

The BROWARD BARRISTER

AUGUST 1982

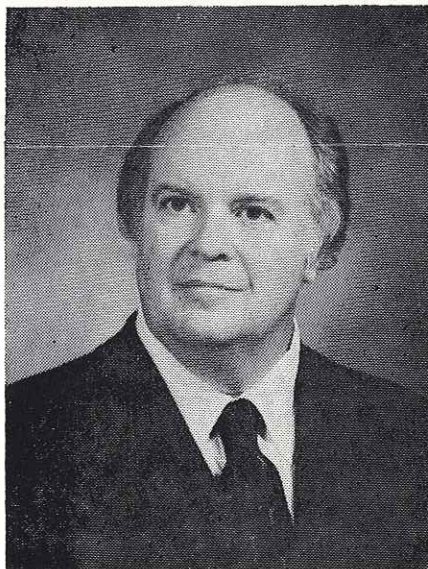
Volume 11

Number 8

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

THERE WILL BE NO GENERAL MEETING OF BROWARD COUNTY BAR ASSOCIATION IN AUGUST.



JOHN S. NEELY, JR.

President, Association of Insurance Attorneys

John Starr Neely, Jr. assumed the Presidency of the Association of Insurance Attorneys in April, 1982 at its annual meeting in Honolulu. As President-Elect at that meeting, he was responsible for the educational portion of the program.

The Association of Insurance Attorneys is an organization of lawyers from every state and every province of Canada who are engaged primarily in the defense of civil litigation.

Mr. Neely was admitted to The Florida Bar in 1956 and has practiced continuously with the firm of Fleming O'Bryan & Fleming since his admission. He has served on the Board of Governors of The Florida Bar and has been active in Broward County Bar Association Committees.

FEE SCHEDULE - CIRCUIT COURT DIVISION CHANGE IN OFFICE HOURS

The Clerk of the Circuit Court has announced the following new amended fee schedule effective July 1, 1982:

Filing Fees

All Civil Suits	\$70.00
Dissolution of Marriage	\$73.00
Additional Fee	\$ 2.00 per Defendant for all Defendants over (5)

Miscellaneous

Verifying any instrument presented for certification not prepared by the clerk, per page	\$ 2.00
Judicial Sales - pursuant to F.S. 45.031	\$40.00

Appellate Charges

Service Charge to Circuit Court on Appeal to Fourth District	\$25.00
Service Charge on Appeal to Circuit Court from Inferior Court	\$50.00
Examining, comparing, correcting, verifying and certifying transcripts of record in appellate proceedings prepared by attorney for appellant, or someone else other than clerk, per page	\$ 3.00
For preparing, numbering and indexing an original record of appellate proceedings, per page	\$.50

Court Registry Fees

Receiving money into Court Registry (First \$500.00)	2%
(Each subsequent \$100.00)	1%

Effective July 19, 1982, office hours are extended until 4:30 P.M. From 9:00 A.M. to 4:30 P.M. public hours 4:00 P.M. until 4:30 P.M. counter service only

PRESIDENT'S MESSAGE

"Soon"

Hugh T. Maloney,
President

BAR DUES

Broward County Bar Association dues were due June 1, 1982 and you will be delinquent if dues are not received by July 31, 1982. Your membership in the Association is needed if it is to perform the duties requested by the legal profession and the public.

If your dues have been paid your Membership Card is enclosed.

JUDICIAL POLL

PLEASE NOTE

In making corrections for the Judicial Poll Instruction #2 was inadvertently omitted, it should read — 2. Vote your own opinion and mark your own Ballot. Do not seek the opinion of any one else.

Broward County Bar Association
 733 N.E. Third Avenue
 Fort Lauderdale, Florida 33304
 764 - 8040

OFFICERS

Hugh T. Maloney ... *President*
 Angeline G. Weir .. *Pres.-Elect*
 Terrence Russell ... *Sec.-Treas.*
 Norma Howard *Exec. Dir.*
 Martha Snedaker *Editor*

**JUDGE MORTON L. ABRAM
 DELEGATE TO ANNUAL
 MEETING OF THE JUDICIAL
 ADMINISTRATION DIVISION
 OF THE ABA**

Judge Morton L. Abram, County Court Judge, Broward County, has been designated as a delegate to the annual meeting of the Judicial Administration Division of the American Bar Association to be held in conjunction with the ABA convention in San Francisco on August 6th-10th, 1982. Judge Abram is Vice-Chairman of the Small Claims Court Committee of the Judicial Administration Division of the ABA.

