

The Florida Bar Board of Governors
December 13, 2024
St. Augustine

1. Roll Call

Roland Sanchez-Medina Jr., President
Rosalynd Sia Baker-Barnes, President-elect
Jeremy C. Branning, 1st Circuit
David W. Grimes, 2nd Circuit
Kris B. Robinson, 3rd Circuit
Michael Fox Orr, 4th Circuit
W. Braxton Gillam IV, 4th Circuit
Joshua T. Chilson, 6th Circuit
Sandra Fascell Diamond, 6th Circuit
Philip J. Bonamo, 7th Circuit
Stephanie M. Marchman, 8th Circuit
Frank M. Bedell, 9th Circuit
Tad A. Yates, 9th Circuit
Victor R. Smith, 10th Circuit
Karl N. Klein, 11th Circuit
Nikki L. Simon, 11th Circuit
Jorge L. Piedra, 11th Circuit
Jeffrey Rynor, 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
Wayne LaRue Smith, 16th Circuit
Alison F. Smith, 17th Circuit
Brian H. Koch, 17th Circuit
Lorna E. Brown-Burton, 17th Circuit
Hilary A. Creary, 17th Circuit
James G. Vickaryous, 18th Circuit
Gregory S. Weiss, 19th Circuit
John D. Agnew, 20th Circuit
E. Duffy Myrtetus, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State

Ashlea Edwards, YLD President
Melanie Shore, Public Member
Orlando Rolón, Public Member

Members Absent

Melissa N. VanSickle, 2nd Circuit
Gordon J. Glover, 5th Circuit
Diego “Woody” Rodriguez, 9th Circuit
Jordan A. Dresnick, 11th Circuit
Leslie B. Rothenberg, 11th Circuit
Adam G. Rabinowitz, 17th Circuit
Donald A. Workman, Out of State
Arti H. Hirani, YLD President-elect

2. Staff in Attendance

Joshua Doyle, Executive Director
Allison Carden Sackett, Director, Executive 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
Jonathan Grabb, Ethics Counsel
Patricia A. Savitz, Staff Counsel
Lindsay Guinand, Chief Branch, Discipline Counsel, Tampa
Jim Ash, Senior Editor, Florida Bar *News*

3. Invocation and Pledge of Allegiance

Board member Braxton Gillam delivered the invocation and board member Philip Bonamo led the Pledge of Allegiance.

4. Remarks, The Honorable Leah Case, Chief Judge, Seventh Judicial Circuit

The Seventh Judicial Circuit’s 27 circuit judges and 17 county judges serve residents of Flagler, Putnam, St. Johns, and Volusia counties.

5. Judicial Advisory Council Report

The Honorable Jacob A. Brown, chair, presented.

The Judicial Advisory Council to The Florida Bar Standing Committee on Pro Bono Legal Services is comprised of 15 judges. The Council’s mission includes detecting the need for pro bono services and identify initiatives and ideas for pro bono programs and projects and reporting them to the Pro Bono Legal Services Committee three times a year. The Council is recruiting pro bono lawyers to serve pro se litigants in domestic violence cases. The Council is considering a judicial training program.

6. Elder Law Section Report

Elder Law Section Chair Shannon Miller presented.

The section is proposing legislation to protect frail elderly from scammers. Board liaisons should be section members. The section recommends raising Florida Bar annual member fees to better

support section initiatives. The section is made up of mostly solo and small-firm attorneys and lacks a quorum for in-person meetings.

7. Liaisons, Representatives, and Guests

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

Adam JTW White

Craig Shoup, Jacksonville Bar Association

Tom Wert, Dean Mead, Orlando

Elaine Fraser, Fountain of Youth Archeological Park

Brian T. Coughlin, Jacksonville Bar Association

Benjamin Chase, St. Johns County Bar Association

Carleen Leffler, Volusia County Bar Association Yong Lawyers Division

8. FFLA a/k/a The Florida Bar Foundation Report

Executive Director Dominic MacKenzie presented.

FFLA distributed \$7,686,000 in IOTA funding to grantees in December 2022. Grantees opened 21,586 cases, served 23,441 clients, and placed 2,732 cases with pro bono attorneys. Grantees will receive \$89 million in December after the Supreme Court approved an FFLA request to establish a reserve based on a rolling average of collections. Due to unmet need, grantees were forced to turn away two clients for every one served in December 2022.

9. Minutes Approval

The board approved the regular minutes from the September 20, 2024, meeting and the grievance minutes from the September 20, 2024, meeting. That approval included the following actions taken by the Executive Committee:

- On November 21, 2024, the committee voted 12-0 to take no action on a Health Law Section request to hire Ron LaFace of Capital City Consulting as a legislative advisor.
- On December 20, 2024, the committee voted 12-0-0 to recommend acceptance of proposed amendments to Florida Probate Rules 5.240, 5.241, and 5.550.

