impact court spending priorities. Half of the Legislature's 160 members have served less than four years. Interim committee meetings begin in December ahead of the March 2025 session.

26. Technology Committee Report

Chair Duffy Myrtetus presented.

An AI-themed Presidential Showcase at the Annual Convention attracted nearly 200 registrants.

Showcase materials will be posted on LegalFuel. The committee discussed a recent ABA opinion regarding listservs and client confidentiality. The committee's AI focus will shift from regulation to practical guidance.

27. President's Report

Board members deserve praise for their dedication and service.

28. Time and Place of Next Meeting

President Roland Sanchez-Medina Jr., announced the completion of the public portion of the agenda at 11:12 a.m. The next board meeting will be held September 20, 2024, at Le Meridien in New Orleans.

29. Executive Session

The board went into executive session to discuss confidential matters.

SUBJECT INDEX

APPELLATE COURT RULES COMMITTEE REPORT..... 6

BOARD REVIEW COMMITTEE ON PROFESSIONAL ETHICS REPORT..... 9

BUDGET COMMITTEE REPORT 9

CITIZENS ADVISORY COMMITTEE REPORT 4

CONSENT CALENDAR 5

CRIMINAL PROCEDURE RULES COMMITTEE REPORT 7

DISCIPLINARY PROCEDURE COMMITTEE REPORT..... 6

EXECUTIVE SESSION..... 10

INVESTMENT COMMITTEE REPORT 9

INVOCATION AND PLEDGE OF ALLEGIANCE 3

JUVENILE COURT RULES COMMITTEE REPORT 7

LEGISLATION COMMITTEE REPORT 10

LIAISONS, REPRESENTATIVES, AND GUESTS..... 3

MEMBER BENEFITS COMMITTEE REPORT 8

MINUTES APPROVAL..... 4

PRESIDENT’S REPORT 10

PROGRAM EVALUATION COMMITTEE REPORT..... 9

REMARKS, MIAMI-DADE COURT CLERK & COMPTROLLER JAUN FERNANDEZ-
BARQUIN..... 3

REMARKS, MIAMI-DADE MAYOR DANIELLA LEVINE CAVA 3

REMARKS, THE HON. NUSHIN SAYFIE, CHIEF JUDGE, ELEVENTH JUDICIAL
CIRCUIT..... 3

ROLL CALL..... 1

RULES COMMITTEE REPORT..... 10

RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION COMMITTEE
REPORT..... 7

SMALL CLAIMS RULES COMMITTEE REPORT 8

STAFF IN ATTENDANCE 2

TECHNOLOGY COMMITTEE REPORT 10

TIME AND PLACE OF NEXT MEETING..... 10

TRAFFIC COURT RULES COMMITTEE REPORT..... 6

YOUNG LAWYERS DIVISION PRESIDENT’S REPORT..... 6