Among the subjects which will be covered at the meetings will be Judicial Selection and Evaluation, Judicial Decision Making, Crisis in the Nation's Jails and Plea Bargaining.

Judge Abram's appointment was made by the Honorable Alan C. Sundberg, Chief Justice of the Florida Supreme Court.

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July 5 Until further notice
 July 12 August 13
 July 26 August 23
 July 26 August 13
 August 2 August 31
 August 2 August 15
 August 9 August 27
 August 9 August 27
 August 16 August 20
 August 30 September 8

BROWARD JUDGES

ELECTED TO

STATE OFFICES

Judge Harvey Ford of Broward County was installed by Justice James Adkins of the Florida Supreme Court as President-Elect of the Conference of County Court Judges of Florida at ceremonies held at Marco Island on June 18, 1982.

Judge George Brescher of Broward County was installed as Vice President of the Conference representing the Judges of the Fourth Court of Appeals District and Judge Larry Seidlin of Broward County was elected to the Board of Directors of the Conference, representing the Judges of the Seventeenth Judicial Circuit.

Other Officers installed included President William Henderson of Pensacola, Secretary Hugh Hayes of Naples and Treasurer Marvin Gillman of Miami.

Judge Ford has previously served as Director from the Seventeenth Judicial Circuit and as Executive Secretary of the Conference.

YESTERDAY'S EAGLES - IDENTIFICATION

(July Barrister)

Left to right - Row One

Harry G. Carratt
 Francis D. O'Connor
 Richard T. Shankweiler
 Judge Raymond J. Hare

Row Two

Hugh T. Maloney
 Dennis F. O'Shea
 Ellis S. Rubin
 Henry J. Prominski

Row Three

Joseph A. Hubert
 Fred S. Schmunk, Jr.
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LAWYER REFERRAL SERVICE

Lawyer Referral Panel members are needed to handle employment problems for employees, social security and securities matters. If you have expertise in these areas of law, your help is needed.

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YOUNG LAWYERS SECTION NEWS

PRESIDENT'S MESSAGE

This year we have two new projects that we are working on for our membership.

The first is a Judicial Reception to give appropriate recognition to our local judges for a job well done and to provide a forum for judges and lawyers alike in our organization to meet in a setting more relaxed than a courtroom. I think this is an idea whose time has come. The legal community in Broward County is expanding in a growth rate comparable to the rest of the county. We now have over 2,500 lawyers, approximately half of whom are members of the Broward County Bar Association.

I feel that one of the critical functions of our section is to foster a sense of community spirit among the membership and in turn, between our members and the local judges before whom we practice. A Judicial Reception should provide an excellent opportunity for us to meet these goals.

We also hope to set up a Speakers Bureau this year for interested members of our section. At present I know of no clearing house that an organization can contact to obtain speakers in the legal field. By filling this void we can accomplish two things. Civil groups and other interested organizations would benefit by receiving talks on legal topics from competent attorneys free of charge. Our members stand to benefit by the exposure such talks would provide to them. Teresa Widmer is working on this project, and we hope to have it off the ground within the next few months.

More details on these projects will be forthcoming as we get past the planing stages, and I will keep you posted on them.

Next month, lunch is at the Bahia Mar Hotel. Come on over to see and hear Rick Horrow, the Director of the South Florida Sports Authority, who will be giving us the latest information on the proposed sports stadium and related projects. It should be most interesting.

Robert J. McFann
President
Young Lawyers Section

THE YOUNG LAWYERS SECTION LUNCHEON

The August Meeting of the Young Lawyers Section of the Broward County Bar Association will be held on Thursday, August 26, 1982, at 12:00 Noon at:

BAHIA MAR HOTEL &
YACHTING CENTER
801 Sea Breeze Boulevard
Fort Lauderdale, Florida

The guest speaker will be Mr. Richard Horrow, who will speak on the topic of "The South Florida Sports Authority".

Cost of the luncheon is \$7.00. You may mail your check payable to YOUNG LAWYERS SECTION to to Romney C. Rogers, 800 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33301, or phone in your reservation (call Elsie, 462-1431) no later than Monday, August 23, 1982.

RESERVATIONS ARE A MUST!!

