Employers should begin preparing for new overtime rules

By DANIEL R. STRADER, Esq., Shumaker, Loop & Kendrick, LLP

On March 13, 2014, President Obama directed the Department of Labor to update its overtime regulations pursuant to the Fair Labor Standards Act (FLSA), and the DOL issued the final rules on May 18, with employers required to be in compliance on Dec. 1. Although several months remain until the new regulations go into effect, employers should begin making preparations for what will be a significant shift in overtime policy under the FLSA.

Existing law under the FLSA

The FLSA, enacted in 1938 and amended several times since then, provides for a federal minimum wage, a standard 40-hour workweek, and pay at time-and-a-half for all overtime hours, among other requirements. However, the law also created several exemptions from its provisions for certain classes of workers, the most common of which are the so-called “white collar” exemptions. These exemptions encompass three subcategories of workers: (1) executive (think HR professionals, insurance adjusters, and other employees exercising substantial discretion as to important matters); (2) administrative (think doctors, lawyers, accountants, teachers, and other learned professionals). Unlike non-exempt employees, none of the aforementioned classes of employees is entitled to premium pay for overtime hours. This is why all of you lawyers and accountants out there probably won’t be affected by next week-end without a corresponding pay increase.

For those of you who are “white collar” exemptions, an employee must satisfy a two-part test. First, the employee must be employed in an administrative, executive, or professional capacity. Second, the employee’s primary duty must be the performance of duties satisfied by the exemption.

However, the law also created several exemptions from its provisions for certain classes of workers, the most common of which are the so-called “white collar” exemptions. These exemptions are based on the assumption that employees are entitled to premium pay for overtime hours. This is why all of you lawyers and accountants out there probably won’t be affected by the new regulations going into effect on Dec. 1.

By SUSAN BARRETT HECKER, Esq., Williams Parker

Designating a health care surrogate is as essential a part of any comprehensive estate plan. Establishing a workable plan for effective communication among the principal, one or more health care surrogates, and health care providers to continue appropriate care during any period of the principal’s temporary or permanent incapacity is the goal.

Florida House Bill 889 was enacted into law effective Oct. 1, 2015, bringing with it several positive changes to applicable statutes.

Diversity Scholarship recipients selected

T he Diversity Committee of the Sarasota County Bar Association is pleased to introduce the recipients of the 2016 Richard R. Garland Diversity Scholarship.

Dennis T. Adorno has been selected for a summer internship with Legal Aid of Manasota. Cindy M. Innocent has been selected for a summer internship with the Office of the Public Defender.

The interns excelled in a rigorous selection process that involved an initial eligibility determination by the Diversity Committee followed by individual interviews with the participating employers, which ultimately made the hiring decisions. If you see Mr. Adorno and Ms. Innocent at SCBA events or elsewhere around town this summer, please say hello and welcome them to our community. We greatly appreciate the support of our 2016 employers, Legal Aid and the Public Defender, and we strongly encourage all Sarasota firms to consider participating in the internship program in the future.

SCBA NEWS

Nominees sought for annual awards

By STEFAN V. BUNECKY, Esq., Chair, SCBA Annual Awards Committee

It is that time of year again. It is time to recognize those men and women of our Bar Association and members of our community who have set themselves apart for their work and achievement. If you know someone you feel worthy of receiving one of the SCBA’s three prestigious annual awards, we want to hear from you.

The nomination process is simple and begins with you, our fellow SCBA members, completing the short form that is found in this month’s issue of The Docket. Nominating an individual for one of the three awards is a great opportunity to recognize who someone who may not otherwise have received the recognition of hard at work seeking your nominations and want your input on potential nominees. Your help in this regard is greatly appreciated. Please submit your nominations for the following awards:

1. Distinguished Community Service Award: This award recognizes extraordinary service to the community by a...
Survey raises concern about Bar meetings

Recently, members were asked to complete a survey regarding their attendance at our monthly membership luncheons. A decline in attendance is a cause of concern as we look at the overall health of our Bar Association. The survey was an attempt to gauge how often members attend the membership luncheons, how members feel about the monthly membership luncheons, why members did or did not attend the luncheons and what would make the membership luncheons more interactive. Below are the results of the survey:

