

BROWARD COUNTY BAR ASSOCIATION

BARRISTER

SEPTEMBER 2019

BEHIND THE GAVEL

A CELEBRATION OF HISPANIC JUDGES



The Honorable
Bernard I. Bober



The Honorable
Robert Diaz



The Honorable
Marina Garcia-Wood



The Honorable
Jose Izquierdo



The Honorable
Frank Ledee



The Honorable
Robert W. Lee



The Honorable
Olga Levine



The Honorable
Tarlika Navarro



The Honorable
Mily R. Powell



The Honorable
Carlos S. Rebollo



The Honorable
Alberto Ribas



The Honorable
Carlos A. Rodriguez



Jingle AND
MINGLE
ANNUAL BCBA HOLIDAY PARTY

Thursday, December 12th
5:30 P.M. - 8:00 P.M.

NSU Art Museum Fort Lauderdale

No Charge BCBA Member | \$25 BCBA Member Guest
Register today at browardbar.org/calendar

Questions?

Contact Lauren Riegler at lauren@browardbar.org

BROWARD COUNTY BAR ASSOCIATION **Recognizes 100% Membership Club**

****For firms with 5 attorneys or more****

Baker Donelson
Bernstein Chackman Liss
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
Birnbaum, Lippman & Gregoire, PLLC
Boies Schiller Flexner LLP – Hollywood Office
Brinkley Morgan
Brodzki Jacobs & Brook
Buchanan Ingersoll & Rooney PC
Catri, Holton, Kessler & Kessler P.A.
Chimpoulis, Hunter & Lynn, P.A.
Coast to Coast Legal Aid of South Florida
Cole, Scott, and Kissane
Colodny Fass
Conrad & Scherer, LLP
Cooney Trybus Kwavnick Peets, PLC
Doumar, Allsworth, Laystrom, Voigt, Wachs Adair & Dishowitz, LLP
Ferencik, Libanoff, Brandt, Bustamante, & Goldstein, P.A.
Fowler, White, Burnett, P.A.
Gladstone & Weissman, P.A.
Gray Robinson, P.A.

Green, Murphy & Murphy
Haliczer, Pettis & Schwamm, P.A.
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.
Keller Landsberg PA
Kelley/Uustal
Kim Vaughan Lerner LLP
Krupnick, Campbell, Malone, Buser, Slama, & Hancock P.A.
Legal Aid Service of Broward County
MacLean & Ema
Moraitis, Cofar, Karney, Moraitis & Quailley
Pazos Law Group, P.A.
RAS LaVrar, LLC
Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A.
Rogers, Morris & Ziegler, LLP
Schlesinger Law Offices, P.A.
Seiler, Sautter, Zaden, Rimes & Wahlbrink
Vezina, Lawrence & Piscitelli, P.A.
Walton, Lantaff, Schroeder & Carson, LLP
Weiss Serota Helfman Cole & Bierman, P.L.
Wicker, Smith, O'Hara, McCoy and Ford, P.A.
Zebersky Payne, LLP

United We Stand... For the Accused

All Criminal Charges, Felonies and Misdemeanors, State & Federal



MUSCA LAW
CRIMINAL & DUI DEFENSE

Aggressive Criminal Defense
Over 150 Years of Combined Experience



Attorney
JOHN MUSCA

19 Year Veteran
Defense Attorney



954.302.5391

523 S Andrews Ave #1
Fort Lauderdale, FL 33301

Staff Box

PUBLISHER

Broward County Bar Association
954.764.8040

**PUBLICATIONS & PUBLICITY
COMMITTEE**

Edwina V. Kessler, Co-chairperson
Jared Guberman, Co-chairperson/
Co-editor
Chris Traina, Co-editor
Karina Rodrigues – Co-editor
Yanina Zilberman – Co-editor

EXECUTIVE EDITOR

Braulio N. Rosa
braulio@browardbar.org

LAYOUT AND PRINTING

Park Row Printing

COORDINATING EDITOR

Lauren Riegler Capote
lauren@browardbar.org

CONTRIBUTING WRITERS

Michael Fischler
Lindsay M. Massillon
Ronald Anania, Esq.
Brenden Sweeny
Brent Reitman
Karen Williams North
Kristen Palacia
Debra P. Klauber, Esq.
Joshua Lida, Esq.

BILLING INQUIRIES

954.764.8040 Ext. 204

The Barrister is published monthly by the Broward County Bar Association. All editorial, advertising and photos may be submitted for consideration through email to ads@browardbar.org. We reserve the right to reject any ad for any reason.

We make every effort to ensure the accuracy of the information published, but cannot be held responsible for any consequences arising from omissions or errors. Opinions expressed by our writers and advertisers are not necessarily opinions shared by the BCBA or the Barrister.

ON THE COVER National Hispanic Heritage Month is celebrated from September 15th through October 15th. Join us September 12th for our kick-off event where we will be celebrating our Hispanic Judges. More information about Hispanic Heritage month and events can be found on page 17.

5 Letter from the President
Michael Fischler

7 Young Lawyers' Section Letter from the President
Lindsay M. Massillon

9 Admiralty Law
Ronald Anania, Esq.

11 Hurricane Related Freud
Brenden Sweeny

13 Bench and Bar
Brent Reitman

15 Real Estate Update
Karen Williams North

17 Hispanic Heritage Month
Kristen Palacio

19 Medical Evidence in Mediation
Karen Williams North

21 Case Law Update
Debra P. Klauber, Esq.

22 Florida Beer Distribution Laws: A Primer
Joshua Lida, Esq.

23 Calendar of Events



www.browardbar.org

inside this issue



Save the Date!
2019 Bench & Bar Convention
October 18, 2019

BROWARD COUNTY BAR ASSOCIATION
BARRISTER
SEPTEMBER 2019

BEHIND THE GAVEL
A CELEBRATION OF HISPANIC JUDGES

 The Honorable Bernard S. Bolin	 The Honorable Robert Diaz	 The Honorable Maria Garcia-Wood	 The Honorable Jose Inguanzo
 The Honorable Frank Lede	 The Honorable Robert W. Lee	 The Honorable Olga Levine	 The Honorable Tarrisa Navarro
 The Honorable Myr R. Powell	 The Honorable Carlos S. Rebollo	 The Honorable Alberto Ribes	 The Honorable Carlos A. Rodriguez

SERVING THE CITIZENS AND LEGAL COMMUNITY OF BROWARD COUNTY SINCE 1925

2019 - 2020 BCBA Officers

Michael A. Fischler • *President*
Robert C.L. Vaughan • *President Elect*
Jamie Julia Finizio Bascombe • *Treasurer*
Alison F. Smith • *Secretary*
Edwina V. Kessler • *Past President*
Braulio N. Rosa • *Executive Director*

BOARD OF DIRECTORS

NORTHEAST

Michele McCaul Ricca
J. Anthony Van Ness

NORTHWEST

Nancy K. Brodzki
Matthew Fornaro

WEST

Alejandro Larrazabal
Marc A. Marra
Louis Reinstein

CENTRAL

Jamie Alan Cole
Joseph M. Goldstein
Stephen R. Gross
Aaron J. Horowitz
Kenneth J. Joyce
Brian M. Karpf
George Odom

SOUTHEAST

Justin Nepola
Anita Paoli

SOUTHWEST

Alan David Danz
Kenneth P. Hassett

JUDICIAL LIAISON

The Honorable Kenneth L. Gillespie

Broward County Bar Association
1051 SE 3rd Avenue
Fort Lauderdale, FL 33316
954.764.8040



Michael A. Fischler

With summer over, school back in session and football season starting, the Broward County Bar Association (“BCBA”) is back in full swing. Many firms with five (5) attorneys or more have joined the BCBA Hundred Percent (100%) Membership Club and we thank each of them for their support. BCBA Section leaders are meeting and planning agendas for the year and I encourage all members to join one or more BCBA sections and participate therein. Please feel free to contact Section Chairs if you have ideas or wish to assist them in putting on events. Please also encourage attorneys who may not be members of the BCBA to join our organization and take advantage of all the opportunities offered to members. Our new County Court Insurance Section held its first CLE event, which was

sold out, with County Court Judge Robert Lee making sure that the CLE was enjoyed by all attendees, who laughed throughout the humorous anecdotes.