10. Consent Calendar

The board approved the consent agenda, which included the following items:

- A Business Law Section legislative position request that supports amendments to Florida's Uniform Commercial Code promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL), which will add Chapter 669 (Article 12, Controllable Electronic Records), and amend portions of Florida's Uniform Commercial Code, Fla. Stat. §§ 661-680.
- A Business Law Section legislative position request that supports proposed legislation amending certain sections of Chapter 48, Florida Statutes, to further clarify the law relating to service of original process in civil actions and to address issues arising in connection with the implementation of Chapter 2022-190, Laws of Florida, relating to service of original process on business entities and in certain other respects.
- A Business Law Section legislative position request amending certain sections of Chapter 44, Florida Statutes, to clarify the law relating to the availability and methods and

procedures for the use of voluntary trial resolution and to eliminate provisions relating to binding arbitration.

- A Family Law Section legislative position request in support of 61.071 Alimony pendente lite; suit money. In a dissolution of marriage action, a party may claim alimony pendente lite and suit money pendente lite, and if the claim is well founded, the court shall award, at any time, such relief for any period of time from the filing of the action through the entry of final judgment.
- A Real Property, Probate and Trust Law Section legislative position request that supports modifying the Condominium Act, Chapter 718, to make applicable to non-residential condominiums some of the provisions provided in the Act that apply to residential condominiums.
- A Real Property, Probate and Trust Law Section legislative position request to revise director elections and recall procedures in community associations and authorize execution of certain documents by electronic means.
- A Real Property, Probate and Trust Law Section legislative position request that supports legislation that allows a petitioner to voluntarily dismiss a petition to determine incapacity prior to the entry of an order determining the alleged incapacitated person to be incapacitated regarding any right. Additionally, revise Section 744.3031 (4) to add the voluntary dismissal of a petition to determine incapacity as another triggering event to the expiration of an emergency temporary guardianship if an order has not been entered regarding any right.
- A Real Property, Probate and Trust Law Section legislative position request to support legislation that specifically authorizes the court to remove a professional guardian when the professional guardian's registration has been suspended or revoked by the Office of Public and Professional Guardians.
- A Real Property, Probate and Trust Law Section legislative position request that supports revisions to section 95.11(3)(b), Florida Statutes (2023) establishing the statutes of limitations and repose for design and construction defect actions, to add statutory triggers for when the statutes begin to run.
- A Real Property, Probate and Trust Law Section legislative position request that support legislation that bars the ability of a successor fiduciary to bring a claim or action against a former trustee when the beneficiaries are barred from bringing such claim or action.
- A Workers Compensation Section legislative position request to amend Rule 60 Q-6.120 Definitions, to substitute the definition of electronic signature found in Rule of General Practice and Judicial Administration 2.515 (c); to amend Rule 60 Q-6.114 (2)(b) Discovery, to obviate the need to seek judicial approval for depositions to be taken by phone or video teleconference. It also allows the administration of both via video teleconference as long as the person who administers the oath can see and hear the witness being sworn. This proposed change would allow the Florida Workers Compensation rules of procedure to be consistent with Florida Rule of Civil Procedure 1.310, Florida Rule of General Practice and Judicial Administration 2.530, as well as Florida statute 117.231; and to amend Rule 60 Q-6.124 (4) (a)-(c), payment of disputed attorney fee and costs appellate. As set forth in the notes prepared in preparation for the August 2024 meeting, this would impose new timelines and motion requirements in appellate proceedings.

- A legislative advising services agreement between the Elder Law Section and the Griffin Group, LLC.
- UPL Circuit Committee Nominations: Committee 5, James A. Myers, attorney member; Committee 9A, Ronnie Allison Syme, attorney member; Committee 18A, Jake Joseph Fallucca, attorney member.
- Florida Registered Paralegal District Committee Nominations: Marcia K. Alvey, FRP member, for a term that expires in 2027.
- Legal Services of North Florida Board of Directors: Approval of five attorneys to serve a term that commences January 1, 2025, and expires December 31, 2027. Richard Benchman, Florida State University College of Law; Mark Davis, Walton County Bar Association; David Grimes, Florida Government Bar Association; Lorena Holley, Tallahassee Bar Association; and Maggie Ozarowski, Tallahassee Women Lawyers.

11. Disciplinary Procedure Committee Report

Chair Brian Burgoon presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Standing Board Policy 15.91 (Communications Policy for Complaints).

