

THE FLORIDA BAR ELDER LAW SECTION
Executive Council Meeting Minutes
The Florida Bar Virtual Annual Convention
Zoom
Friday, June 19, 2020

I. Call to Order – Randy C. Bryan, Chair

Randy Bryan called the meeting to order and thanked everyone for attending. He recognized Joshua Chilson who introduced himself as the new BOG Liaison to the Elder Law Section. Mr. Chilson expressed his excitement over this appointment and invited members to get in touch with any needs or questions during the upcoming year.

Gary Lesser introduced himself as candidate for Bar President-Elect, discussed his experience as a member of the Board of Governors, and welcomed questions and comments from ELS members at any time. He applauded the ELS for its robust and successful legislative activities.

II. Approval of January 16, 2020 Minutes – William Johnson, Secretary

William Johnson asked for a motion to approve the January 16, 2020, minutes. The motion was given, seconded, and **PASSED** unanimously.

III. Chair’s Report – Randy C. Bryan

Randy Bryan deferred his remarks until after Committee Chair reports.

IV. Immediate Past Chair’s Report – Jason A. Waddell

No report.

V. Chair-Elect’s Report – Steven E. Hitchcock

Steve Hitchcock expressed his excitement to be working with Joshua Chilson as BOG Liaison and reported that all 2020-2021 committee/liaison appointments had been made. He will be looking to appoint a liaison to the judiciary and welcomed recommendations from members.

VI. Treasurer’s Report – Howard S. Krooks

Howard Krooks reported that the Section’s fund balance is strong at almost \$429,000. A few additional expenses will post in June. The ELS held a very successful Special Needs Planning CLE this morning with 67 registrants, so there will be additional revenue in June as well. The effect of the Section’s investment allocation remains to be seen, but the Section’s financial position is strong.

VII. Substantive Committee Report – Victoria Heuler, Substantive Vice Chair

Victoria Heuler praised all substantive committee chairs for their great work this year.

A. Abuse, Neglect, and Exploitation Committee – David Weintraub and Ellen Cheek

Ellen Cheek reported that one of the best things the committee does is to support the good work of the legislative committee. The committee is looking forward to a successful year ahead and invited members to let them know if there are topics they should research, etc. Ellen Cheek will serve as 2020-2021 Chair.

B. Estate Planning and Probate Committee – Horacio Sosa and Amy Collins

Amy Collins will serve as 2020-2021 Committee Chair and referred members to the committee's written report. She noted that the committee could use additional members and solicited help with estate planning and probate written materials for the certification review CLE project for Steve's year. The next committee meeting will be on July 9, at noon.

C. Ethics Committee – Steven Hitchcock

Steve Hitchcock reported that he had been in communication with the RPPTL Section's Professionalism and Ethics committee chair. The RPPTL Section is currently working on is the Erlandson guardianship case, and he thought the ELS should collaborate and monitor what RPPTL is doing. Heather Samuels will serve as Ethics committee chair for 2020-2021.

In 2015, the ELS created and approved Standards of Conduct for members and procedures for removing a section member. Steve Hitchcock reported that the Section will be republishing that information this year, perhaps in the *Advocate*.

D. Guardianship Committee – Stephanie Villavicencio and Twyla Sketchley

Twyla Sketchley will serve as 2020-2021 committee chair and referred members to the written report. She reported that she had just been notified earlier that day that the Guardianship DNR bill was signed last night by the governor, effective July 1. The committee wants to start collecting information about the CEAR groups' activities, communications, etc., as some of these groups have been acting inappropriately regarding Guardianship court, attorneys, and guardians. The committee will be working on getting out a statement to ELS members.

E. Legislative Committee – Shannon Miller, Debra Slater, and Travis Finchum

Travis Finchum thanked Shannon Miller for her service on the Committee. Debra Slater will be continuing as Chair in 2020. Travis also thanked lobbyist Brian Jogerst for his help and initiative in keeping things moving this year.

Travis referred members to the written report and recommended the [re]adoption of two legislative initiatives: (1) Exploiter Disinheritance Bill (e.g. *Slayer* Statute), which aims to disincentivize abuse and exploitation; and (2) Exploitation Injunction Update Bill.

MOTION: To approve the ELS's pursuit of the Exploiter Disinheritance legislation in the 2021 Legislative Session. Motion was seconded by Randy Bryan. Motion **PASSED** unanimously. This effort will be spearheaded by Ellen Morris through the Litigation Committee. Cara Singeltary will be new Litigation Committee Chair in 2020.

MOTION: To APPROVE pursuing the Exploitation Injunction Update Bill in the 2021 Legislative Session. Motion PASSED unanimously.

MOTION: To APPROVE the continuation of the ELS Legislative Positions previously approved by the Executive Council and the inclusion of a new Legislative Position designed to discourage or prevent abuse, neglect or exploitation of individuals, all of which are identified in Exhibit F of the agenda. Motion PASSED unanimously.

MOTION: To APPROVE the support of the RPPTL Glitch Bill for Electronic Notarization and Legal Documents. Motion PASSED unanimously.

F. Medicaid/Government Benefits Committee – John S. Clardy, III and Heidi Brown

John Clardy delivered the report. The committee's meetings have been well attended this year. John referred members to written report and reported on the MAR (Authorized Medicaid Representative) issue. The committee will be drafting a white paper to address it. Heidi Brown will serve as 2020-2021 committee chair.

G. Special Needs Trust – Howard S. Krooks and Amy Fanzlaw

Howard Krooks referred members to the written report. He reported that the committee had very well-attended meetings this year. The committee will be working on certification review CLE materials, and a book on Florida law.