Please visit the BCBA website, which has been updated, where you can continue to look at the Calendar of Events, search and post available jobs on the BCBA Job Board, and obtain CLE’s online through “B-Connected”. Please take the opportunity to invite friends to join the BCBA who may not already be members so that they can take advantage of all that we have to offer, including the BCBA Lawyer’s Lounge on the first floor of the Courthouse in the north end of the Clerk’s Office.

The BCBA held their annual retreat on August 3, 2019, at which time over sixty (60) volunteer leaders (did I say “volunteer leaders”) from the BCBA Board, YLS Board, Sectional and Regional Committees came together for an all-day exchange of ideas and the development of a strategic plan, in an effort to better serve the legal community and our membership, and plan for the future. Thank you to Executive Director Braulio Rosa for all you did to design and make the program interesting and to Lauren Riegler Capote, Events and CLE Manager, for coordinating all aspects of the event so that it would be enjoyed and run smoothly. I would personally like to thank all attendees who took time on their weekend to attend and participate in the retreat, including Past Presidents Winney Kessler, Tom Oates, Robin Moselle and Alan Fishman, as well as Judge Florence Barner, Co-Chair of the Mentorship Committee with Tabatha Blackmon.

We have some exciting events on the horizon. On Thursday, September 12, 2019, the BCBA is cosponsoring “Behind the Gavel”, at ArtServe in Fort Lauderdale, at which there will be a celebration of Hispanic Judges; on September 19, 2019, there will be a tri-county Bar Association networking happy hour, utilizing round trip transportation on the Bright Line, and the BCBA on October 18, 2019 has their all-day packed CLE Bench & Bar Convention (“B&B Convention”). We expect over six hundred (600) Judges, Lawyers, Sponsors and guests to attend the Convention. Please mark your calendar to attend the B&B Convention which affords Judges and Lawyers an opportunity to exchange ideas on a variety of topics, for networking, and the obtaining of numerous CLE credits, each providing an opportunity to learn from and ask questions from Judges and experienced attorneys.

Should you have any questions, suggestions, comments or wish to take on leadership roles or participate more in the BCBA, please feel free to contact any member of the Board, Staff and/or myself.

B

BROWARD COUNTY BAR ASSOCIATION ANNUAL SPONSORS

Cash Now Funding Group LLC.

CBRE

Chris Roehm, CFP® Life Insurance Guy

Claims Investigation Agency

Community Foundation of Broward

CopyScan Technologies

CPT Institute

Dixon & Odom Attorneys at Law

The Ellsley Law Firm

FAYR Co-Parenting App

Fiske & Company

FHE Health

Florida Lawyers Mutual Insurance Company

Florida Power & Light Company

Fowler White Burnett, P.A.

Haliczer, Pettis & Schwamm, PA

IBERIABANK

Keller Landsberg PA

Kelley/Uustal Trial Attorneys

King Lindsey, P.A.

LAN Infotech

LaRocca and Associates, Inc.

LexisNexis

Legal Search Solutions

Quest Workspaces

Upchurch Watson White & Max Mediation Group

U.S. Legal Support



VICTOR TOBIN

Circuit Civil, County & Appellate Mediator
Certified Property Insurance Umpire
Windstorm Insurance Network Umpire

Are you looking for an experienced Neutral? My innovative settlement strategies may give you the edge needed to settle your property claims, first party insurance claims, commercial or construction claims.

Mediations may be scheduled with me online at:

www.sd-adr.com/attorney/victor-tobin/

martha@sd-adr.com

305.371.5490



Neutral Offices throughout Florida

MIAMI | FT. LAUDERDALE | PLANTATION
BOCA RATON | WEST PALM BEACH | JACKSONVILLE

PATIENCE • PERSISTENCE • PROFESSIONALISM



LAW FIRM ADVANTAGE.

CBRE knows Law Firms. Through our industry leading perspectives, scale and deep Law Firm expertise, we deliver outcomes that drive business and bottom-line performance for every South Florida client we serve. How can we help transform your real estate into real advantage?

For more information contact or visit:

Scott Brenner, Executive Vice President
+1 561 393 1610
cbre.us/Scott.Brenner

CBRE Build on Advantage

2019 - 2020 BCBA Young Lawyers' Section

OFFICERS

Lindsay M. Massillon • *President*

Omar A. Giraldo • *President Elect*

James Heaton • *Treasurer*

Kimberly L. Wald • *Secretary*

Brent M. Reitman • *Past President*

BOARD OF DIRECTORS

Jamie D. Alman

Anisha Atchanah

Jacqueline DerOvanesian

Maria Schiuma Fischer

Josiah Graham

Brooke Latta

Paul M. May

David Newman

Kyle Roberts

H. Seth Rosenthal

Vanessa Seblano

Florida Bar Board of Governors 17th Judicial Circuit

Lorna E. Brown-Burton
954.463.8322

Hilary A. Creary
954.783.9737

Jay Kim
954.527.1115

Adam Glenn Rabinowitz
954.764.7060

Diana Santa Maria
954.434.1077

Broward County Bar Association

1051 SE 3rd Avenue
Fort Lauderdale, FL 33316
954.764.8040

letter from the young lawyers' president



Lindsay M. Massillon

As we gear up for the beginning of Fall (I don't have to say how fast this year has gone by), I am reminded that for many, September marks "back to school," and the beginning of, well, chaos. While I don't have children of my own, I've had the fortune of being an Aunt (or "Tati" in Creole) to my two nieces (Nia and London) and two nephews (Jaden and Jett). I've seen their care-free, no-bedtime summer attitude give way to school supply shopping, groans about waking up early, and the return of schedules.

What I forget, however, is that there are many children who only wish they could "go back to school," and whose families are not sure if their children will be well by September. This is the reality for several children and their families right now at South Florida's own Nicklaus Children's Hospital ("NCH").