There are four (4) General Membership meetings per year. What percentage of the membership do you generally attend? (Choose 2)

<table>
<thead>
<tr>
<th>RESPONSE</th>
<th>PERCENT</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>36.25%</td>
<td>29</td>
</tr>
<tr>
<td>No</td>
<td>63.75%</td>
<td>51</td>
</tr>
<tr>
<td>Total Respondents</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>

Venue for meetings are limited. Which do you prefer? (Choose 2)

<table>
<thead>
<tr>
<th>RESPONSE</th>
<th>PERCENT</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarasota Yacht Club</td>
<td>20.00%</td>
<td>16</td>
</tr>
<tr>
<td>Michael’s on East</td>
<td>71.25%</td>
<td>57</td>
</tr>
<tr>
<td>The Francis</td>
<td>37.50%</td>
<td>30</td>
</tr>
<tr>
<td>Laurel Oak C.C.</td>
<td>8.75%</td>
<td>7</td>
</tr>
<tr>
<td>The Ritz Carlton</td>
<td>16.25%</td>
<td>13</td>
</tr>
<tr>
<td>The Francis</td>
<td>37.50%</td>
<td>30</td>
</tr>
<tr>
<td>Total Respondents</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>

Additional information about the survey, including comments from members related to each of the above questions, can be obtained by contacting the Bar office.

The Docket is going digital

Starting this fall, The Docket will have a whole new look. The SCBA will stop publishing a paper version of The Docket and go completely digital. We know that change is hard, and we can already hear that wailing, wringing of hands, and grabbing of teeth, but this is a good thing. The sky is not falling, Chicken Little. While it will be an adjustment for many of us, there will be tremendous benefits to this transition from paper to digital. First, digital is more environmentally friendly. The SCBA will be doing its part to save the rainforest, by not printing 1,000 plus copies of The Docket each month.

A second and probably even more enticing benefit is the opportunity for expanded content. We will publish more “View from the Bench” interviews so you can get to know our judges and magistrates better. Also, many of you read Doug Cherry’s story about the movie music of John Williams in the May issue. We will now have rooms to have more entertainment-related stories from Doug, along with sports-related articles and restaurant reviews, among other new features.

The third benefit of having a digital publication is that we will have the ability to put live links in the articles so you can just click from the article to websites referenced or other related content. The same will be true for our advertisements if you are an advertiser in The Docket. Our advertisers will be able to create their ads as PDFs and our readers can go directly to their websites from The Docket.

When the time comes for you to contemplate the transition from paper to digital, our former president, the Honorable Hunter Carroll, appointed a Docket Task Force to determine the best format for our new digital publication and to anticipate any potential problems. Sadly, no guns or badges were included with our appointment, but Jessica Carroll, Doug Cherry, Sarah Warren, Daniel Strader, Sherri Johnson, and I, along with Jan Jung and Holly Lipp, set forth to bring you the best digital publication we could and to answer any concerns you have before they even cross your mind.

What will the digital Docket look like? Our new Docket will look like a slick, full-color magazine. For reference, we suggest you visit www.thehoustonlawyer.com to get a feel for a digital Bar Association magazine. For those of you who are thinking, “But I like to bring my Docket with me to lunch or read it on the couch at home,” never fear, our digital Docket will be mobile friendly so you can read it on your smartphone or tablet. For those of you who absolutely, positively cannot live without a printed Docket, we have you covered, absolutely, positively cannot live without a printed Docket. Our advertisers will be able to create their ads as PDFs and our readers can go directly to their websites from The Docket.

We know this will be a big change, but we ask for your patience and understanding. When the new digital Docket arrives in your mailbox in September, open it up and give it a spin. We think you’ll really like it.
Continued from Page 1

City, with a Master of Business Administration with concentrations in Finance and Organizational Behavior.