12. Rules of General Practice and Judicial Administration Committee Report

Liaison Alice Sum presented.

Items on Final Action: The board voted 41-0 to accept proposed amendments to Rule 2.420 (Public Access to and Protection of Judicial Branch Records). The board voted 42-0 to accept proposed amendments to Rule 2.540 (Requests for Accommodations by Persons with Disabilities).

13. Criminal Procedure Rules Committee Report

Liaison Tad Yates presented.

Items on Final Action: The board voted 40-0 to accept proposed amendments to Rules 3.850(e)(1); 3.850 (e)(2); and 3.853.

14. Juvenile Court Rules Committee Report

Committee member Brian Coughlin presented.

Items on Final approval: The board voted 40-0 to accept proposed amendments to Rules 8.040 (Process); 8.060 (Discovery); 8.085 (Prehearing Motions for Service); 8.104 (Testimony by Closed-Circuit Television or Audio-Video Communication Technology); 8.105 (Waiver of Jurisdiction); 8.110 (Adjudicatory Hearings); 8.145 (Supersede as on Appeal); 8.225 (Process, Diligent Searches, and Service of Pleadings and Papers); 8.103 (Detention Petition and Order); Form 8.929 (Detention Order); and Form 8.947 (Disposition Order – Delinquency).

15. Traffic Court Rules Committee Report

Liaison Frank Bedell presented.

Items on Final Action: After discussion, the board voted 36-5 to accept proposed amendments to Rule 6.500 (Entry of Dispositions).

16. Member Benefits Committee Report

Liaison Paige Greenlee presented.

Items on Final Action: The board voted without objection to approve adding ADR Support and PATLive to The Florida Bar Member Benefits Program.

17. Program Evaluation Committee Report

Chair Michael Fox Orr presented.

Items on Final Action: The board voted without objection to approve the formation of a Florida Bar Standing Committee for Corporate Counsel, and proposed amendments to Rule 6-12.7 (Confidentiality); Rule 6-13.2 (Definitions); Rule 6-13.4 (Recertifications); Rule 6-18.4 (Recertification); BLSE Policy 1.02 (Recusal); BLSE Policies 500 Series CLE Accreditation; BLSE Policy 6.02 (Reporting); and Internal Operating Procedures, or IOPs revisions for the Appellate Court Rules Committee, Code and Rules of Evidence Committee, Rules of General Practice and Judicial Administration Committee, the Criminal Procedure Rules Committee.

Items on First Reading: Proposed amendments to Civil Procedure Rules Committee IOPs.

18. Civil Procedure Rules Committee Report

Liaison Michael Fox Orr presented.

Items on Final Action: The board voted 39-0 to accept proposed amendments to Rule 1.360 (Examination of Persons); Rule 1.442 (Proposals for Settlement); Rule 1.530 (Motions for New Trial and Rehearing); Rule 1.700 (Rules Common to Mediation and Arbitration); Rule 1.820 (Hearing Procedures for Non-Binding Arbitration); Form 1.902 (Summons); and Form 1.938 (Forceable Entry and Detention).

19. Legislation Committee Report

Committee member Duffy Myrtetus presented.

Items on Final Action: The board voted without objection to reauthorize and adopt The Florida Bar legislative positions for the 2024-2026 biennium. The Florida Bar had four legislative positions for 2022-24 but the fourth – added in January 2024 regarding IOTA – is not being pursued at this time.

The Legislature convenes the next regular 60-day session March 4, 2025. The Supreme Court recently certified the need for 50 new judgeships. The Florida Bar Annual Legislative Reception is scheduled for January 15.

20. Technology Committee Report

Chair Duffy Myrtetus presented.

The committee continues to work with the Standing Committee on Cybersecurity and Privacy Law to provide Florida Bar members with guidelines for an incident response plan. Five subcommittees have been formed to study various technology related issues, including the “Kia” audit for corporate council; and expanding court access. The Special Committee on Artificial Intelligence, Tools & Resources has nearly completed best practice guidelines for using generative AI tools. The committee is accepting ideas for a Presidential Showcase presentation.

21. Certification Plan Appeals Committee Report

Chair Sandra Diamond presented.

The committee is scheduled to meet next in January in Tallahassee.

The board voted, with objection, to confirm the denial of a petition in FLR22-020. Board member David Grimes reported that pursuant to BLSE Policy 4.10(a), the petitioner failed to demonstrate by clear and convincing evidence that the appeals committee acted arbitrarily, capriciously, or fraudulently to deny the respondent's procedural rights.

22. Rules Committee Report

Chair Stephanie Marchman presented.