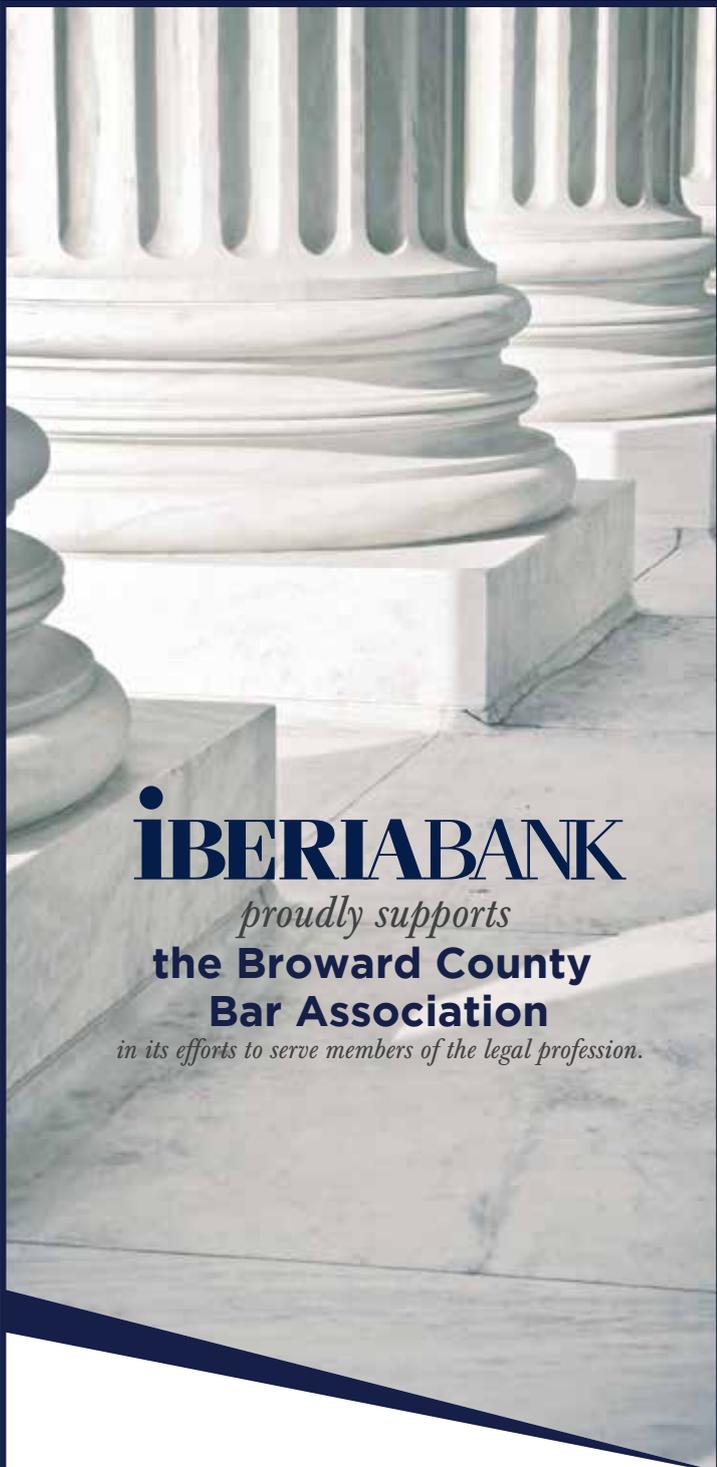
It is for this reason that YLS has selected NCH as our beneficiary for our 2019 Walter G. "Skip" Campbell, Jr. Memorial Golf Tournament. NCH is South Florida's only licensed specialty hospital dedicated exclusively for children. The vision of NCH is simple: "To inspire hope and promote lifelong health by providing the best care to every child." It is my desire to do all that we can as a local Bar Association to make sure NCH continues providing hope to those families; families like the Marras. Many of you know Marc Marra and Jessica Marra, both of Kelley Kronenberg. Their daughter, Charlotte, spent the first several months of her life at NCH in the care of their doctors, nurses, and staff. You can learn a little more about Charlotte's story by reviewing our Tournament Sponsorship package on the Broward Bar – YLS website.

If you're reading this article, I'd like to be among the first to ask for your commitment to play, donate, and/or sponsor our Golf Tournament which will be held on November 9, 2019 at the Jacaranda Golf Club in Plantation. For those of you who have attended our Tournament before, you know it is nothing short of a great day on the links networking—and, in my case, driving around on a golf cart—for an extraordinary cause.

Please check our Calendar of Events and Newsletter in the coming weeks for information on how to register your foursome and sign up for sponsorship opportunities.

In the meantime, I hope you take a moment, as I did while writing this article, to be thankful for the "chaos" (back to school or otherwise) you may find yourself in this month.

B



IBERIABANK

proudly supports

**the Broward County
Bar Association**

in its efforts to serve members of the legal profession.

Jeffrey C. Ginocchi

Senior Vice President
954.768.5972

jeffrey.ginocchi@iberiabank.com

Debra L. Vasilopoulos

Market President
561.514.4914

debra.vasilopoulos@iberiabank.com

www.iberiabank.com

Member
FDIC

Defending Reputations®



- Legal Malpractice Defense
- Commercial Litigation
- Florida Bar Grievance Proceedings
- Risk Management



D. David Keller, Founding Shareholder

- Best Lawyers in America, Legal Malpractice since 2008
- Defended hundreds of legal malpractice claims
- Approved counsel for many legal malpractice insurers
- AV Preeminent® rated by Martindale-Hubbell® since 1992
- Florida Super Lawyers 2010-2019
- Top Lawyer, South Florida Legal Guide
- Past President, ABOTA, Fort Lauderdale
- Federation of Defense and Corporate Counsel



Raymond L. Robin, Managing Shareholder

- Former Clerk to the Honorable Joseph Nesbitt of the Third District Court of Appeal of Florida
- Business, insurance, reinsurance, real property and commercial litigation in all Florida state and federal trial and appellate courts
- Admitted to Florida state and federal courts and the United States Supreme Court
- AV Preeminent® rated by Martindale-Hubbell®

Proud Annual Sponsors of the Broward County Bar Association

KELLER LANDSBERG PA

Broward Financial Centre
500 E. Broward Boulevard, Suite 1400
Fort Lauderdale, FL 33394
P: 954.761.3550

www.kellerlandsberg.com

D. David Keller
Raymond L. Robin
Dena B. Sacharow
Elizabeth Izquierdo
Maria P. Gonzalez
Maria Vernace
Karene Tygenhof
Jose R. Riguera
Kerry Valdez
Johanna C. Cipau
Jamie K. Lint

Alan L. Landsberg, of Counsel
Charles B. Morton, Jr., of Counsel

BCBA's Newest Section: Admiralty/Maritime Law

by Ronald J. Anania



Ronald J. Anania of the Anania Law Firm, focuses his practice on Admiralty/Maritime and Aviation Law. He has many years of practical and legal experience in both fields. He can be contacted at ananiawlawfirm@gmail.com



Admiralty law is among the oldest laws on the books. Its roots can be traced back as far as 900 B.C., which is when the Rhodian Customary Law is believed to have been in force. Codes enacted by medieval port cities and states have formed the current U.S. maritime law; such as the eleventh century's Amalphan Code of the Mediterranean countries and the fourteenth century's Consolato del Mare, of France, Spain and Italy.

Our founders agreed that the federal courts would exercise admiralty jurisdiction since maritime suits often involved questions of national importance that implicated commerce, international relations and the rights of foreign citizens.

Article III of the Constitution states that the "judicial power shall extend...to all Cases of admiralty and maritime jurisdiction." In the Judiciary Act of 1789, Congress granted to the district courts exclusive original jurisdiction in civil cases in admiralty and maritime matters. The statute also included a clause "saving to suitors the right of a common law remedy, where the common law is competent to give it." In practice, this gave state courts concurrent jurisdiction over many types of contract and tort cases involving maritime subjects.

Under admiralty, the ship's flag determines the source of law. For example, a ship flying the American flag in the Persian Gulf would be subject to American admiralty law; and a ship flying a Norwegian flag in American waters would be subject to Norwegian admiralty law. This also applies to criminal law governing the ship's crew. But the ship must be flying the flag legitimately; that is, there must be more than insubstantial contact between the ship and its flag in order for the law of the flag to apply. American courts may refuse jurisdiction where it would involve applying the law of another country, although general international law does seek uniformity in admiralty law.

Just as the Federal Rules of Civil Procedure placed law and equity under the same jurisdiction in 1938, the 1966 rules subsumed admiralty by eliminating the separate admiralty docket and admiralty rules of procedure. Nonetheless, the Supplemental Admiralty Rules take precedence over the Federal Rules of Civil Procedure in the event of conflict between the two.

For a case to become "in admiralty," it is normally designated as such. Further, in 1972 the Supreme Court established the elements for an admiralty case and stated that a "maritime nexus" must exist for a tort to proceed in admiralty. The maritime nexus rules holds that in addition to taking place on navigable waters, which are waters that can be navigated to the ocean, the injury or damage must have a significant relationship with traditional maritime activity and a potentially disruptive effect on maritime commerce.

Admiralty/Maritime law is pervasive. The following are just some of the areas it encompasses: container and passenger liner matters; chartering; limited liability issues; customs and excise regulations; fishing industry issues; human rights and employment issues usually relating to the crew; insurance claims; property damage; the implications of stowaways on vessels; pollution; personal injuries; wreck and salvage; piracy; etc.

