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*Michael A. Fischler*

It is an honor and privilege to follow so many dynamic, dedicated and inspirational leaders and serve as your Broward County Bar Association (“BCBA”) President. This position wasn’t in my wildest dreams, while attending law school at Nova Southeastern University (“NSU”), nor when I started my career at the Broward County State Attorney’s Office. However, following in the footsteps of my father, mentor and best friend, Abraham S. Fischler, I learned that getting involved and taking on leadership positions would result in much personal satisfaction, allow for the building of relationships and provide an opportunity to work with others to make the world a little better place. My mother and law school classmate, Shirley B. Fischler, my loving wife Anita, and my family and friends are always there to support me in my various endeavors. However, it was you, when my Father passed a couple of years ago, members of the legal community, who

provided me with support and comfort, offering sympathy, kind words and many great stories, for which I truly thank you.

Recently I attended voluntary bar conventions in Florida and Chicago. Speaking with many other Bar Association leaders, I can unequivocally state that we at the BCBA are blessed to have one of the finest and most innovative Executive Directors in the country, Braulio Rosa, and an outstanding and dedicated staff.

The BCBA welcomes all in the legal profession and we have developed a fabulous working partnership with our judiciary, clerk of court, government bodies, Legal Aid, local law schools and many others. We are also blessed to have a group of generous and supportive sponsors and an involved membership that share and appreciate the BCBA mission and our continuous effort to better our profession, unite the legal community in the pursuit of professionalism and civility, and positively impact our members’ lives, both professionally and socially, while providing resources to the community.

During my tenure as President, I would like to continue to work with all BCBA stakeholders, build upon our strengths and past successes, highlight the positive impact and community involvement of our members, inform members of the numerous opportunities to get involved with the BCBA and of opportunities to provide their talents and serve on the boards of many local organizations and charities which provide needed services to our community. Additionally, I recognize that mental health and work life balance are major issues in our profession and need to be addressed. We need to be sensitive to these issues, treat each other professionally and with understanding, for we in the BCBA are a professional family and family takes care of one another.

A big thank you is extended to all the past officers and directors of the BCBA and YLS for their dedication, service and vision, for without your efforts and continued support the BCBA would not have reached so many milestones. We should always remember our friends and colleagues, Walter (“Skip”) Campbell, Charles Moorhead III and Arlene Lakin, dedicated leaders of our Association who recently passed.

Congratulations and thanks are also extended to our dynamic, amazing and talented outgoing Past Presidents Tom Oates and Winney Kessler and YLS Past Presidents Sara Sandler and Brent Reitman for your leadership and energies over the past years. I look forward to working with all BCBA members, the enthusiastic incoming YLS President Lindsey Massillon, YLS officers and directors and this year’s knowledgeable, hardworking, brilliant, diversified and most capable BCBA Board and fellow executive committee members, Past President, Winney Kessler, President-Elect, Robert Vaughan, Treasurer, Jamie Finizio and Secretary, Allison Smith, to build upon the BCBA strengths and reach new pinnacles. **B**

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## letter from the young lawyers' president




*Lindsay M. Massillon*

I vividly recall the first time I was encouraged to do more than just “attend” a Young Lawyers Section (YLS) event. I was initially drawn to YLS because I was searching for a group of attorneys who were struggling with the same issues I was; namely, how the heck do I do this lawyering thing, anyway? I craved a group of attorneys with whom I could start connecting and building that all important network, and eventual book of business. In the beginning, I attended nearly every luncheon I could during my first year as an attorney, which is where I met Liza Smoker—then Board member—and now one of the YLS Past Presidents. She encouraged me to keep coming to events and, eventually, to run for a position on the Board. I ran for election to the Board in 2012. I did not get elected (insert sad emoji); however, I kept attending YLS events because I had found my “tribe.” In 2013, I ran again and was elected to the Board...if at first you don’t succeed!

I now have the honor of writing my first article as President of YLS. To say that I have large shoes to fill would be an understatement, as I am joining a league of men and women who are the true doers in Broward County. Thanks to the leadership of immediate Past President Brent Reitman, YLS raised a record-busting \$40,000 for Experience Camps in last year’s Annual Charity Golf Tournament. We organized our first bench and bar conference—Law-Lapalooza!—created exclusively for the new lawyer. Of course, we continued our community-focused programming, including Lawyers for Literacy, Holiday in February, and holding socials to benefit local charitable groups.