H. Veterans Benefits – Teresa Bowman and Jack Rosenkranz

No report.

VIII. Administrative Committee Reports – Carolyn Landon, Administrative Vice Chair

A. Budget Committee – Howard S. Krooks

No report.

B. CLE Committee – Danielle Faller and Marjorie Wolasky

Danielle Faller will serve as 2020-2021 committee chair and referred members to the written report. The Committee is currently working with the other substantive committees on the certification review CLE initiative for Steve Hitchcock's year.

C. Membership Committee – Donna McMillan and Mike Jorgensen

Donna McMillan referred members to the written report.

D. Mentoring Committee – Dayami Sans and Jodi Murphy

Dayami Sans referred members to the written report.

E. The Advocate Committee – Heather Samuels and Genny Bernstein

Genny Bernstein will serve as 2020-2021 committee chair and extended special thanks to the Special Needs Trust committee for their dedication this year.

IX. Special Committee Reports

A. Bylaws Committee – Jason Waddell

Jason Waddell referred members to the written report.

B. Certification Committee – Amy Fanzlaw and Laurie Ohall

Laurie Ohall referred members to the written report and congratulated this year's four new board certified elder law attorneys.

C. Law School Liaison Committee – Enrique Zamora and Max Solomon

Max Solomon reported that the committee had grown this year. The committee sponsored an essay writing contest this past spring but will be extending the submission deadline through this summer due to the effects of the COVID-19 pandemic. Enrique D. Zamora will be serving as 2020-2021 committee chair.

D. Sponsorship Committee – Jill Ginsberg and Jason Waddell

Jill Ginsberg welcomed referral and recommendations for Annual Update and/or section sponsors.

E. UPL Committee – John Frazier and Leonard Mondschein

Len Mondschein reported that UPL is still a growing problem. The committee has authored two brochures on UPL and is determining which one to publish.

F. Technology Committee – Alison Hickman and Lawrence Levy

Alison Hickman will serve as 2020-2021 committee chair and reported that the committee is evaluating three free platforms for cross posting on social media channels.

G. Strategic Planning Committee – Jill Ginsberg, David Hook, and Collett Small

Collett Small reported that this year's strategic planning meeting was cancelled due to COVID-19, but the committee has located a facilitator for this year at no cost to the section. The facilitator will offer her services in exchange for an exhibitor table at Annual Update.

H. Litigation Committee – Ellen Morris

No report.

I. Disability Law Committee – Steven Hitchcock

No report. Melissa Lader Barnhardt will serve as 2020-2021 Chair.

X. Board of Governors Report – James G. Vickaryous

No report.

XI. Liaison Reports

A. AFELA – Twyla Sketchley

AFELA is currently looking at options for next year's programming.

B. FSGA – William Johnson

The FSGA conference has been cancelled due to COVID-19 concerns, and they are looking at doing a virtual training this fall.

C. RPPTL – Marjorie Wolasky and Travis Finchum

RPPTL is working on its legislative initiatives for next fall.

D. NAELA – Howard S. Krooks

NAELA is currently looking at further stimulus package possibilities, blanket immunity, and health care facilities.

E. Task Force – Ellen Morris

No report.

XII. New Business

XIII. Awards Recognition and Passing of the Gavel

Chair Randy Bryan recognized the following individuals for their contributions and outstanding service this year:

- Twyla Sketchley, Stephanie Villavicencio, Travis Finchum, Shannon Miller, and Debra Slater for their efforts on the guardianship bill.
- David Weintraub and Ellen Cheek for their efforts on the Abuse, Neglect, and Exploitation Committee.
- David Lillesand for his service as an outstanding contributor to the AFELA listserv.
- Jason Waddell for his continued outstanding efforts and service to the Section.
- Nancy Wright was honored as the 2019-2020 recipient of the Charlotte Brayer Public Service Award.
- Heather Samuels and Genny Bernstein were honored as the 2019-2020 Members of the Year for their excellent service as co-chairs of *The Elder Law Advocate* newsletter.

Randy Bryan thanked members for the honor of serving as Section Chair and passed the gavel virtually to Steven Hitchcock. Steve briefed the council on the initiatives for his year as Chair, which include a Section Bylaws revision, the certification review CLE project, and shuffling the Section's committee structure. He also announced that the 2020 Section Retreat in Boston would be cancelled this year due to COVID-19 concerns, but that Carolyn Landon had agreed to host a "joint" retreat in Boston in 2021.

XIV. Adjournment

There being no further business, Randy Bryan adjourned the meeting at 5:00 p.m.

Attendees:

Randy Bryan, Chair	Heather Samuels
Steven Hitchcock, Chair-Elect	Dayami Sans
Jason Waddell, Immediate Past Chair	Twyla Sketchley
Carolyn Landon, Admin. Vice Chair	Debra Slater
Victoria Heuler, Sub. Vice Chair	Collett Small
Howard Krooks, Treasurer	Max Solomon
William Johnson, Secretary	Stephanie Villavicencio
Genny Bernstein	David Weintraub
Sam Boone	Marjorie Wolasky
Teresa Bowman	Enrique Zamora
Heidi Brown	Joshua Chilson, Guest
Ellen Cheek	Steve Kotler, Guest
John Clardy, III	Gary Lesser, Guest
Amy Collins	Chase Early, Guest
Danielle Faller	Leslie Reithmiller, Program Administrator
Travis Finchum	
John Frazier	
Jill Ginsberg	
Alison Hickman	
David Hook	
Mike Jorgensen	
Lawrence Levy	
Donna McMillan	
Shannon Miller	
Leonard Mondschein	
Laurie Ohall	
Jack Rosenkranz	