Reading an admiralty case is many times like reading a non-fiction mini novel. This is especially true when the case is from the 19th century, wherein the judges were more like novelists. Admiralty/Maritime law is extensive, complex, and interesting all at the same time.

The foregoing was a very brief introduction to Admiralty/Maritime law. Should you wish to learn more, become a member of the Admiralty/Maritime Law Section of the BCBA. We will be discussing a new topic of this fascinating area of the law, just about every meeting. We will also be holding CLE seminars on select topics of interest. Check the BCBA listings for the next seminar.

Claims
Investigation
Agency, Inc.



Serving Worldwide since 1987

Asset Searches
Background Checks
Convert Camera Installation
Corporate Forensic Examinations
Corporate Investigations
Database and Online Searches
Family Law Investigations
Hospital Canvas

Human Resources Investigations
Pharmacy Canvas
Premise Liability Investigations
Remote Surveillance
Social Media Canvas
Surveillance
Witness Statements
Workers' Compensation Investigations

Uncover the truth

• 305-244-9680 • sales@claimsinvestigationagency.com •



**EXCLUSIVE FUNDING COMPANY
OF THE BROWARD COUNTY BAR ASSOCIATION**

CASH NOW FUNDING GROUP LLC.

"PRE-SETTLEMENT LEGAL FUNDING"

- Flexible Reductions, Never a Hassle
- Owned & Operated by a Fellow, Local, Personal Injury Attorney
- Attorney Underwritten, We Understand the Dynamic of Each Case
- Quick & Easy Underwriting Process
- Same Day Funding

844-677-CASH (2274) • GetSomeCashNow.com

CREATING VALUE FOR YOUR FIRM & CLIENTS.

HURRICANE RELATED FRAUD

By: Brenden Sweeney

What do hurricanes and general contractors have in common? Bad ones can put Florida homeowners in a really tough spot. And, combined with a bad contractor, it can leave a homeowner in a disastrous situation.

Florida is a hotbed for destructive hurricanes and unscrupulous contractors. Often, such contractors exploit homeowners who suffered property damage to fraudulently obtain excess money from federal relief funds.

In the wake of Hurricane Katrina, the U.S. Department of Justice started the National Center for Disaster Fraud to combat criminals seeking to manipulate people during vulnerable times. The center develops and advances the detection, prevention, investigation, and prosecution of fraud connected to natural and man-made disasters, and it supports victims of such fraud. More than 20 federal, state, and local agencies work with the center, often ensuring that complaints reach the appropriate agency for investigation. Homeowners whose property is damaged by a hurricane or other natural disaster, should follow these DOs and DO NOTs when hiring a contractor:

- **DO NOT** accept work from unsolicited parties or those who say they repair property at a discount with leftover supplies from another job.
- **DO** have the insurance company assess the damage prior to ordering repairs to guarantee that the work will be covered under the policy.
- **DO NOT** negotiate or contract with a contractor before verifying their license from the Department of Business & Professional Regulation and the county construction licensing board. A licensed contractor can be looked up and verified on the department's website (www.MyFloridaLicense.com).
- **DO** get at least three written, itemized estimates or bids on repairs.
- **DO NOT** hire a contractor that is not bonded. Make sure to verify with the bonding agency.
- **DO** establish proof of insurance and confirm with the insurer that its policy is current.
- **DO NOT** pay the entire amount of a repair up-front. In fact, be wary of contractors asking for more than 10 percent up front. Florida law requires a contractor to apply for a permit within 30 days and start work within 90 days if more than 10 percent of the contract is collected up front.
- **DO** read the entire contract, with the fine print, before signing, and confirm that the contract contains the mandatory "buyer's right to cancel" (within 3 days) terms.
- **DO NOT** sign a certificate of completion or present final

payment until content with the work performed.

Contractors are not the only professionals that Florida home-owners need be wary of. Disreputable public adjusters have also been known to scam property owners after natural disasters.

It is important to know that public adjusters are barred from charging more than 20 percent of the insurance claim payment on claims not based on a declared emergency and 10 percent of the insurance claim payment on claims based upon a declared emergency for claims submitted in the first year after the declaration of the emergency. Though, these fee caps pertain only to residential property insurance policies and condominium unit owner policies. The fee cap is the same on re-opened or supplemental claims. The public adjuster's fee may not be based upon any payments made by the insurer to the insured before to the time of the public adjuster contract.

Also note that an insured or claimant can cancel a contract with a public adjuster without penalty or obligation within 3 business days after the date it was executed or within 3 business days after the date the insured or claimant told the insurer of the claim, whichever is later. The adjuster's contract needs to reveal to the insured or claimant his or her right to terminate the contract and must advise that the notice of cancellation has to be submitted in writing and sent by certified mail, return receipt requested, or other form of mailing which provides proof, to the public adjuster's address specified in the contract. However, during any state of emergency as declared by the Governor and for a time of 1 year after the date of loss, the insured or claimant will have 5 business days after the execution date to cancel a contract with a public adjuster.

Overall, Florida property owners need to be even more careful during these times of disaster. Criminals posing as professionals will attempt to take advantage of the unalert. Anyone who believes they are the victim of one these fraudsters should contact a legal representative as soon as possible. B



Brendan A. Sweeney, Esq., LL.M., Sweeney Law, P.A., is an AV Preeminent Martindale Rated Attorney, that has been selected as a Florida Super Lawyer and Florida Legal Elite in 2019.

Kelley | Uustal

TRIAL ATTORNEYS

Over \$16 million in referral fees paid to attorneys like you. Find out how: www.kulaw.com/refersmart



888-REFER-SMART (888-733-3776) | WWW.KULAW.COM | FORT LAUDERDALE | MIAMI | PALM BEACH | FLORIDA KEYS



Fayr
Co-Parenting
Simplified

#bekind

#befriendly

#befayr

fayr.com



@befayr

Everything Your Clients Need to Co-Parent in One App

Fayr's fresh, easy to use interface allows co-parents to effortlessly communicate, create a shared calendar, keep track of expenses, prepare legal documents and more. Most importantly, it allows them to experience co-parenting in a totally new way: simply, inexpensively, transparently, and fairly.

Offer your clients a 20% discount. Email us at partners@fayr.com or visit fayr.com/partner-form to receive a code that you can share with your clients.

Rest assured, your personal information and data is safe with us. Your privacy is of the utmost importance, and you're in control of how it is shared and used. Please see our privacy policy, at fayr.com/privacy for more information.



Available for iOS and Android



THE BROWARD COUNTY BAR ASSOCIATION'S

2019 BROWARD BENCH AND BAR CONVENTION

All in One Day. One Place.

The 2019 Convention will attract over 600 participants including attorneys and judges from Dade, Broward, and Palm Beach Counties. This extraordinary legal event features a judiciary panel plenary, a premier quality lunch, "breakout" sessions with tri-county judicial panels, and a Trial Track with a 3-hour Mock Trial. The day concludes with a networking cocktail reception.

JOIN US AT THE SIGNATURE GRAND DAVIE

6900 W State Road 84 Davie, FL 33317

\$195 BCBA Member; \$235 Non-Member

www.browardbenchandbar.org

FRIDAY, OCTOBER 18, 2019

7:30 A.M. - 6:00 P.M.



Contact Lauren Riegler Capote BCBA Events and CLE Manager

lauren@browardbar.org | 954.832.3618

BE A LEADER AND A FORCE OF NATURE GET THE NSU EDGE

Learn more about NSU Law's Two Newest Programs



NSU LL.M.