In furthering the mission of YLS, my goal is to intimately engage with our members and tap those who desire to be involved to become a co-chair of one of our committees. I also want to deepen the connection that YLS has with other Broward Voluntary Bar Associations. There is something so magical about feeling a true connection with a group, and I am positive that YLS, with its multi-facets, can be that group for you. Whether you crave more facetime with one of our esteemed judges (make sure you check out our Breakfast with the Judiciary series), need to get that next referral (head to one of our socials/luncheons), or are looking for an outlet for your inner child (sign up for Lawyers for Literacy), YLS is your conduit.

Thanks to the hundreds of hours put in by our amazing Board of Directors, and the support of the BCBA and our Annual Sponsors, we are full-steam ahead to continue providing our members with one-of-a-kind opportunities. We are in the process of updating our calendar for the 2019/2020 season, so make sure you check back and start signing up for our events. Keep an eye out for our Newsletter, too. If you want to see us do something that we are not doing yet, please comment on our Facebook page, or email me directly: [LMassillon@fowler-white.com](mailto:LMassillon@fowler-white.com). I want YLS to be the best it can be; and I certainly cannot do that without hearing from you, our membership. 



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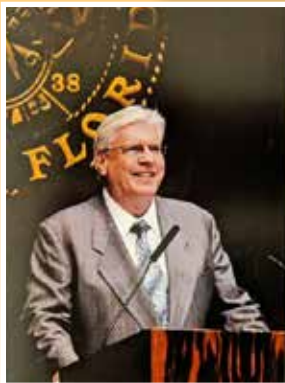
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# Legacy of Walter “Skip” Campbell”



WALTER G. "SKIP" CAMPBELL, JR.  
1948-2018

Broward County honors the legacy of one of the most respected and beloved members of our community with the official naming of this County Courthouse West Building, the Walter G. "Skip" Campbell, Jr. West Building.

Skip was a prominent attorney, served as a state senator and mayor of Coral Springs. He was President of the Broward County Bar Association, the Broward Young Lawyers' Association, and the Federal Bar Association. He co-founded Krupnick and Campbell in 1974 and was a tireless advocate for justice in our community, state and country.

Skip touched the lives of all who were fortunate enough to meet him. He was a caring person who fought for the underdog and gave back generously to his community. Skip deeply loved his family, his wife Lynn, children Christine and Daniel, their grandchildren, his niece's daughter and grandson, his brother John and family. Today we honor him and recognize his indelible mark on our community.

Mayor Mark E. Regan - Coral Springs, Fla. (C.S.)  
Judge R. Brown - Jacksonville, Fla. (J.C.)  
Hon. J. B. ...  
Hon. ...



by Mayor Michael Ryan

On April 10, 2019, the West Wing of the Broward County Courthouse was dedicated in the memory of former State Senator and Mayor, Walter “Skip” Campbell.

Skip dedicated his life to public service and the pursuit of justice on behalf of the people. As a lawyer, he served in leadership roles in many organizations, including as president of the Broward County Bar Association, president of the Broward County Young Lawyers Association, president of the Federal Bar Association of Broward County, and on the Florida Bar Board of Governors. Skip was an extremely talented, smart and compassionate trial lawyer, which earned him the respect of judges before whom he appeared and those he opposed. Along the way, Skip Campbell mentored young lawyers to

better their talents and pursue the highest ideals of the legal profession.

His political leadership was an extension of his passionate belief in representing the interests of his community. From 1996 to 2006, Skip served as a State Senator in the Florida Senate. In 2014, Skip Campbell was elected, and later re-elected without opposition, Mayor of the City of Coral Springs. Skip was a dignified and humble statesman who always sought consensus through positive persuasion to accomplish the best in representative democracy.

Skip was a champion of the people and believed we all had the capacity to make this world a better place. Over the years, he received countless accolades from charitable organizations and

supported philanthropic efforts on behalf of many organizations.