**Co:** What are your hobbies? (Tell us something we ordinarily would not know about you?)

**RJ:** I have completed many cycling and running races: 20 RAGBRAIs (The Register’s Annual Great Bicycle Ride Across Iowa), the Susan G. Komen 3-Day, 60-mile walk in San Diego; more than 6 triathlons; and the Lincoln, Nebraska, Marathon. I also enjoy yoga, am an HGTV junkie, and love to read (just need more time!). I especially enjoy interior design magazines, business periodicals, and historical nonfiction.

**Co:** What was your career path?

**RJ:** I started as a management trainee for J.C. Penney in Kansas City (the store manager was J.C. Penney’s nephew). I then worked for First National Bank as a bank card center sales manager and spent 11 years at Hallmark Cards. I also worked as the Director of Marketing and Product Development for Empire Candle and started my own consulting company, Jerde Marketing Results. I first transitioned to philanthropy in the Greater Kansas City Community Foundation and now the Community Foundation of Sarasota County. Altogether I have spent more than 13 years in philanthropy.

**Co:** What attracted you to philanthropy?

**RJ:** My initial experience with philanthropy was being a board member and Chair of several nonprofits in Kansas City. I learned from the nonprofit perspective how critical philanthropic support is, both for current programming as well as endowment funding for long-term sustainability. I am always looking for opportunities to support nonprofits and loved seeing the joy donors got through philanthropic giving when their contributions supported effective and efficient nonprofit operations. I eventually found my way from a career in the business world to the Greater Kansas City Community Foundation, where a career in philanthropy was born.

**Co:** How many different attorneys do you think you have interacted with during your career?

**RJ:** Given my husband is a retired trial attorney and we have been married 39 years, I have interacted with a lot! Since I came to Sarasota almost five years ago, I have been so proud of the Community Foundation’s heritage, being founded by the Southwest Florida Estate Planning Council, that I have made it a priority to get to know our founding attorneys and those involved with the Southwest Florida Estate Planning Council. At the Community Foundation, we are honored to also partner with more than 40 estate planning attorneys as we work together to craft philanthropic plans for their clients. I also love the opportunity to interact with so many attorneys at the three Distinguished Speaker Series events we host every year.

**Co:** What do you see as the major developments in philanthropy in the next 5–10 years?

**RJ:** Philanthropy is evolving to savvy donors who want to clearly know and understand the impact of their giving. In the next 5–10 years, nonprofits being able to articulate results will become imperative. The Giving Challenge is an example of a “crowd sourcing” giving opportunity. Just think how $6.9 million was raised online in 24 hours during the September Giving Challenge hosted by the Community Foundation.

**Co:** What are your goals for the Community Foundation in the next five years?

**RJ:** To continue to grow philanthropy in our region, and to serve donors by being a resource to ensure their philanthropic goals achieve the greatest impact. The result will be an even stronger community.

**Co:** How would you characterize the Community Foundation’s relationship with the SCBA as our major Platinum sponsor?

**RJ:** The Community Foundation is privileged to be the major sponsor of the SCBA. We have a long-standing relationship, which includes having the Sarasota County Bar Association’s Richard R. Garland Diversity Scholarship and the Jan Jung Fund to Promote the Study of Law in Sarasota Schools at the Community Foundation. We also mutually serve many of the SCBA’s attorneys’ clients who are also donors of the Community Foundation. We are especially proud of those donors who, through their SCBA estate planning attorneys, have named us to oversee their legacies for generations to come.

**Co:** What is the one thing you want members of the SCBA to know about you or the Community Foundation?

**RJ:** We are committed to being a resource for the SCBA. From our Corporate Counsel, Betsy Pennwell, an estate planning attorney herself, to our talented team, the Community Foundation is committed to ensuring philanthropic individuals can see their charitable goals maximized.

**Co:** Thank you for taking the time to share with our members information about you and the Community Foundation?

**RJ:** Chip, it is my pleasure. I am quite aware of the tremendous impact attorneys in our community have played in the founding and nurturing of the Community Foundation, as well as the continued involvement of members of the SCBA as we move forward. Our future is very bright indeed.