- . On Campus, Online or Both
- . One Year, Full time
- . Two Year, Part Time
- . Online focus in I.P. Cybersecurity Law and Technology

(800) 326-3660 | WWW.LAW.NOVA.EDU/LLM |
LLMADMISSIONS@NOVA.EDU

NSU
Florida

Shepard Broad
College of Law
**NOVA SOUTHEASTERN
UNIVERSITY**

PARALEGAL CERTIFICATE

- . 10 courses
- . 12 month program
- . Evening and Online classes
- . Reduced tuition for students employed by NSU Law alumni
- . Taught by NSU Law Faculty and experienced attorneys

(954) 262-6197

WWW.LAW.NOVA.EDU/PARALEGAL-CERTIFICATE
PARALEGALADMISSIONS@NOVA.EDU

Apply now at: <http://bit.ly/NSUParalegal>

CONDO LAW 101

By Karen Williams North

This article is a very general overview of some tidbits that a homeowner and/or their lawyer should explore if the homeowner receives a Notice of Violation/Fine or Claim of Lien. This is not, by any stretch, an exhaustive treatise on condominium law.

718.303, Fla. Stat. (2018) governs the obligations of unit owners and the Association. Pursuant to said section, an Association may levy fines for the unit owner's failure to comply with its declaration, bylaws or rules. "A fine may be levied by the Board, on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before a committee. However, the fine may not exceed \$100 per violation or \$1,000 in the aggregate." Additionally, an Association has the right to suspend the unit owner's right to use the common elements and facilities if the unit owner fails to comply with its declaration, bylaws or rules or is more than 90 days delinquent in paying a fee, fine or other monies owed to the Association exceeding \$1,000.00.

In receiving a fine, an homeowner should look to see whether: (1) the Association has the right to levy said fine/ was the fine a common expense, (2) the fine is reasonable, (3) the Board provided at least 14 days written notice to the homeowner and an opportunity for a hearing, (4) the hearing committee was comprised of at least three members appointed by the board who are not officers, directors or employees of the Association, or the spouse, parent, child, brother, or sister of an officer, director, or employee, (5) the unit owner received written notice by mail or hand-delivery and (6) the unit owner is being singled out by the Association.

The Association, pursuant to 718.116, Fla. Stat. (2018), has a right to place a lien on the condominium to

secure unpaid assessments. "The claim of lien secures all unpaid assessments that are due and that may accrue after the claim of lien is recorded and through the entry of a final judgment, as well as interest,

administrative late fees and all reasonable costs and attorney fees incurred by the Association incident to the collection process." 718.116, Fla. Stat. (2018) is strictly construed, so, to be valid, the Claim of Lien should meet all the statutory requirements. A "delinquent assessment" letter must be sent to the unit owner notifying that a Claim of Lien has been filed against the property. The letter must specify the type of assessment owed, the date from which any interest claimed began accruing, the total amount due and the Association's name, etc. If the delinquent assessment notice is not given at least 30 days before the foreclosure action is filed and the homeowner pays off the assessments, including those coming due after the claim of lien is recorded, the Association shall not recover attorney's fees or costs.

If a homeowner is served with a foreclosure for lien assessments, the homeowner and/or their lawyer should examine the following: (1) was service proper, (2) did the Association strictly follow the statute governing the imposition of liens, (3) were there accounting errors or misapplied funds, (4) did the claim of lien expire, (4) did the Association have the authority pursuant to its governing documents or Statute to assess for what they claim, (5) is the Association selectively enforcing against the particular homeowner?

These tips will start the journey to explore what, if anything, the Association failed to do correctly. **E**



Karen Williams North is the founder of The Williams North Law Firm, P.A. She is a civil litigator with over 25 years experience handling matters pertaining to all aspects of real property, breach of contract and other civil matters, including defense of garnishment. Her office is in Plantation, Florida. She may be reached at 954.315.0235 or 954.474.9577 or kwn@williamsnorthlaw.com.





Broward County
LATIN ENTREPRENEURS



NOCHE *Latina*

COME JOIN US

as we celebrate Hispanic Heritage Month!

Dance Lessons & Dancing, Paella, Cocktails, Cigars & Dominoes

Friday, October 11, 2019

5:30 p.m. - 8:30 p.m. | BCBA Conference Center

Cost: \$35 BCBA/ BCBLA Members; \$40 Non-Member; No Cost Judiciary

Register Today at browardbar.org/calendar | Sponsorships Available

For More Information contact Lauren Riegler Capote, at lauren@browardbar.org (954)832-3618



FAIR RESOLUTIONS GROUNDED IN THE RULE OF LAW

*Senior Judge Peggy Gehl Celebrates the Outstanding
Hispanic Judges of the 17th Judicial Circuit*

Judge Bernard Bober
Judge Robert Diaz
Judge Marina Garcia-Wood
Judge Jose Izquierdo
Judge Frank Ledee
Judge Robert W. Lee

Judge Olga Levine
Judge Tarlika Navarro
Judge Mily Rodriguez Powell
Judge Carlos S. Rebollo
Judge Alberto Ribas
Judge Carlos A. Rodriguez



PEGGY GEHL

Florida Supreme Court Certified
Circuit/Civil, Family, and County Mediator
Arbitrator, Expert Witness, and Special Master
Florida Supreme Court Designated
Senior Judge

PeggyGehl.com • GehlMediations@gmail.com • 954-646-5544

PodhurstOrseck
TRIAL & APPELLATE LAWYERS

Proud Sponsor of the
Broward County Bar Association

Noche Latina

Aaron S. Podhurst
Robert C. Josefsberg
Joel D. Eaton
Steven C. Marks
Peter Prieto
Stephen F. Rosenthal
Ricardo M. Martinez-Cid

Ramon A. Rasco
John Gravante
Lea P. Bucciero
Matthew Weinshall
Alissa M. Del Riego
Kristina Infante

Karen Podhurst Dern
Of Counsel

Robert Orseck (1934 - 1978)
Walter H. Beckham, Jr. (1920 - 2011)

SunTrust International Center - Suite 2800 - One S.E. 3rd Avenue, Miami, FL 33131 • Miami 305.358.2800 • www.podhurst.com

National Hispanic Heritage Month

by Kristen Palacio



National Hispanic Heritage Month is celebrated from September 15 through October 15.

The celebration dates back to 1968 when it was initially only a week-long recognition. More than twenty years later, Congress expanded the celebration to a month-long commemoration beginning September 15. That launch date was selected because it marks the Independence Day of five Latin American countries: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. It is followed shortly by Mexico's and Chile's respective Independence Days on September 16 and September 18.

Hispanic Heritage Month is the official celebration of those with Spanish, Mexican, Central American, South American, and Caribbean descent who speak Spanish. During Hispanic Heritage Month, there are a variety of festivities throughout the nation, including South Florida.

The goal of Hispanic Heritage Month is to highlight not only the struggles that many Hispanic immigrants endured in coming to the U.S., which provides us with a greater appreciation for their accomplishments, but the plentiful contributions that Hispanics have made here. Hispanics are the largest ethnic minority in the U.S. with an estimated 57.5 million people—17.8% of the population—as of July 1, 2016. By 2060, it is estimated that the Hispanic population will reach 119 million—28.6% of the population. In 2015, there were over 312,000 Hispanic-owned firms in the U.S.

Hispanics enrich the nation with their diverse experiences and cultures and provide inspiration to many with their commitment, service, and faith-based lifestyles as well as a heavy influence in business, art and cuisine.

The Broward County Bar Association takes great pride in consistently hosting diverse events that range from thought-provoking and meaningful seminars, such as BCBA's Cuban Enigma CLE that covered the Cuban embargo, to entertaining social gatherings held in true Hispanic fashion. This year, the BCBA's Hispanic Lawyers' Committee, joined by the Broward County Hispanic Bar Association and Broward County Latin Entrepreneurs, will be hosting two events during Hispanic Heritage Month. Our first event will be Behind the Gavel, the first annual celebration of Hispanic judges in Broward County. The event will take place on September 12, 2019 from 5:30 p.m. to 8:30 p.m. at ArtServe in Fort Lauderdale. There is no cost to attend the event and everyone is welcome.