As my friend, partner and mayoral colleague, I know Skip would be so proud to join Judge Thomas J. “TJ” Reddick, Jr., for whom the North Wing was named. Together, their life examples, legacies and civic engagement have not only bettered the Bar’s professional standards for lawyers and judges but also transformed lives and our community at large. **B**



Mike Ryan is a partner at Krupnick Campbell Malone et al., and, since 2010, the mayor of the City of Sunrise. He can be reached at [mryan@krupnicklaw.com](mailto:mryan@krupnicklaw.com) or 954-763-8181.

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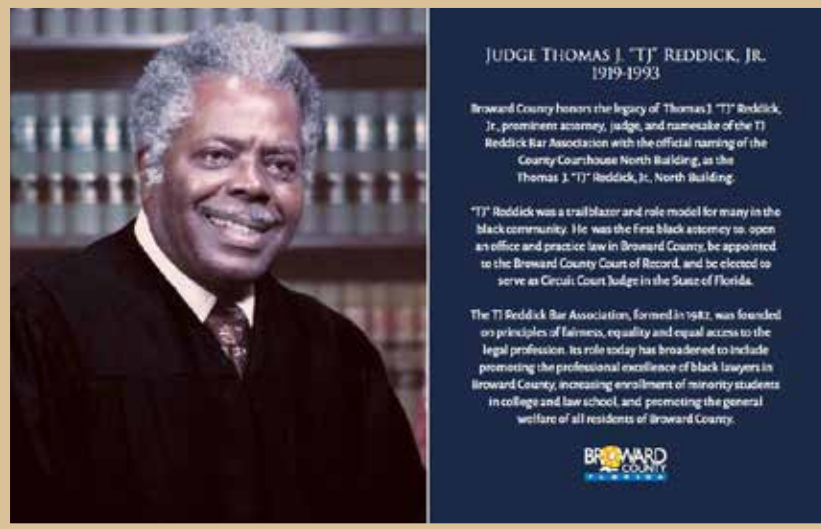
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# North Wing of the Broward County Central Courthouse named after trailblazer The Honorable Thomas J. Reddick, Jr.



by Harold F. Pryor, Jr. & Christopher Saunders

On Wednesday, June 19, 2019, the North Wing of the Broward County Central Courthouse was named after the Honorable Thomas J. Reddick, Jr. Judge Reddick was the first African American in the State of Florida elected to serve as Circuit Court Judge since the Reconstruction era. He was also the first African American assistant public defender in Broward County, and the wing where that office sits now bears his name. Nine members of Judge Reddick's family from all over the country attended the dedication, including two of his sons, Conrad and Thomas J. Reddick III. Conrad spoke on behalf the family, capping off a lineup of speakers including Chief Judge Jack Tuter, Judge Michael Robinson, Former Florida Bar President Eugene Pettis, Vice Mayor of Broward County Dale Holness, and Janice Haywood, President of the T.J. Reddick Bar Association.

Vice Mayor Dale Holness sponsored

the renaming at the Broward County Board of Commissioners. Many organizations, including the Broward County Bar Association, offered letters of support for the renaming. The Broward County Bar Association, along with Weiss, Serota, Helfman, Cole & Bierman, and Haliczzer, Pettis & Schwamm, also sponsored the event.

Chief Assistant Public Defender Gordon Weekes, who was instrumental in the dedication, suggested holding the dedication on the day celebrated by many African Americans as "Juneteenth." While President Abraham Lincoln's Emancipation Proclamation ended slavery in 1863, the news of the executive proclamation traveled "conveniently" slow throughout the southern states. Finally, on June 19, 1865, a Military Order was issued in Texas proclaiming that "all slaves are free". It spawned the celebration we know as Juneteenth.