Items on Final Action: The board voted without objection to refer proposed amendments to Rule 4-8.6 (Authorized Business Entities) back to the Rules Committee for further consideration. The board voted without objection to approve proposed amendments to Rule 1-12.1 (Generally); Bylaw 2-4.1 (Duties of President); Bylaw 2-8.2 (Committee Operations); Rule 10-12.1 (Generally); Rule 20-5.2 (Duty to Update); Standing Board Policy 1.30 (Meetings of Executive Committee); Standing Board Policy 3.30 (Guidelines for Bar Endorsement/Participation Program); Standing Board Policy 5.56 (Section Administration Support); and Standing Board Policy 9.50 (Technical Assistance and Legislative and Political Support).

After a lengthy discussion, the board voted 23-15, with two members abstaining, to approve proposed amendments to Standing Board Policy 1.90 (Diversity and Inclusion).

Items on First Reading: Proposed amendments to Rule 1-3.7 (Reinstatement to Membership); Bylaw 2-3.11 (Electronic Meetings); Standing Board Policy 1.20 (Board Meetings); and Standing Board Policy 5.53 (Section Budget Policies).

23. Board Review Committee on Professional Ethics Report

Chair Gregory Weiss presented.

The committee reported on its consideration of comments regarding amendments to Rule 4-8.6 (c).

24. Executive Session

The board went into executive session to discuss confidential matters.

25. Budget Committee Report

Chair Jeffrey Rynor presented.

The board determined that no budget amendments will be required to support a new Florida Bar Standing Committee for Corporate Counsel. The budget committee has asked the Program Evaluation Committee and the Rules Committee to consider that a new emeritus membership type be created so that members in compliance with rules of active, inactive, or retired status can voluntarily select this new membership type instead of retirement. The budget committee voted to recognize board member Hilary Creary for her years of contribution to The Florida Bar Board of Governors.

26. Investment Committee Report

Chair Braxton Gillam presented.

Items on Final Action: The board voted without objection, and with board member Alice Sum abstaining, to replace Invesco Developing Markets Y (ODVYX) with CQG Partners Emerging Market Equity I (GQGIX); and to replace GMO Resources I (GEACX) with FlexShares Morningstar Global Upstream Natural Resources (GUNR) and iShares North American Natural Resources Sector Index (IGE).

As of November 30, 2024, the Long-Term fund contained \$75.4 million, and the Short-Term Fund contained more than \$26 million.

27. Audit Committee Report

Chair Melanie Shore presented.

The 2023-2034 audit received an unqualified clean audit opinion with no audit adjustments noted.

28. Young Lawyers Division President's Report

The YLD is focused on helping disaster victims in need of pro bono legal services. President Ashlea Edwards and other division members attended a seminar with North Florida Legal Services that included a U.S. Department of Justice representative. The Transition to Practice Committee has completed three of eight planned lunchtime CLE seminars. More than 140 young lawyers registered to attend “A Day in the Life of a Health Care Practitioner.” There are 313 young lawyers registered for a government lawyers CLE. President Roland Sanchez-Medina Jr. and President-Elect Rosalyn Sia Baker-Barnes participated in a “Practicing with Professionalism” CLE. Board members are invited to attend the Affiliate Outreach Conference, February 7-8, in Orlando.

29. Special Appointments

President Roland Sanchez-Medina Jr. presented.

- Florida Rural Legal Services, Inc., Board of Directors: One attorney to serve a three-year term commencing January 1, 2025. The board approved Benjamin J. Mordes, Miami.
- Judicial Qualifications Commission: Two attorneys to serve six-year terms commencing January 1, 2025. The board approved Jay Kim and Bill Schifino.
- Eleventh Circuit Judicial Conference: One attorney from the Southern District to serve a six-year term commencing January 1, 2025. The board approved Tal J. Lifshitz, Miami.
- Florida Realtor-Attorney Joint Committee: Five attorneys from the First, Second, Third, Fourth, and Sixth appellate districts to serve five-year terms commencing January 1, 2025. The board appointed John N. Redding, Tampa; Vanessa Bertran, Coral Gables; Kristen N. King Jaiven, Fort Lauderdale; and Nishad Khan of Orlando.

29. President-Elect's Report

The board in January will consider the formation of a Florida Bar Standing Committee for Corporate Counsel. Board member Hilary Creary is stepping down to accept an appointment as special magistrate in the Seventeenth Judicial Circuit Domestic Relations Division and deserves special recognition for her “courage, integrity and empathy” and years of service to the Board of Governors.

30. Time and Place of Next Meeting

There being no further business before the board, President Roland Sanchez Medina Jr. adjourned the meeting at 1:57 p.m. The next board meeting will be held in Tallahassee on January 17, 2025, at the A.C. Hotel by Marriott.

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