**AWARDS**

Continued from Page 1

**3. Distinguished Service Award:** This award recognizes extraordinary service to the Sarasota County Bar Association by one of its members in promoting the association’s goals, programs or functions. It should be noted that Clarence Leslie C.L. McKaig (deceased 1992) was the first president of the Sarasota County Bar Association in 1934 and was known to be a prominent community leader and to his highly courtly manners, honesty, grace, and competence in the practice of law that he practiced for 65 years in Sarasota.

**INTERNS**

Continued from Page 1

A rewarding and positive experience for the employers, the interns, and our entire legal community.

**All Bar Summer Social**

The Young Lawyers Division is once again hosting an All Bar Summer Social at Made Restaurant, 1910 Main Street, Ste. 112, on Thursday, June 9, beginning at 5:30 p.m. We gratefully acknowledge our sponsor Betsy Ridenour, Ridenour Reporting.

**One Donor**

35 Innovative Afterschool Programs

200 Perfect Attendance Records

600 Better Report Cards

Each one of us has the potential to impact a person, a cause, a community. For more than 35 years, the Community Foundation of Sarasota County has matched donors to the right causes, creating lasting impact. You can be the one to make a difference. Call us today, (941) 955-3000.
YLD planning a busy June

Last month we concluded another successful annual Law Week project. Thank you to Kevin Griffith and Robert Young, and their committee members Matt Bobulsky, Rachel Heard Dildier, Leah Ellington, Brian Goodrich, and Kelly Rodenas, for all of their hard work organizing this year’s event. I also want to thank our local Association of Retired Attorneys for its support and help with this project, as well as all of the volunteers who gave their time to serve as observers at our local fifth-grade mock trials. The YLD looks forward to continuing our relationship with the retired lawyers group on this project and with our Mock Trial Competition. I would also like to thank Erin Litts for organizing a very entertaining and informative Law Day luncheon for the Bar last month. The luncheon featured fifth-grade mock trial presenters from Alta Vista Elementary. Thank you to our guest speakers Andrea McHugh, David Haenen, and Sheriff’s Col. Kurt Hoff- man for their presentations on our Law Day topic, Miranda: More Than Words.

I am pleased to announce that the YLD was able to receive a grant for $300 toward our May Health and Wellness Beach Volleyball event on May 12. Everyone who came out had a great time at Siesta Beach. After a hard day at the office, there aren’t too many more things we can do that are as relaxing as spending some time outside at the beach, especially while the weather isn’t yet August-hot.

Our YLD will also be participating in a Health and Wellness Month Challenge from the Florida Bar YLD. The Challenge is to make a video of that month’s activities and “like” the Sarasota County Bar Association’s page, and like our Health and Wellness video, which should be posted by May 31.

June is another packed month for the YLD, starting with our annual Judicial Luncheon on Friday, June 3. This is a great opportunity for YLD members to mingle with our local judges and their judicial assistants, who work so hard to make our cases run smoothly. On Tuesday, June 7, the YLD is hosting an All-Bar Pro Bono Luncheon at the Community Foundation. Please make plans to attend this luncheon and find out what opportunities you have to do pro bono work in our community. This is an extremely important event, and seating is limited, so please RSVP as soon as possible.

On Thursday, June 9, the YLD is hosting its annual All-Bar Summer Intern Social at Made, on the corner of 301 Main Street. Please come out and welcome this year’s recipients of the Richard R. Garland Diversity Scholarship who are interning in our community this summer. On Friday, June 17, is a rare, joint social and networking event with the Manatee County Bar Association YLD. Having an event with the MCBA YLD was one of my goals for the Bar year, and I am excited that we were able to put something together. The event will be an origami class at the Polo Grill in Lakewood Ranch. Reservations are required for this event and space is limited; so please RSVP as soon as possible to make sure you do not miss out on this fun evening.

FIDUCIARY ACCOUNTING SERVICES

As an attorney, you need to protect the interests of your client. Let Kerkering Barberio help ensure that all interested parties are provided with informative accountings.