Judge Reddick was a young attorney during "Jim Crow" era. He endured and persevered through racism both in and out of the courtroom. His name now endures as a symbol. **B**



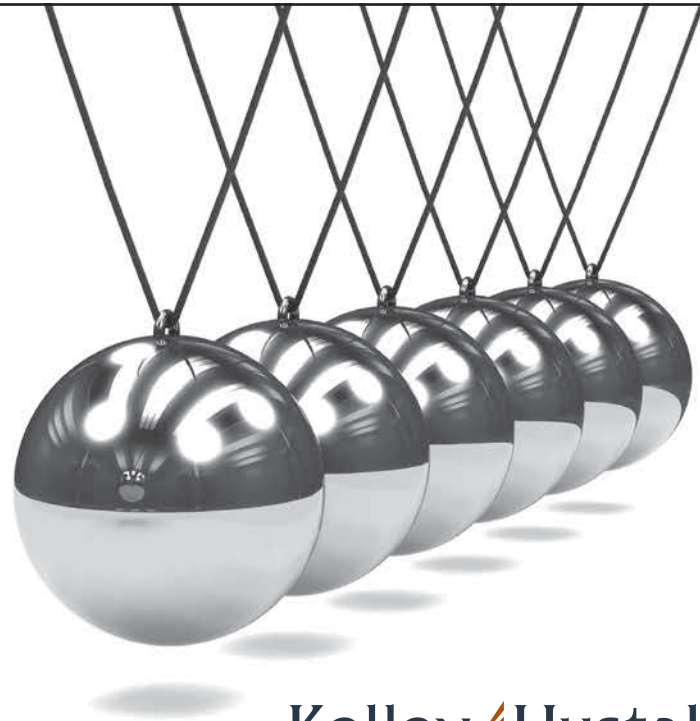
Harold F. Pryor, Jr. serves as Corporate Counsel for Hotwire Communications, Ltd. Harold is a past president of the T.J. Reddick Bar Association and a former Assistant State Attorney in and for the 17th Judicial Circuit of Florida



Christopher Saunders is an associate at Weiss, Serota, Helfman, Cole & Bierman serving the firm's Municipal Law Group. He is the Immediate Past President of the T.J. Reddick Bar Association



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# Michael A. Fischler Installed as 2019-2020 BCBA President



by Howard S. Friedman

Michael A. Fischler is the 94th President of the Broward County Bar Association. He is also my brother-in-law. Michael came to South Florida in 1966 with his parents, Abraham and Shirley Fischler, and brother and sister Bruce and Lori. Michael's father would become the Dean at Nova Southeastern University ("NSU") and, shortly thereafter, became President, at a time when there were only 17 graduate students and no buildings on the campus. How much NSU has grown and how many of us have graduated from its law school, are directly attributable to Michael's father and mother.

Michael attended middle and high school at Nova Public School, and college at Jacksonville University ("JU"), playing tennis on their school teams. While at college, he was involved in student government and was the student manager of the cafeteria. Michael obtained Business and Psychology degrees from JU and then attended NSU where he obtained both JD and MBA degrees, finishing college and graduate school in 6 years. He dated my oldest sister Anita after law school, and married her a couple of years thereafter, after my parents Dolores and Jerome Freidman, and I and my sister Debbie, gave our blessing.

After law school, Michael joined the Broward County State Attorney's Office ("SAO") from 1979 to 1984, becoming Assistant State Attorney in charge of the Economic Crime, Consumer Fraud and Civil Unit during his last two years. He

left the SAO for a mid-sized downtown Fort Lauderdale civil firm and after three (3) years was made a non-equity partner, where he remained for two (2) additional years before starting a solo practice. After I graduated from the University of Florida and NSU (pretty cool having my father-in-law hand me my diploma with his signature thereon) and after a few years of legal practice, in 1990 Michael and I joined forces and in January of 1992 formed the firm of Fischler & Friedman, P.A. ("FFPA"). Michael practices business and corporate law, commercial/civil litigation, estate planning, guardianship and probate, mediation and arbitration while Lisa K. Bennett and I handle Family Law matters along with our three paralegals, Jean Sherman, Sharon Jordan and June Porter (wanted to get everyone's name in print).

Michael has always been involved in the community and charities, currently serving as a member on various boards: B'nai B'rith Justice Unit #5201, founding member, Past President; Stephen R. Booher American Inn of Court, Past President; Junior Achievement of South Florida, Past Chairman; Boys and Girls Clubs of Broward County, Past Chairman and President; Association of South Florida Mediators and Arbitrators, Founding member and Past President. He is also a member of the Nova Southeastern President Associates, the Hundred Club of Broward County, and 2015 recipient of the NSU Distinguished Alumni Award from the Shepard Broad

College of Law.