FLAG FOOTBALL LEAGUE

The NFL season may be in jeopardy, but not the Young Lawyer Section League. Team captains should provide the Roster of Members to Dale H. Geisler, Suite 700, 800 East Broward Boulevard, Fort Lauderdale, Florida 33301 (462-1431), not later than August 23, 1982. More information will follow.

WELCOME NEW MEMBERS

SUSAN K. BAUMEL, a native of Chicago, Illinois, received her undergraduate degrees from Florida State University and the University of Florida, her law degree from Florida State University and her L.L.M. from the University of Miami. She is associated with Meldman, Case & Weine in Boca Raton.

ROBERT C. BYRNE, a native of Portsmouth, New Hampshire, received his undergraduate degree from Norwich University and his law degree from Suffolk University. He is associated with Ray Windsor and Hugh Bernstein in Plantation.

ALAN S. BERNSTEIN, a native of Philadelphia, Pennsylvania, received his undergraduate degree from Fairleigh Dickinson University and his law degree from Nova Law Center.

He is associated with Goldberg, Young and Borkson in Fort Lauderdale.

GERALD E. COWEN, a native of Philadelphia, Pennsylvania, received his undergraduate degree from Penn State University and his law degree from Nova University. He is associated with Crouch & Miner in Hallandale.

MERRILEE EHRLICH, a native of New York City, received her undergraduate degree from Boston University and her law degree from Nova Law Center. She is a sole practitioner in Fort Lauderdale.

RICHARD J. KAPLAN, a native of Detroit, Michigan, received his undergraduate degree from the University of Michigan, his law degree from Cleveland State University and his L.L.M. from the University of Miami. He is associated with Kuchinsky, Gattegno & Kaplan in Coral Springs.

C. WILLIAM LAYSTROM, JR., a native of Elgin, Illinois, received his undergraduate degree from Duke University and his law degree from Florida State University. He is associated with Allsworth, Doumar, Padula, Cazal & Curtis in Fort Lauderdale.

VICTORIA F. MINARD, a native of Elizabeth, New Jersey, received her undergraduate and law degrees from the University of Florida. She is with the Office of General Counsel for Broward County, Florida.

JOSEPH L. PASSIATORE, a native of Washington, D.C., received his undergraduate degree from the University of Notre Dame and his law degree from Stetson University. He is in the city attorney's office in Pompano Beach.

MARIA RODRIGUEZ a native of Cuba, received her undergraduate degree from City College in New York and her law degree from Nova Law Center. She is a sole practitioner in Fort Lauderdale.

SCOTT E. SIMOWITZ, a native of Paterson, New Jersey, received his undergraduate degree from Washington University and his law degree from the University of Miami. He is associated with Goldberg, Young and Borkson in Fort Lauderdale.

WILLIAM C. STALIONS, a native of Detroit, Michigan, received his undergraduate degree from the University of Florida and his law degree from Nova University. He is associated with Britton, Cohen, Kaufman, Benson & Schantz in Fort Lauderdale.

JACQUELYN P. NEEDELMAN, a native of New York City, received her undergraduate degree and her M.S.M. from Florida International University and her law degree from Nova University. She is associated with The Florida Bar in Fort Lauderdale.

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1982 LEGISLATION OF INTEREST TO THE LEGAL PROFESSION

(This is the second of a series on 1982 Legislation)

ADMINISTRATIVE LAW

HB 151—UNEMPLOYMENT COMPENSATION. Provides that, in any administrative proceeding under the Unemployment Compensation Law, an employer or a claimant may be represented by an authorized representative or counsel. Amends s.443.151(7), Florida Statutes. Effective July 1, 1982. Chapter 82-178.

CORPORATION, BANKING AND BUSINESS LAW

HB 3F — CORPORATE INCOME TAX. Allows corporations to elect to

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report and pay tax under federal amendments to the Internal Revenue Code made between January 1, 1980 and January 1, 1982; removes real estate trusts from requirements of reporting under adjustments to taxable income; provides separate formulas to be used in computing the amount of corporate income tax due on installment sales; imposes an emergency excise tax which may be allowed as a credit against the corporate tax. This act shall take effect upon becoming a law. Chapter 82-232.