Social Security Disability & SSI HEARINGS/APPEALS

JONATHAN E. HAUSBURG, ESQ.
SERVING SARASOTA AND MANATEE COUNTIES
MORE THAN 30 YEARS EXPERIENCE
3202 N. TAMIAI TRAIL • SARASOTA, FLORIDA 34234
941-351-9111 • socialsecuritysarasota.com

FOR A FRESH START
CHAPTER 7 & 13 BANKRUPTCY FAMILY LAW

RICHARD V. ELLIS, P.A.
PHONE (941) 351-9111 • FAX (941) 351-9804
3202 NORTH TAMIAI TRAIL
SARASOTA, FLORIDA 34234
SARASOTABANKRUPTCY.COM
By far the most significant change to the FLSA under the new overtime regulations is a sizeable increase in the required salary basis.

Although these new rules will affect many employers — particularly those in industries such as hospitality, retail, and real estate — many are already near the proposed threshold. The second option requires employers to track time spent by exempt employees to track time spent outside of work engaged in work tasks such as stocking shelves, helping customers, and working the cash register. This is a sizeable increase to the FLSA to qualify for an overtime exemption. The first option would also amount to a rigid bright-line rule — to provide an exempt employee with a raise every three years to ensure that he or she stays above the shifting threshold. The second option requires an employer to track the employee’s hours and pay him or her the overtime premium on any overtime hours worked. Whether or not this results in a sizeable increase to the duties test and the total compensation level for highly compensated employees will also be tied to a national standard — the 90th percentile of earnings for all full-time, salaried employees nationally (currently $134,004 annually) — and the salary basis will be adjusted every three years. In a nutshell, employers will have to pay salaried employees substantially more than had initially been proposed last July, it still represents a substantial increase of more than double the current salary basis. Another significant change is that the salary basis will be tied to a national wage standard to be adjusted automatically every three years, beginning on Jan. 1, 2020. This amount is set at the 90th percentile of weekly earnings of all full-time, salaried employees in the lowest-wage Census Region (currently the South), and the salary basis will be adjusted every three years to maintain this level. That means that employers must continu-

make it even more difficult for employees to qualify as exempt. One possibility would have been a bright-line rule that an exempt executive employee must spend at least 50 percent of his or her time engaged in non-sales duties, which would have virtually destroyed the exemption as it relates to, for example, retail store managers, who typically spend a significant portion of their time engaging in tasks such as stocking shelves, helping customers, and working the cash register in addition to their management responsibilities. Employers can breathe a sigh of relief that the duties tests will not be changing, at least for now.

How employers need to prepare

As it pertains to employees who are currently exempt but are not paid enough to qualify under the increased salary basis, there are really only two options for employers under the new overtime regulations: increase their employees’ salaries at or above the new threshold, or treat such employees as non-exempt. The first option will come at an increased cost, and the DOL estimates that as many as four million currently exempt employees will become non-exempt in the first year of implementation alone due to the cost of compliance with the new rules. Choosing this option will also amount to a rigid bright-line rule — to provide an exempt employee with a raise every three years to ensure that he or she stays above the shifting threshold. The second option requires an employer to track the employee’s hours and pay him or her the overtime premium on any overtime hours worked.

Lawyers should recommend to their employer clients that they begin working now to analyze their workforce to determine how they will manage the new overtime rules. Employers should begin identifying those employees most likely to be affected. For employees who make far less than the proposed new salary basis, the decision is likely an easy one — it will almost certainly be more beneficial to treat such employees as non-exempt than to more or less double their current salary. For exempt employees who are closer to the new salary basis, employers should begin requiring them to track their hours on an interim basis in order to allow the employer to accurately determine the relative costs to the company of rec-di-

By far the most significant change to the FLSA under the new overtime regulations is a sizeable increase in the required salary basis.
Looking forward to a South County Courthouse referendum (hopefully)

Harrison and Jack Dulmer are chairing this event. The particulars will be released to you via email and will appear on the SCBA website. You will also receive information about it in the weekly blast from Hailey, our Executive Assistant at the SCBA office. There will be prizes, a key, and appetizer fare for the participants. Get your foursome together and be prepared to have fun in the sun.