Michael's father passing away in April of 2017 was a major blow to him, as he and his father were best friends, golfing buddies, and confidants. He has always strived to maintain work life balance. Michael very much enjoys being with his family: his wife, my sister Anita, son Kenneth, daughter Danielle, son-in-law Micheal (yes that is really the way he spells his name) and his grandson, Jacob Paxton (JP), who fondly calls Michael "Papa", now Michael's favorite word! Michael equally enjoys the practice of law with Lisa Bennett and myself, being involved in community activities, and being with his family and friends. Michael looks forward to serving as President of the BCBA and working with BCBA members, the judiciary, and the many BCBA partners and stakeholders to positively impact our Association, as well as the legal and Broward County communities. **B**



Howard S. Friedman,  
Esq. Partner in Fischler  
& Friedman, P.A.  
Family Law Practitioner



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# Reputation Management for Lawyers

by Natalie Giachos

Whether you are a new attorney or have been at it for a while, reputation is everything.

It is why clients select our firms and what matters to our referral sources, yet so many of us don't even give a second thought to managing our reputations.

In today's digital age, it is even more important to be aware of what is being said about us and our firms, as reputations can be destroyed with a single review, tweet, or post. Like anything else, our reputations need to be maintained and managed if we want to ensure that people are getting the right message about us.

Reputation management begins with knowing what information is being shared about you online. Once something is posted online, it is there for everyone to see. The sooner you know what has been said, the better position you will be in to begin damage control, if needed.

Here are some simple things you can do to keep up-to-date with what is being shared about you:

## Google Yourself

If you haven't Googled yourself, this is a great place to start. Simply enter your name in the search bar and see what results come up. Although the first page is the most important, be sure to go through at least the first five pages of the search results. You should also Google

your firm's name as well as any associates you have working at your firm so that you can get a complete picture of what is out there.

Experts suggest that you run the search in private or incognito mode on your browser as our computer's cookies may cause Google to display different results than what the public will see. They also suggest that you conduct this search at least once a month. Although Google is the largest search engine, you should also do the same searches on the other search engines, such as Bing, Yahoo!, Safari, etc.

## Google Alerts

Google offers a tool that allows you to set up alerts anytime a particular word or phrase is mentioned online. When the word or phrase is mentioned, you will be sent an email alerting you with a link to the mention. It is a free service and is really easy to set up. You can set Google Alerts for your name, your firm's name, any associates you have, and even any clients you may want to keep track of. This should not replace your monthly Google search, but it is something you should set up so that you are made aware of any mentions as soon as possible.

## Social Media

Search engines pull a lot of information from our social media profiles and are usually displayed on the first and second pages of a Google search. As such, you

should be very mindful of what your profiles display, as well as the pictures you post on those sites. A quick review of your settings to make sure your accounts are set to private should be done periodically to ensure you are only sharing what you want to share with the public.

Finally, don't forget about older social media sites that you may not be active on anymore, but that may still be displaying your information. A simple change in settings or deleting the account can be done in minutes.

We spend our entire careers building our reputations and although these simple do-it-yourself strategies are a great starting place, there is so much more we can do to manage our reputations. I urge you to do your research. **B**



*Natalie Giachos practices civil litigation in South Florida. She earned her law degree from Nova Southeastern University. Since graduating, Natalie has served on the NSU Law Alumni Association and has coached and judged NSU law students in mock trial competitions. She has participated in the NSU Law Center Plus program providing continuing legal education to attorneys. Natalie also serves on the Publicity Committee for the Broward County Bar Association and on the Animal Law Section of the Florida Bar.*





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# Community Court in Fort Lauderdale



by Judge Florence Taylor Barner

## What is Community Court?

The Center for Court Innovation describes community courts as “neighborhood-focused courts that attempt to harness the power of the justice system to address local problems. They strive to engage outside stakeholders such as residents, merchants, churches, and schools in new ways in an effort to bolster public trust in justice.”

How did it all start?