CS/HB 287 — BANKING. Creates Part II of Chapter 655. Deletes reference to periodic examination, provides an implementation schedule for semi-annual fees paid by credit unions to the Department of Banking and Finance. It provides definitions, procedures for the conversion of a charter of a financial institution, limits conversions, requires application fees, provides for the merger or consolidation of capital stock financial institutions and mutual financial institutions, and provides that a financial institution may acquire the capital stock of any other financial institution. Effective July 1, 1982. Chapter 82-214.

HB 43 — CORPORATIONS. An act relating to corporations not for profit; repeals Part II of Chapter 617, Florida Statutes, relating to scholarship plans. This act shall take effect upon becoming a law. Chapter 82-177.

CRIMINAL LAW

HB 1137 — BAIL BONDSMEN. An act amending various statutes relating to bail and bail bondsmen. Redefines "runner," provides for applications for general agents' permits. Increases license fees and provides for a biennial licensing, changes requirements for application and qualifications for bail bondsmen and runners. Requires bail bondsmen to maintain records for three years for inspection by the Department of Insurance. Requires statistical reports from bail bondsmen and insurers. Effective October 1, 1982. Chapter 82-175.

SB 166 — RAPE VICTIMS. Requires the Bureau of Crimes Compensation to pay for medical expenses connected with an initial physical examination of any sexual battery victim. Provides for the confidentiality of records relating to such payments. Limits payments to a maximum of \$150 per violation. Appropriates \$1,020,000 from the gen-

eral revenue fund for the 1982-83 fiscal year. Creates s.794.07. Effective July 1, 1982. Chapter 82-192.

CS/SB 241 — PAROLE. Provides that a member of the Parole and Probation Commission or its duly authorized representative may sign warrants for the retaking of a paroled prisoner. Authorizes the Commission, a commissioner, or the Commission's duly authorized representative to determine whether to admit the alleged parole violator to bail. Provides for a preliminary hearing within 30 days of arrest. Amends s.947.22,23. This act shall take effect upon becoming a law. Chapter 82-193. SB 404 — CORRECTIONS. Adds correctional officers to the Bill of Rights for law enforcement officers. Amends ss.112.531-534. Effective October 1, 1982. Chapter 82-156.

ENVIRONMENTAL LAW

HB 1016 — STATE LANDS. Provides the proceeds from the sale of state lands which are currently deposited in the Land Acquisition Trust Fund shall be retained in the Internal Improve-



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ment Trust Fund and used for the acquisition, management, administration, protection and conservation of state-owned lands. Amends s.253.01 and repeals s.375.043. Effective July 1, 1982. Chapter 82-185.

HB 1066—RADIOACTIVE WASTE. An act creating s.404.30, Florida Statutes. Makes Florida a party to the Southeast Interstate Low-Level Radioactive Waste Compact. This act shall take effect upon becoming a law. Chapter 82-186.

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HOUSING AND URBAN FINANCING

SB 340 — PUBLIC BONDS. Provides duties of the Division of Bond Finance of the Department of General Services with respect to general obligation bonds and revenue bonds of unit of local government and the state. Provides duties of units of local governments with respect to information furnished the Division regarding outstanding bonds and new bond issues. Deletes certain specific requirements with respect to a resolution authorizing a negotiated sale. Redefines "finder" and prohibits payment of finders' fees by financial advisers unless disclosure is made. Increases from ten to fifteen the number of yearly installments for payment of special assessments for municipal improvements and revises interest rates with respect thereto. Provides that improvement bonds be issued in the denomination of \$500 rather than \$100. Provides that certain water and sewer system bonds which are issued pursuant to special assessment provisions may carry an interest rate of up to one percent above that otherwise authorized by law. Amends s.218.37 and .38. Effective July 1, 1982. Chapter 82-195.

HB 346 — COURT CLERKS. Amends s.28.33, Florida Statutes, to provide that circuit court clerks shall retain 25% of all interest accruing from monies deposited in a court's registry; providing for allocation of remaining interest; amending s.197.291 (2), Florida Statutes, to correct a cross-reference; repealing s.28.24(14), Florida Statutes. Effective July 1, 1982. Chapter 82-117.

SB 881 — CLERK OF COURT. Amends s.28.24, Florida Statutes; to increase certain service charges; amends s.28.2401(1)(1), Florida Statutes, and adds a new paragraph

(n) to said subsection increasing certain probate charges; amends s.28.241 (1), (2), (3), Florida Statutes increasing certain charges for trial and appellate proceedings; amends s.34.041, Florida Statutes; increasing certain service charges in county courts. Effective July 1, 1982. Chapter 82-205.