If you practice criminal law and accept felony cases, you should be familiar with Rule 3.113, Florida Rules of Criminal Procedure. Pursuant to the Supreme Court's decision amending this rule, it became effective May 16. The goal is to make criminal lawyers aware of the law of discovery in criminal cases and Brady/Giglio responsibilities. The rules were amended based upon the recommendation of the Florida Innocence Commission. A local criminal attorney and active member of the Florida Association of Criminal Defense Lawyers, Varinia Van Ness, was the moving force in bringing this about.

Another possible option is to divide job duties among multiple employees, which may involve new hires, in order to more evenly distribute the workload. There are a myriad of solutions to ensure compliance with the new overtime rules, but it is imperative that we advise all of our employer clients to begin the necessary analysis so that the appropriate adjustments can be made.

One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.

Developing consistent, positive messaging well before the new rules take effect on Dec. 1 will go a long way toward facilitating compliance with this new law. Employers should begin the necessary analysis so that the appropriate adjustments can be made.

The rules were amended based upon the recommendation of the Florida Innocence Commission. A local criminal attorney and active member of the Florida Association of Criminal Defense Lawyers, Varinia Van Ness, was the moving force in bringing these changes. Another possible option is to divide job duties among multiple employees, which may involve new hires, in order to more evenly distribute the workload.

There are a myriad of solutions to ensure compliance with the new overtime rules, but it is imperative that we advise all of our employer clients to begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay.

Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags. Developing consistent, positive messaging well before the new rules take effect on Dec. 1 will go a long way toward facilitating compliance with this new law.

Employers should begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.

Developing consistent, positive messaging well before the new rules take effect on Dec. 1 will go a long way toward facilitating compliance with this new law.

Employers should begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.

Developing consistent, positive messaging well before the new rules take effect on Dec. 1 will go a long way toward facilitating compliance with this new law.

Employers should begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.

Developing consistent, positive messaging well before the new rules take effect on Dec. 1 will go a long way toward facilitating compliance with this new law.

Employers should begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.

Developing consistent, positive messaging well before the new rules take effect onDec. 1 will go a long way toward facilitating compliance with this new law.

Employers should begin the necessary analysis so that the appropriate adjustments can be made. One final consideration is employee morale, and employers should begin developing appropriate messaging to address these changes. Many employers may not appreciate the perceived loss in status that accompanies a switch from a salaried to an hourly role. The key message to employees should be that these changes should not result in a decrease in pay. Rather, the goal is to maintain pay at roughly the same level, which may take a bit of adjustment during the first few months to ensure that the hourly wage being paid and the amount of overtime being worked match the current salary. A silver lining to these changes is that they should also give employers some cover to reclassify employees whose duties perhaps already made their exemption suspect—new employees have a built-in reason to reclassify them as non-exempt without raising red flags.
LABOR AND EMPLOYMENT LAW
Chair: Gail Farb, Williams Parker
How to prepare for and handle a U.S. Department of Labor wage and hour investigation

Two speakers with the U.S. Department of Labor’s Wage and Hour Division, Tampa District, will give a presentation on June 14 at noon, at the Bistro Café. Invited speakers Al Hernandez and Le будёдёс for, Community Outreach and Planning Specialist, will discuss how to best prepare for and handle a wage and hour investigation, examine current agency initiatives, and inform about possible assessments. The session will include a question and answer period. CLE has been applied for.

ADR
Chair: Michele Stephan, Esq., Shapiro, Goldman, Rahlbo the & Walsh
Dynamics of domestic violence

A Meeting of the ADR Section of the SCBA will be held June 8 from 5:30 to 8 p.m. at the home of Michele Stephan. June’s meeting is sponsored by Vincent M. Lucante & Associates, Court Reporters. Cost is $30 and payable to the Sarasota County Bar Association.

The topic of this month’s meeting is domestic violence. We have speakers lined up to speak about the dynamics of domestic violence and how it applies in the setting of mediation.