As of November 2018, the average daily jail population in Broward County was roughly 3,500 with an average cost of about \$140.00 per person, per day. Chief Judge Jack Tuter said “we just can’t continue in this county to take everybody to the county jail” and embarked on creating this court project. The Center for Court Innovation and the U.S. Department of Justice’s Bureau of Justice Assistance selected Broward as one of only five new locations in the country for the program in 2018. Further, the City of Fort Lauderdale has partnered with the Courts to address municipal ordinance violations that are often unavoidable for the homeless and to improve access to substance abuse, mental health, medical and employment services.

On January 8, 2019 Broward County launched Florida’s *first and only* Community Court working to resolve these issues by attending to the needs of at-large or homeless petty crime and municipal ordinance offenders. Community Court takes a therapeutic approach to criminal justice for those non-violent offenders by offering community service-based punishment coupled with mental health counseling, substance abuse

treatment and access to on-site social service providers.

## Who is involved?

Chief Judge Jack Tuter and County Court Judge Florence Taylor Barner preside over Community Court. The Court’s key partners include Mayor Dean Trantalis, City Commissioner Dr. Ben Sorenson, the city prosecutor’s office and public defender’s office, court administration, City of Fort Lauderdale Police Department, Henderson Behavioral Health, Broward Sheriff’s Office, Broward County, Sunserve, Care Resource, OIC of South Florida, Florida Highway Safety and Motor Vehicles, Second Chance Society, United Way of Broward County and other charitable organizations.

## What crimes are eligible for Community Court?

First, criminal charges **are not** necessary for individuals to participate in the services available, as the court is open to the community. However, if someone is charged with certain “quality of life” crimes (i.e. trespassing, disorderly conduct/disturbing the peace, public intoxication/open container violations, obstructing traffic and aggressive panhandling inter alia), they may be eligible for Community Court. Second, the conditions required of each individual eligible for Community Court will depend on that person’s unique circumstances.

Conditions always include completion of community service in lieu of incarceration for those charged with an eligible offense and may include mental health counseling

and/or residential or non-residential substance abuse treatment. See the full Administrative Order here for more details: <http://www.17th.flcourts.org/wp-content/uploads/2019/01/2019-1-Crim.pdf>

## What actually happens in Community Court?

Held every Wednesday morning at 11:00am at City Hall in Fort Lauderdale, Community Court focuses on the root causes of each defendant’s issues by giving sentences that focus on therapy and community service. Participants must choose to take an active role in their rehabilitation, and agree to give back to the community in the form of community service. Participants are evaluated and assigned a case manager for additional support and monitoring.

## Come and check us out!

Come and see what happens in Community Court Wednesday mornings at 100 N. Andrews Avenue, Fort Lauderdale, Florida. We are reminded of the old proverb that “it takes a village.” Through Community Court, the Broward County Courthouse is part of that “village.” **B**



Judge Florence Taylor Barner is a county judge in the Civil Division in the 17th Judicial Circuit of Florida. Judge Barner presides over the Community Court.





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# Case Law Update

**It's Daubert. It's Official. For now, anyway.**

by Debra P. Klauber

Regardless of the type of case, in twenty-first century litigation, cases often come down to a battle of the experts. Parties pay tens, if not hundreds, of thousands of dollars to those experts who then try to convince juries how to make the “right” decision. The Florida Legislature and the Florida Supreme Court have finally come together to adopt the Daubert standard.

Historically, the Florida courts have followed the standard set forth in *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923). Generally speaking, the *Frye* standard requires expert testimony to be well-recognized, such that an expert cannot give an opinion in court unless that opinion has gained general acceptance in the particular field in which it belongs. As explained by the Florida Supreme Court, the *Frye* standard allows the scientific community to determine whether certain evidence is reliable enough for the courtroom.

Congress modified the Federal Rules of Evidence and, subsequently, the United States Supreme Court modified the standard for admitting scientific evidence in federal courts in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). The purpose of *Daubert* was to allow additional relevant evidence to be considered by the courts, even if it was based on scientific methods or principles that were not yet generally accepted in the given scientific community. It was, by design, a more lenient, flexible standard.

For 25 years after *Daubert* was decided, the Florida courts continued to apply the *Frye* standard. The Florida Supreme Court believed the *Frye* standard to be a higher standard of reliability -- because it allowed the judge to make the decision about whether the opinion was sufficiently reliable, instead of allowing the jury to hear that opinion and

decide how much weight it should be given.