HB 8D — JUDICIAL EDUCATION TRUST FUND. Creates the trust fund for the education and training of judges, clerks, court administrators, and other judicial employees. The fund will be administered by the Florida Supreme Court through the Court Educational Council. Funded by an additional \$1 service charge on all civil actions. Amends s.25.384 and 28.241 (1), Florida Statutes. Effective October 1, 1982. Chapter 82-168.

HB 9D — WITNESS FEES. This is implementing legislation to allow the State of Florida to reimburse counties for witness fee expenses. The Appropriations Act contains \$2.7 million to reimburse the counties. This will not be enough to completely assume the yearly costs to the counties, but the State Courts Administrator hopes to begin reimbursing the counties in February 1983. Chapter 82-176.

REAL PROPERTY

HB 268 — CONDOMINIUMS. Allows a condominium association to charge a unit owner up to \$50 to cover expenses and services relating to the approval of the transfer, sale, lease, or sublease of such owner's unit by such owner. Provides the authority (if any) of a condominium association to approve certain transfers, sales, leases, or subleases, continues after control of the association is turned over to the unit owners. Amends s.718.112 (2) (j). Effective July 1, 1982. Chapter 82-113.

SB 634 — CONDOMINIUMS. Amends s.718.503 to specify the requirements for disclosure prior to sale apply only to residential condominiums. This act shall take effect upon becoming a law. Chapter 82-199.

WORKERS' COMPENSATION


SB 67 — WORKERS' COMPENSATION. Creates the Florida Self-Insurers Guaranty Association, Inc., and requires individual self-insurers, other than those which are public utilities or governmental entities, to become members. Provides for withdrawal from the association upon termination of a self-insurance privilege.

Pursuant thereto it provides for a

Board of Directors, organization, operation, powers, and duties thereof. Creates an insolvency fund. Provides powers and duties of the Department of Labor and Employment security. Provides for exchange of information between the Board and the Department. Provides for examination and regulation of the association by the department. Provides for effect of paid claims. Provides certain immunity. Provides for a stay of proceedings. Provides a statute of limitations. The bill includes law enforcement officers acting within the course of employment for purposes of coverage. This bill became effective March 31, 1982. Chapter 82-65.

SB 655 — WORKERS' COMPENSATION. An act amending s.440.15(6) (b), Florida Statutes. This relates to compensation for hernia resulting from injury by an accident arising in the course of employment, to modify the period for which compensation is authorized. Effective July 1, 1982. Chapter 82-237.

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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservation
8/10/82 & 9/14/82	North Broward Bar Association	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach — 12:00 Noon —	John Hume 771-9864
8/14/82	Broward County Christian Lawyers Association	Annual Family Picnic	Florida Power & Light Park Port Everglades — 3:00 P.M. —	W. Lawrence Larche 764-7777
8/26/82	Young Lawyers Section	Monthly Luncheon	Bahia Mar Hotel & Yachting Center 801 Sea Breeze Boulevard Fort Lauderdale — 12:00 Noon —	Elsie — 462-1431

Broward County Trial
Lawyers Association

**No meetings during the months of
July and August**

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JUDICIARY

JUDICIAL SALARIES. The Appropriations Act passed on April 18. Included within that bill were increases in judicial salaries as indicated below:

	Current	Sept, 1, 1982
Supreme Court	61,500	65,805
District Court of Appeal	55,500	59,385
Circuit Court	53,000	56,710
County Court	49,000	52,430

SB 10D — JUDICIAL CERTIFICATION — The Florida Legislature approved the following additional judges:

2nd District Court of Appeal	1
1st Judicial Circuit	1
5th Judicial Circuit	1
6th Judicial Circuit	1
9th Judicial Circuit	1
11th Judicial Circuit	2
12th Judicial Circuit	1
15th Judicial Circuit	2
*16th Judicial Circuit	1
17th Judicial Circuit	2
20th Judicial Circuit	1
Broward County	2
Hillsborough County	1
St. John's County	1
Volusia County	1

*One judge in this circuit shall reside in the middle or upper Keys. There is no residency requirement for any other judge in the circuit.

The above judgeships became effective October 1, 1982; except the circuit judges for the 5th, 6th and 11th Circuits shall be elected in nonpartisan elections in 1982 and take office the first Tuesday after the first Monday in January 1983.