Our second event is Noche Latina, which will be on October 11, 2019 from 5:30 p.m. to 8:30 p.m. at the BCBA Conference Center. There will be dance lessons (and open dancing) covering salsa, merengue, bachata and more. If dancing is not for you, come and mingle with other attorneys, judges, and friends, and enjoy the paella, Hispanic cocktails, cigars, and dominoes. You will not want to miss either event! **B**



Kristen is an attorney at Kim Vaughan Lerner LLP. Kristen is the Chair of the BCBA's Hispanic Lawyers' Committee and a Director for the Broward County Hispanic Bar Association.

SERIOUS INJURIES. PROVEN RESULTS.

- Medical Malpractice
- Wrongful Death
- Personal Injury

Contact us for Co-counsel opportunities



WWW.HPSLEGAL.COM

Fort Lauderdale 954.523.9922 Orlando 407.841.9866



**WE'VE BUILT OUR REPUTATION ON VIGOROUSLY
DEFENDING YOURS FOR 30 YEARS.**

Florida lawyers, learn more about the financial stability that we
can bring to you and your firm.

APPLY ONLINE TODAY
flmic.com | 407.537.5346



Effective Presentation of Medical Evidence in Mediation

by: Art Garcia

It had been a long mediation, and Mediator Mike was ready for some raspberry iced tea at the Grub Stop. While walking there, he was thinking about how ineffective the presentation of medical evidence had been. Patti and Dennis, two young lawyers who had engaged Mediator Mike for mediation, were also at the Grub Stop. They sat together and, almost as though they were reading his mind, they asked about medical evidence at mediation.

Just as for trial, effective presentation of medical evidence at mediation takes planning and preparation. In most cases, mediation will be your client's day in court; make it count. Here is what Mediator Mike had to say:

1. **Know Your Goals:** If you don't have a roadmap you don't know where you're going or when you have arrived. For example, in personal injury cases, the plaintiff wants to show the injury is causally related, and the defendant's goal is to show it is not. Evidence for either case is found in past medical records and diagnostic studies that can be compared to the current medical evidence.

2. **Show, Don't Tell:** Tell the story with images, not words. One of mediation's goals is to let the other participant know that a jury will see what you are trying to prove, and, if they can see it, they will come to their own conclusion without being force-fed.

a. If the goal is to show how many procedures and doctor visits the plaintiff has had, think visual chronologies – not dates and words – documenting before and after the incident. Example: a graphic chart with images of a doctor's office and the body part causing trouble or an image of a syringe for every visit with an injection.

b. If the plaintiff takes a lot of pain medication, a jar filled with candy representing the pills taken is more powerful than saying how often the plaintiff takes pain pills. If the defense wants to show the plaintiff has had ongoing prior chronic pain unrelated to the incident, the same jar of "pills" works equally well.

c. Instead of saying a condition is causally related or not, show it. If there are prior MRI scans or other studies that either support or refute causation, put them side by side. If there is a herniated disc and it is easily seen, show it. If what's being presented as a herniated disc is really degenerative bone overgrowth, put X-rays next to the MRI image. X-rays show bone, MRIs the disc. Together they present a complete picture needing little explanation.

3. **The Medical Evidence Sleuth:** Once the records are compiled, read them. If diagnostic studies are mentioned, is evidence lurking in them? For example, a prior chest X-ray will capture the lower portions of the cervical spine. An abdominal MRI or CT scan captures the lumbar spine. Stay organized; put records in chronological order. Look for missing records and gaps. Verify the accuracy of histories with the client and ask if there are missing medical providers and records.

4. **Preparing the Medical Evidence:** Being accurate means being credible. Be ethical. Stock images found on the internet should not be labeled as those of the plaintiff. Medical chronologies should be complete and not misleading. If there is a piece of evidence that hurts your client's position, don't knowingly omit it, leaving it to the other party to discover the omission. Gathering and preparing medical evidence is expensive, so do so with trial use in mind.

5. **Test-Drive the Presentation:** Show it to others not connected to the case, including friends and family. Did they get it? Do they see it? If you have to explain to make the point, go back to the drawing board.

6. **Presenting the Medical Evidence:** Mix it up. Engage the senses. A combination of high and low tech is effective. PowerPoint presentations can be simple and cheap or prepared with the assistance of experts. Use a combination of pictures, medical illustrations, diagnostic images, words, video and your own narrative to guide the presentation along. If presenting a video settlement brochure, add background music. It is easily edited out for trial use. Don't just convey information; create an emotion that will make the presentation more compelling. Keep the presentation simple. Dense PowerPoint slides full of words are distracting. Don't read from the slides. The image should stand on its own. Your audience should get it before you even say it. Finally, practice pronouncing the medical terms you will use.



Art Garcia is a South Florida-based Mediator and Arbitrator with Upchurch Watson White & Max Mediation Group. Mr. Garcia was a civil litigator for 25 years, a Registered Nurse, EMT and is a Marine Corps Veteran, Honorably Discharged. He is currently a full-time Certified Civil Circuit, County and Appellate mediator and Supreme Court Qualified arbitrator.

For more information, visit www-adr.com or call 305-266-1224.



Personal Injury Wrongful Death Medical Malpractice



www.southflinjury.com
954-448-7288

Salmon & Dulberg
DISPUTE RESOLUTION
MEDIATION • ARBITRATION



**We Proudly Welcome
Peter M. Weinstein**
to our Distinguished Panel of Neutrals

26 Mediators | 7 Offices
Offices in Downtown Fort Lauderdale & Plantation

Call: 305.371.5490
Or Schedule Online at
www.sd-adr.com

Patience. Persistence. Professionalism.

MIAMI | CORAL GABLES | FORT LAUDERDALE | PLANTATION | BOCA RATON | WEST PALM BEACH | JACKSONVILLE

St. Thomas More Society of South Florida 30th Annual Red Mass, Reception & Dinner

*Honoring Members of the Legal Community, Judiciary,
Law Enforcement & our Elected Officials*



Thursday, September 26, 2019

Red Mass • 5:30 P.M.

Celebrated by Archbishop Thomas G. Wenski
St. Anthony Catholic Church

Reception 6:30 P.M. • Dinner 8:00 P.M.

Reception & Dinner \$125.00 per person • Limited Seating
Sonesta Fort Lauderdale Beach Hotel

GUEST SPEAKER

The Honorable Barbara Lagoa
Justice of the Florida Supreme Court

ARCHBISHOP EDWARD MCCARTHY AWARD

The Honorable Edward H. Merrigan, Jr.
Circuit Court Judge of the 17th Judicial Circuit
Brigadier General, U.S. Army Reserve

To Register or Sponsor, please visit www.redmass.com or contact
Daniel F. Tordella, Treasurer 954.565.2550 | danielortdella@gmail.com



At **Florida Power & Light Company**
we are **working together with the communities**
we serve to make Florida an even better place
to raise a family and do business.

#FPLCares

CHANGING THE CURRENT.  FPL.



Case Law Update

by Debra P. Klauber, Esq.

Fourth District limits expert discovery that is directed to a non-party business entity with which the expert is affiliated.

The discovery rules are designed to strike a balance between a party's need for information to show a medical expert's potential bias, and the expert's own right to be free from burdensome and intrusive discovery requests. The Fourth District has extended that protection to the non-party corporate or business entity with which the medical expert is affiliated. The court also cautioned trial counsel from utilizing "novel discovery methods" in an effort to circumvent the limits of authorized discovery, and cautioned trial courts from approving such methods where the rules already allow parties to explore (a) financial interests of medical witnesses, and (b) the volume of referrals to those witnesses. *Orthopedic Center of South Florida v. Sode*, No. 4D18-3478, 44 Fla. L. Weekly D1480 (Fla. 4th DCA June 12, 2019).