In 2013, the Florida Legislature amended the Evidence Code and revised the statutes dealing with expert testimony, in order to follow *Daubert*. §§ 90.702, 90.704, Fla. Stat. In 2017, the Florida Supreme Court declined to adopt the statutory amendments to the extent that they were procedural, which left some confusion about which standard should be applied. *In re Amendments to Florida Evidence Code*, 210 So. 3d 1231 (Fla. 2017).

In October of 2018, the Florida Supreme Court concluded that the statute governing testimony by experts (section 90.702) was procedural in nature, and that the Florida Legislature had overstepped its bounds and infringed upon the court's rulemaking authority in its attempt to adopt *Daubert*. *DeLisle v. Crane Co.*, 258 So. 3d 1221 (Fla. 2018). That court again noted its preference for the *Frye* standard, explaining that “*Frye* relies on the scientific community to determine reliability whereas *Daubert* relies on the scientific savvy of trial judges to determine the significance of the methodology used.” The court also took note of the fact that *Daubert* proceedings, essentially fights over the admissibility of an expert's testimony before the start of trial, impose an additional burden not only on the courts, but the litigants themselves, an issue that was raised by a number of briefs that were presented to the court by interested parties.

Now, less than a year later, the new Florida Supreme Court has opted to “recede” from the prior decision not to adopt the Legislature's *Daubert* amendments. *In re: Amendments to the Florida Evidence Code*, SC19-107, 44 Fla. L. Weekly D170 (May 23, 2019). The court refused to address the constitutional or substantive concerns that have

been raised, claiming that those issues must be left to be raised by a proper case or controversy. The court has now determined that *Daubert* is the preferred standard because it allows the trial judge to ensure that all scientific evidence is not only relevant, but reliable, and also because it will create consistency between the state and federal courts with respect to the admissibility of expert testimony. Accordingly, the Florida Supreme Court has now formally adopted the amendments to sections 90.702 and 90.704 as procedural rules of evidence.

The lengthy concurring (Lawson) and dissenting (Labarga and Luck) opinions show just how diverse the justices' positions are with respect to whether this is a procedural or substantive issue, how the court can, or should, go about making this change, and which standard properly protects the parties to litigation. Nevertheless, until there is a case or controversy in which a party is ready to take on the constitutional challenges, such as how this standard might impact the right to a jury trial, the Legislature and the Florida Supreme Court are in agreement that *Daubert* is to be applied in Florida. The debate over this legal standard has, itself, turned in to a battle of the experts, and the war wages on. **B**



Debra P. Klauber, Esq., a partner with Haliczzer 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](mailto:dklauber@hpslegal.com).

# Florida Cannabis Legislative Update

by Matthew P. Schulze

Cannabis, or marijuana, contains two major compounds: cannabidiol and tetrahydrocannabinol. Cannabidiol, also known as CBD, is the “non-euphoric” compound extracted from hemp, a form of cannabis, and used for treating pain and relieving inflammation. Tetrahydrocannabinol, also known as THC, is the “psychoactive” compound which causes marijuana’s “high”.

Just this month, Florida Governor Ron DeSantis signed two bills into law that effect the cannabis industry. One bill, SB 1020, could provide a major boost to the CBD industry while the other bill, Florida House Bill 5, will create a major hurdle for the THC industry.

Last year President Trump passed and signed the Farm Bill, which legalized and regulated the production of hemp. SB 1020 now creates a state hemp program. This program will be under the direction of Florida’s Department of Agriculture and Consumer Services which is currently lead by Commissioner Nikki Fried. Fried, a noted CBD and medical marijuana lobbyist, has championed the bill as a huge success for the state’s economy. She asserted that hemp could become one of the leading crops in the state and provide a multi-billion-dollar industry. This wasn’t all good news to companies already selling CBD products in the state, though: Fried has also stated that CBD products already on Florida shelves will have to comply with new testing and labeling requirements as part of the oversight of the new state hemp program, which could lead to many companies having to pull their product until they can achieve compliance.