Two hours of CLE credit are pending approval by The Florida Bar. The course is also eligible for mediator self-regulation in the categories of two live hours on domestic violence. Have you or a member of your firm achieved professional recognition? Has your firm hired a new attorney? Any other news of note? If so, we would like to hear about it. (Email your “News of Note” items to scba@sarasotabar.com.

SECTION NEWS

The Business Law Section gathered on April 21 for a meeting on Business Litigation. Pictured left to right: Keith Odhbre, SCBA President, Tyler Hayden, Business Law Section Chair, Charles Bartlett, Steven Chase, Steven Hutton and Hunter Norton.

Panelists Julie Herskamp, Sherry Edwards, Real Property Section Chair, Lauren Kohl, and Jerry Levine (rightmost four in photo) thank Gateway Bank for sponsoring their April 14 Real Property Section meeting.

CLERK OF THE CIRCUIT COURT

Changes to Florida rules on filing appeals

As Florida Clerks and the Court embrace electronic processes, we continue to seek improvements to both electronic filing and the judiciary’s ease of access to records. This office recently implemented changes pursuant to Florida Rules of Appellate Procedure Rule 9.205 related to appeal records. The changes relate to the preparation of the record on appeal. The good news for attorneys is that your appeal process does not change. The changes include:

- Removal of the requirement that each volume of the record on appeal be divided into volumes that do not exceed 200 pages. This approach permits attorneys to reference specific pages of the record in the preparation of briefs.
- The record on appeal will now include all filings in their redacted form, so the Appellate Court will be receiving the redacted version of the record, unless the Clerk receives a signed order from the Court to include an unredacted version for the Appellate Court’s review.
- The Clerk is required to indicate any confidential information in the record and whether the information was determined to be confidential in an order. If so, the Clerk must identify the order by date or docket number and record page number in the index. The index flags an entry as “Confidential” in front of the docket description, thereby notifying parties that the document listed in the index contains confidential information, or has been deemed confidential.
- The entire record, except for the transcript of the trial, will be compiled into a single PDF that is text searchable, paginated to exactly match the pagination of the index, and bookmarked consistent with the index, and each bookmark will state the date, name, and record page of the filing and will be viewable in a separate or side window.
- The transcript of the trial will be converted into a second PDF, it will also be text searchable and paginated to exactly match the pagination of the transcript of the trial under subdivision (b) (2).

If you have any questions regarding the preparation of your appeal, please contact our office at 941-955-7859 or clerk@sarasotabar.com.

The ART of Giving...

Simplify things for you, your clients and their loved ones.

Experience the ROYAL TREATMENT!

Not only will the Woman’s Exchange simplify the process by coming into your clients home, packing and removing everything you wish to donate but we will also provide you with an itemized list detailing their gift. There’s no charge for this service and you’ll have the added satisfaction of knowing your donation will be put to good use, benefiting the arts of our community for generations to come.

The Woman’s Exchange also offers an option that pays clients 60% of the sale price. We use the most sophisticated system in the industry, which includes bar-coding merchandise even when conducting an off-site estate sales.

PROTEM STAFFING INC.
Staffing & Support Services Exclusively for the Legal Community

- Temporary & Permanent Placement Services
- Thorough Testing & Screening of Applicants
- All Inquiries Confidential

Locally Owned & Operated by
Carolyn Clark
Experience in the Sarasota/Brenizer Legal Community for over 13 Years
P.O. Box 25001 • Sarasota, Florida 34277
941.342.0228 Ph. • 941.379.3870 Fax
cc@protemstaffinginc.com • www.protemstaffinginc.com

Mediation “outside the box”

The mark of an effective mediator is the ability to find solutions to a dispute that the parties have not explored. Norman Vaughan-Birch has put that philosophy to work in 40 years of resolving the most complex disputes as a trial attorney and mediator. Put his experience and expertise to use the next time you need a mediator. You will find that effective mediation can be cost-effective, too.