Fourth District joins Fifth District in asking Florida Supreme Court to clarify whether defendants and their lawyers and insurers can be protected from disclosing information about their relationships with medical experts.

In 1999, the Florida Supreme Court held that information about the relationship between an expert witness and a defendant-insurer, including the frequency of referrals and the payments made, was discoverable. In 2017, the Florida Supreme Court limited that holding, finding that the financial relationship between a plaintiff's law firm and treating physicians was not discoverable, because the question of whether a plaintiff's attorney referred a client to a particular physician for treatment was protected by the attorney-client privilege. The Fifth District recently asked the Florida Supreme Court to clarify whether a defense law firm should have to disclose its financial relationship with an expert witness who performs independent medical examinations for litigation purposes. Now, the Fourth District has similarly asked the Florida Supreme Court to clarify whether a defendant-insurer can be required to disclose its financial relationship with medical experts who perform independent medical examinations. It appears that the Florida Supreme Court will need to provide clarity on whether such discovery requests exceed the proper scope of expert discovery, invade the attorney-client privilege, or are calculated to lead to the discovery of admissible evidence. *Dodgen v. Grijalva*, No. 4D19-1010, 44 Fla. L. Weekly D1617 (Fla. 4th DCA June 26, 2019).

Fourth District disapproves "trial by ambush" and grants new trial after expert is permitted to testify about an MRI he reviewed for the first time during the trial.

The Fourth District reaffirmed its long-standing belief that trial lawyers should be able to rely on discovery deadlines and not be confronted with additional undisclosed testimony at the time of trial. In this case, the plaintiff's expert gave limited opinions in his deposition, and had not reviewed an MRI from an earlier accident. Long after the discovery deadlines, after defense counsel had explained his theory of the case to the jury, and in the middle of the trial, that same expert reviewed the earlier MRI and was ultimately permitted to testify about it to the jury. The Fourth District reversed the trial judge's determination that the testimony did not constitute a "changed opinion," noting that the defendants and their counsel were confronted with "new and undisclosed testimony during trial and after opening statements." The court held that the defense was entitled to a new trial because of the prejudice resulting from the plaintiff's tactics. The new and undisclosed testimony was not only a surprise, but the defendants had to cross-examine the expert without the benefit of having their own witnesses review and rebut that testimony. *Gurin Gold, LLC v. Dixon*, No. 4D18-2156, 44 Fla. L. Weekly D1789 (Fla. 4th DCA July 10, 2019).

Fifth District asks the Florida Supreme Court to revisit the summary judgment standard in cases where video surveillance clearly contradicts the opposing party's evidence.

Where the testimony of one party and a number of eyewitnesses is contradicted by video evidence, it usually creates question of fact to be presented to a jury, as it is not proper for the court to adjudge the credibility of witnesses or weigh the evidence. However, in light of technological advancements and the "clear, objective, neutral" video and digital evidence now commonly available, the Fifth District has asked the Florida Supreme Court to answer the following question:

Should there be an exception to the present summary judgment standards that are applied by state courts in Florida that would allow for the entry of final summary judgment in favor of the moving party when the movant's video evidence completely negates or refutes any conflicting evidence presented by the non-moving party in opposition to the summary judgment motion and there is no evidence or suggestion that the videotape evidence has been altered or doctored?

By way of comparison, the appellate court notes, a federal court is permitted to assess the proof and grant a summary judgment where the record, as a whole, could not lead a rational trier of fact to find for the non-moving party. *Lopez v. Wilsonart, LLC*, No. 5D18-2907, 44 Fla. L. Weekly D1808 (Fla. 5th DCA July 12, 2019).

First District holds that there is no cause of action under Chapter 415 of the Florida Statutes where the claim is based on the provision of medical care and services and is therefore encompassed by Chapter 766.

The First District provided some well-need clarification with respect to the interplay between a medical negligence claim and a claim under Florida's Adult Protective Services Act. As explained by the court, the purpose of Chapter 415 is to protect vulnerable adults who are in need of services, not to provide a duplicative remedy for claims involving medical malpractice. As the court also noted, Chapter 415 was not put in place to criminalize health care providers, and cannot be used to transform a medical negligence case into a claim against a health care provider as a "perpetrator" of abuse. Plainly stated, if the claim involves medical negligence, which requires compliance with the pre-suit procedures and other provisions of Chapter 766, the claim cannot be asserted under Chapter 415. If the claim asserts non-medical negligence or criminal conduct, it can be asserted under Chapter 415. The court did not go so far as to hold that claims under Chapter 415 could never be asserted against a hospital or health care provider, but did explain that such claims must be limited to those involving allegations of "non-medical abuse or neglect." *Specialty Hospital-Gainesville, Inc. v. Barth*, No. 1D18-511, 44 Fla. L. Weekly D1819 (Fla. 1st DCA July 15, 2019). **B**



Debra P. Klauber, Esq., a partner with Haliczner Pettis & Schwamm, oversees the firm's trial support and appellate practice and provides guidance to litigators throughout Florida. Debbie can be reached at: 954-523-9922 or dklauber@hpslegal.com.

Florida Beer Distribution Laws: A Primer

by Joshua Lida, Esq.

Beer is a topic many seem to enjoy. However, most people (lawyers included) probably do not consider the laws governing how beer gets from point A to point B.

With the end of prohibition and enactment of the 21st Amendment in 1933, states were given broad power to regulate intoxicating liquors within their borders. Many states, Florida included, adopted what is known as the “three-tier system”.

The system, as the name suggests, creates three levels for the sale of alcohol: manufacturers/importers, distributors, and vendors. While there are exceptions to this arrangement, generally manufacturers (e.g. breweries) sell to distributors, who in turn sell to vendors, who in turn sell to the consumers. This arrangement is codified in Florida Statute 561.14.

Chapter 563 of the Florida Statutes governs beer and malt beverages. Florida Statute 563.021, mandates distributors cannot sell any brand of beer outside of its restricted exclusive sales territory, as agreed with the manufacturer. These agreements must be filed with the Division of Alcoholic Beverages and Tobacco and must be in writing and designate specific beers to be sold and the exact geographical area of the territory.

Florida takes the relationship between breweries and distributors seriously and heavily regulates it. Florida Statute 563.022 governs this relationship in detail. 563.022(b) was enacted pursuant to the Twenty-First Amendment and is to “promote the public’s interest in fair, efficient, and competitive distribution of malt beverage products by regulation and encouragement of manufacturers and distributors to conduct their business relations toward these ends”.

This contract between a brewer and distributor is referred to as a “franchise” and is any contract or agreement, express or implied, whether oral or

written, for a definite or indefinite period of time in which a manufacturer grants to a beer distributor the right to purchase, resell, and distribute the brewery’s brands. Fla. Stat. 563.022.

However, these agreements are extremely difficult for breweries to terminate or even choose to not renew. 563.022(5)(b)(4) states a brewery terminating, canceling, failing to renew, or refusing to continue the franchise or selling agreement of any distributor without good cause as otherwise defined in the statute subsections (7) and (10) is considered an unlawful act and practice pursuant to subsection (4) of the same statute. This also applies to non-renewals of franchises without good cause. Thus, the decision a brewery makes regarding which distributor to sign with is vital.

To allow breweries to sell beer for consumption on the premises, Florida Statute 561.221(2)(a) allows the issuance of vendors licenses to breweries, provided the property consists of a single complex divided by no more than one public street. A brewery is entitled to up to eight vendors licenses pursuant to 561.221(2)(e), though, breweries cannot deliver these products directly to consumers.