The other bill signed and passed by Gov. DeSantis could have more legal implications. While House Bill 5 started off as a sales tax referendum bill that was not getting through

legislative committees, it was revived on the last day of the session by the tacking on of language addressing citizen petition drives. Specifically, this additional language made it a misdemeanor to pay petition gatherers by the number of signatures they collect, as well as requiring petitions to be turned in to county supervisors within 30 days of being signed or face fines of up to \$1,000. Notably, this affects THC and more specifically, advocacy groups of its legalization, because it makes it more difficult for one of the most widely supported ballot referendum petitions to gain more signatures. Regulate Florida, a group petitioning for the regulation of marijuana in a manner similar to that of alcohol, has more than 70,000 signatures which almost makes it viable for judicial review, a required step to getting on the ballot. Regulate Florida also pays its employees to obtain signatures on its petitions and, as the most signed THC regulation petition in the state, this bill preventing them from continuing their business practices will present a major impediment. A host of legal arguments can be made against House Bill 5. For one, it made what once was a legal form of employment suddenly illegal, thus terminating those employees’ contracts. A discussion could be had that it constitutes a bill of attainder, or unreasonably interferes with contracts. Another notable issue concerns Section 6 of the Florida constitution. This provision states that “every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.” However, House Bill 5 tacked on these petition regulations to a bill that requires municipalities to place local tax initiatives on ballots during general elections. Whatever the legal implications of the bill, the major implication for the future will be that legal marijuana supporters will need to advocate that much harder to bring their ideals to fruition.

Citations:

Carlos Miller, Recreational Marijuana Will Be on 2020 Ballot Despite Sleazy Move by Legislature, Activists Say Miami - New Times (2019), <https://www.miami-newtimes.com/marijuana/recreational-marijuana-to-be-on-florida-2020-ballot-activists-say-11203724> (last visited Jun 26, 2019).

Jim Rosica, State demands stricter guidelines over marijuana labeling - Clay Today (2019), <https://www.claytodayonline.com/stories/state-demands-stricter-guidelines-over-marijuana-labeling,17857> (last visited Jun 26, 2019).

John Lucas, Florida farmers looking to cash in on new crop after Gov. DeSantis signs hemp bill into law - The Capitolist (2019), <https://thecapitolist.com/florida-farmers-looking-to-cash-in-on-new-crop-after-gov-desantis-signs-hemp-bill-into-law/> (last visited Jun 26, 2019). **B**



*Matthew P. Schulze, Esq., is an attorney with Sweeney Law, P.A., that focuses his practice on complex transactional and litigation matters throughout Florida.*



**12 Investiture of The Frank Ledee**

**Time:** 1:30 p.m.

**Venue:** Broward County  
Courtthouse – Jury Assembly  
Room (#03320)

**13 Guardianship 8-hour Adult**

**Time:** 9:00 a.m. – 5:00 p.m.

**Venue:** BCBA Conference Center  
**Cost:** \$180; No Walk-ins  
accepted

**17 CLE: So you want to be a  
judge?**

**Time:** 12:00 p.m. – 1:00 p.m.

**Venue:** BCBA Conference  
Center

**Cost:** \$20 BCBA/BCHBA  
Member/Government Employee  
; \$25 Non-Member

**17 Broward Forward Legislative  
Reception**

**Time:** 5:30 p.m. – 7:30 p.m.

**Venue:** Tower Club Fort  
Lauderdale

**Cost:** \$35 BCBA Member; \$45  
Non-Member

**17 Solo/Small Networking Dinner**

**Time:** 6:00 p.m. – 8:00 p.m.

**Venue:** Dave and Busters  
Hollywood

**Cost:** \$40 BCBA Member; \$55  
Non-Member \* \$5 additional  
after 7/10/2019

**18 CLE: Florida Homestead Law**

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Foundation of Broward*

**Time:** 12:00 p.m. – 1:30 p.m.

**Venue:** BCBA Conference Center  
**Cost:** \$15 BCBA j11  
Member; \$30 Non-Member

**27 Guardianship 4-hour Adult**

**Time:** 9:00 a.m. – 1:00 p.m.

**Venue:** BCBA Conference Center  
**Cost:** \$100; No Walk-ins  
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