

THE FLORIDA BAR ELDER LAW SECTION
Executive Council Meeting Minutes
The Florida Bar Annual Convention
Boca Raton Resort & Club
Friday, June 28, 2019

Chair Jason Waddell called the meeting to order and welcomed members and guests. Secretary Howard Krooks asked for a motion to approve the January 17, 2019, minutes, which **PASSED** unanimously. Chair Waddell reported that the Section continued to increase its visibility this year through the sponsorship of the AFELA Elder Justice Conference and the Probate and Guardianship Bench and Bar Judicial Reception at St. Thomas University. He reported that the Elder Law Guardianship Seminar earlier that day was well attended, as was the January Elder Law Annual Update. He reminded members that the Elder Law Section would be co-sponsoring Saturday's Consumer Protection Law Committee CLE, and concluded his report by extended special thanks to the Legislative Committee who worked tirelessly this year on many pieces of legislation.

Chair Waddell recognized Michael Tanner, candidate for President-Elect of The Florida Bar, who introduced himself to the Executive Council and summarized the issues he hopes to address on behalf of The Florida Bar. These issues include the looming threat of *Janus* reverberations in Florida and legislative encroachment on TFB's involvement in the judicial nominating process. Chair Waddell thanked Michael Tanner for addressing the council and wished him luck in his campaign, noting that the Elder Law Section is active and wishes to be involved in Bar activities and issues. Candidate Renée Thompson was unable to address the Elder Law Section Executive Council due to scheduling conflicts.

Immediate Past Chair Collett Small introduced section member Eneami Bestman who has been selected for Bar Leadership Academy Class VII, and reported that the Executive Committee has awarded her a \$1,500 scholarship. Chair-Elect Randy Bryan announced the 2019 Elder Law Section Annual Retreat in Napa Valley on October 3 – 5, 2019, and encouraged members to make an early hotel reservation. Treasurer Victoria Heuler reported that the Section financials are looking strong as we approach the end of the fiscal year, and that overall, expenses are down and revenue is up.

The various Substantive, Administrative, and Special Committees either delivered oral reports to the council or directed members to previously submitted written reports. Legislative Committee Co-Chair William Johnson reported that this was a particularly active year for the Section, and that there is a [proposed rewrite to Chapter 745](#) (Guardianship Code) for next year. Chair Waddell then recognized Litigation Committee Chair Ellen Morris, who briefed the Council on the committee's efforts to initiate exploiter disinheritance legislation similar to the *Slayer* statute. She reported that the draft legislation was essentially complete, but comments and input from the Executive Council was necessary before it was provided to Section lobbyist Brian Jogerst. She also reported that there was friction between the Elder Law and RPPTL sections on this proposed bill, and that it has been difficult to garner support from RPPTL leadership. Discussion followed, and it was noted that the legislature prefers to see a united front from Florida Bar entities who propose legislation. There was some uncertainty as to whether mediation efforts between the ELS and RPPTL on this issue would be successful, but a motion was made to formally endorse the draft legislation, subject to further committee modifications based on comments from Executive Council members and input from RPPTL. The motion **PASSED** unanimously. It is expected the committee will bring the legislation back to the Executive Council for final approval at a later meeting.

Special Needs Trust Committee Co-Chair Travis Finchum reported that the committee's March 22 CLE was a success, and that they hope to offer a full-day Special Needs Trust program every other year. They also plan to increase the committee's outreach through publications in the section newsletter, *The Elder Law Advocate*, and through membership advertisements via e-blast. Certification Committee

Co-Chair John Clardy reported that there are 109 board certified section members. Twelve section members sat for the Elder Law Board Certification exam this year, and four passed. He recognized those members by name to a round of a applause from council members. UPL Committee Co-Chair John Frazier reported that The Florida Bar had recently taken significant action (disbarment) against an attorney who was working with non-attorney Medicaid planners. Technology Committee Co-Chair Alison Hickman reported that the Section's Facebook presence is growing steadily and encouraged committee chairs to send news, content, and noteworthy achievements to the Technology Committee for publication through the Section's social media accounts and website.

Following committee reports, Section liaisons reported on upcoming events for various affiliated organizations such as the Academy of Florida Elder Law Attorneys (AFELA), The Florida Joint Public Policy Task Force for the Elderly and Disabled, and the Florida State Guardianship Association (FSGA). 2018-2019 BOG Liaison Robin Bresky also thanked the council members for their dedication this year, and announced that James Vickaryous would be succeeded her as the section's BOG Liaison for 2019-2020. Chair Waddell thanked her for her involvement and responsiveness.

The remainder of the meeting was dedicated to the presentation of the Elder Law Section's 2018-2019 awards. Chair Waddell recognized Debra Slater and Victoria Heuler for their dedicated work with the legislature on the proposed [Florida Guardianship and Protective Proceedings Act](#). Chair Waddell noted that even though the bill did not pass this year, the Section is hopeful that it "gained legs" and may succeed next year. The bill's sponsor, Representative Wyman Duggan, was recognized as the 2018-2019 Elder Law Section Legislator of the Year, though he was not present to accept the award in person. Chair Waddell presented outstanding service awards to Danielle Faller for going above and beyond to orchestrate the Section's VA Pension Rule Changes webcast CLE, and to John Clardy and Heidi Brown for their work on the now-approved Medicaid Retroactive Eligibility Plan. Travis Finchum was awarded Member of the Year for his tireless dedication as Special Needs Trust Committee Co-Chair and RPPTL Liaison. Sam Boone, Jr. was presented with the Lifetime Achievement Award for his continued involvement in the Section and willingness to shepherd younger members and assist with projects.

Chair Waddell then passed the ceremonial gavel to Chair-Elect Randy Bryan and welcomed him as Chair of the Section. Chair Bryan presented Immediate Past Chair Waddell with a gift in appreciation for his service to the Section. Gifts were distributed to Executive Council members at the conclusion of the meeting.

The next meeting of the Elder Law Section Executive Council will take place during the section's Annual Retreat on October 4, 2019, in Napa Valley, CA.

Attendees:

Jason A. Waddell
Randy C. Bryan
Steven Hitchcock
Carolyn Landon
Victoria Heuler
Amy Collins
Danielle Faller
Amy Fanzlaw
Travis Finchum
John Frazier
Jill Ginsberg
Alison Hickman
William Johnson

Lawrence Levy
Shannon Miller
Leonard Mondschein
Ellen Morris
Heather Samuels
Dayami Sans
Debra Slater
Max Solomon
Horacio Sosa
Stephanie Villavicencio
David Weintraub
Marjorie Wolasky
Jack Rosenkranz

Jorja Williams
Virginia Griffiths
Emma Hemness
Rebecca Vaccariollo
Howard S. Krooks
Collett P. Small
Robin Bresky
Genny Bernstein
Sam Boone, Jr.
Heidi Brown
Ellen Cheek
John Clardy, III
Leslie Reithmiller