There are a lot more statutes, rules, and regulations governing alcohol and beer, but this article provides a primer regarding general rules for beer distribution. Additionally, the beer distribution laws were amended as recently as

2015. As the popularity of local beer and breweries continues to grow, we may see additional changes to beer laws soon. **B**



Josh Lida is a partner at Lida Law, PLLC primarily practicing criminal defense, family law, and professional license defense. He can be reached at Josh@lidalaw.com

There are federal laws which govern interstate sale of alcohol as well as federal approval requirements; however, the production, distribution, and sale of alcohol is primarily governed by the state.

The statute then outlines 3 stated desired goals of these laws summarized as followed: 1. Assuring manufacturers are free to manage their business and prices; 2. Assuring manufacturers and the public distributors will reasonably try to sell a brewery’s products; and 3. Establishing an orderly system of beer distribution to the public.

7 Guardianship 8-hour Adult
Time: 9:00 a.m. – 5:00 p.m.
Venue: BCBA Conference Center
Cost: \$180; No Walk-ins accepted

12 Behind the Gavel: A Celebration of Hispanic Judges
Time: 5:30 p.m. – 8:30 p.m.
Venue: ArtServe Fort Lauderdale
Cost: Free – Open to the Public

14 Guardianship 4-hour Adult
Time: 9:00 a.m. – 1:00 p.m.
Venue: BCBA Conference Center
Cost: \$100; No Walk-ins accepted

18 CLE: Trust Decanting
Sponsored by: Community Foundation of Broward
Time: 12:00 p.m. – 1:30 p.m.
Venue: BCBA Conference Center
Cost: \$15 BCBA Member; \$30 Non-Member

18 Solo/Small Networking Dinner
Time: 6:00 p.m. – 8:00 p.m.
Venue: Dave & Buster's Hollywood
Cost: \$40 BCBA Member; \$55 Non-Member *\$5 price increase on 9/11/2019

19 Tri County Bar Association Brightline Networking Happy Hour
Time: 5:30 p.m. – 7:30 p.m.
Venue: La Estacion American Brasserie
Cost: Free BCBA Member; \$25 Non-Member

25 BCBA Mentor/Mentee Connection Kick-off Event
This event is only open to BCBA Members
Time: 5:30 p.m. – 7:30 p.m.
Venue: BCBA Conference Center
Cost: \$10 Mentees; No cost to Judiciary or Mentors

26 YLS CLE: Past YLS Board Panel
Time: 12:00 p.m. – 1:30 p.m.
Venue: BCBA Conference Center
Cost: \$20 BCBA Member; \$25 Non-Member

26 3 Pillars of the Business Mind – Networking Social
Time: 5:30 p.m. – 7:30 p.m.
Venue: Tower Club
Cost: No Cost – BCBA Members ONLY

Save the Date!

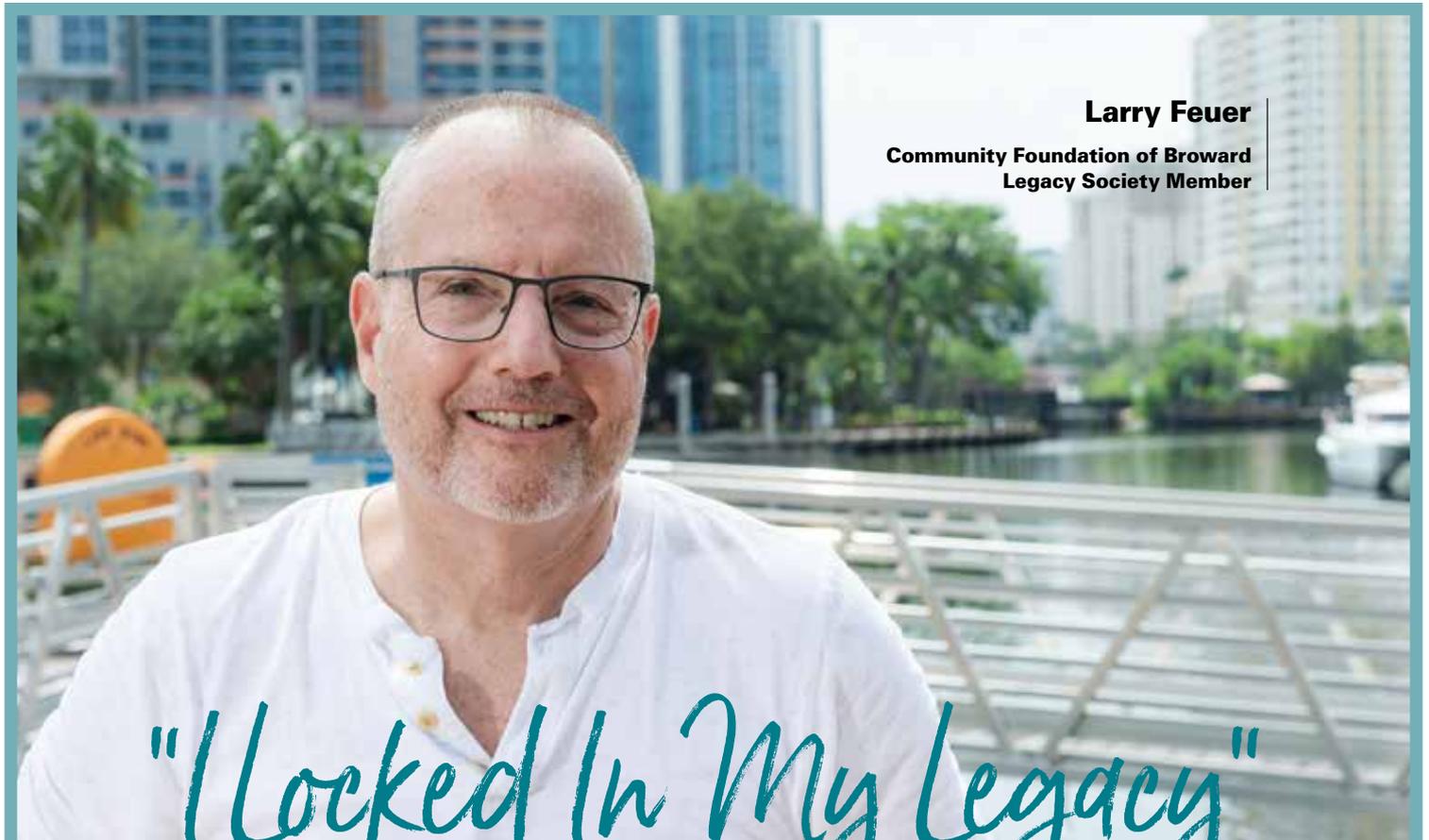
Visit our online Calendar for more information.

2019 Bench and Bar Convention
 Sponsorships Available!
Agenda Now Available online
Date: October 18, 2019
Time: 7:30 a.m. – 6:00 p.m.
Venue: Signature Grand
Cost: \$195 BCBA Member; \$235 Non-Member

2019 YLS Golf Tournament
 Sponsorships Available!
Date: November 9, 2019
Time: 8:00 a.m.
Venue: Jacaranda Golf Club
Cost: \$150 Single Player ; \$500 Foursome

2019 BCBA Annual Holiday Party
Date: December 12, 2019
Time: 5:30 p.m. – 8:00 p.m.
Venue: NSU Art Museum Fort Lauderdale





Larry Feuer
Community Foundation of Broward
Legacy Society Member

"I Locked In My Legacy"

"Like many people, I wasn't sure how to use my estate plan to give back to the community I love – to establish my own legacy of philanthropy.

The team at the Community Foundation of Broward showed me how easy it is to use my estate plan to create an endowed charitable Fund in my name that will live on forever.

I now have peace of mind knowing that when I'm gone, distributions from my charitable Fund will support the things I care about in Broward for generations to come. **It feels good to be bold!**"

Read more about Larry's Legacy at cfbroward.link/LarrysLegacy

154 Legacy Society members
\$288 million in estate gift promises
470 named charitable Funds
35 years of bold community impact