Norman Vaughan-Birch
- Florida Supreme Court-certified mediator
- Florida Bar Board-certified in civil trial and business litigation

240 E. PINEAPPLE AVE. • 8TH FL. • SARASOTA FL 34236 • 941-364-2405

PROTEM STAFFING INC.
Staffing & Support Services Exclusively for the Legal Community

- Temporary & Permanent Placement Services
- Thorough Testing & Screening of Applicants
- All Inquiries Confidential

Locally Owned & Operated by
Carolyn Clark
Experience in the Sarasota/Brenizer Legal Community for over 13 Years
P.O. Box 25001 • Sarasota, Florida 34277
941.342.0228 Ph. • 941.379.3870 Fax
cc@protemstaffinginc.com • www.protemstaffinginc.com

Mediation “outside the box”

The mark of an effective mediator is the ability to find solutions to a dispute that the parties have not explored. Norman Vaughan-Birch has put that philosophy to work in 40 years of resolving the most complex disputes as a trial attorney and mediator. Put his experience and expertise to use the next time you need a mediator. You will find that effective mediation can be cost-effective, too.

Norman Vaughan-Birch
- Florida Supreme Court-certified mediator
- Florida Bar Board-certified in civil trial and business litigation

240 E. PINEAPPLE AVE. • 8TH FL. • SARASOTA FL 34236 • 941-364-2405

Please note that the content above is based on the provided document and may not cover all the details or be complete. The actual content may have more context or different details not included in the extracted text.
Continued from Page 1

the principal lacked the capacity to make decisions and may not be

on a decision on the surrogate made during the principal’s incapacity. The statutory provisions of Section 765.105, which provide for expedited judicial review of a surrogate’s decisions, adds paragraph (2), stating that this section will not apply when the principal has capacity. The legislation makes it clear that the principal’s decisions will control and that the principal can revoke the health care advance directive and remove the health care surrogate as long as the principal is not reasonably available and not just when needed flexibility to the statute, Section 765.202 provides an alternate surrogate may also be

appointment and signed by two witnesses (one of whom must not be

or reasonably unavailable to serve. The designation of a surrogate for a minor shall not be invalid solely because it was made before the birth of the minor.” And Section 765.203(5) creates a presumption that the health care surrogate is permitted to make mental health decisions for the minor child unless the document specifically states otherwise. Without such a designation of health care surrogate for a minor child, Section 765.0645 provides a list of individuals who can provide consent to emergency treatment or treatment for a parent, legal custodian, or legal guardian of a minor child cannot be timely contacted to give such consent. Generally, however, a parent or legal guardian must give consent for non-emergency medical treatment of a child.

BRADENTON: Law firm seeks associate attorney

AV rated, well-established law firm in Sarasota, Florida. Immediate opening. Must be an active member of The Florida Bar. The firm handles a wide variety of litigation in the areas of construction, business, real estate, mortgage foreclosure, contract law, landlord/tenant, trusts/probate, personal injury and general commercial representation. High academic credentials and successful employment history required. Salary determined by experience. To apply, please send resume, in confidence, with references, to Barbara@bmartenssonesq.com or (915) 262-7020.

SURROGATE

Continued from Page 7

the appeal record, give us a call at 941-861-7440. I look forward to working with the Bar and the Court as we implement the changes for preparation of the appeal record.

OFFICE SPACE

Great Exposure on 201 and Walk to Courthouse. Includes Class A space at American Momentum Bank Building – 2 Large offices with room for 2-3 staff. Ample parking. Storage room and Internet service included. 13,200 sf. For details call (941) 861-7440.

www.BMARTENSSONESQ.COM for more information.

EMPLOYMENT

Ligation Attorney: NY rated, well-established law firm seeks associate attorney with at least 2-3 years of experience.

MISCELLANEOUS

NY Attorney with 10+ years litigation experience in civil litigation and matrimonial can assist you with your NY client legal issues. Legal research/appellate court procedures. Excellent references available. Barbara@bmartenssonesq.com or (915) 262-7020.

SARASOTA | PUNTA GORDA | BRADENTON | TALLAHASSEE

FLORIDA FIRM • SE HABLA ESPANOL • FALAMOS PORTUGUES

CLERK

Continued from Page 7

the appeal record, give us a call at 941-861-7440. I look forward to working with the Bar and the Court as we implement the changes for preparation of the appeal record.