

# LEGISLATIVE POSITION REQUEST FORM

GOVERNMENTAL AFFAIRS OFFICE

Date Form Received \_\_\_\_\_

## GENERAL INFORMATION

**Submitted By** Real Property Probate and Trust Section, Estate and Trust Tax Planning Committee

**Address** c/o Richard R. Gans, Esq., Chair, Estate and Trust Tax Planning Committee  
1515 Ringling Blvd., Ste. 1000, Sarasota, Florida 34236

**Position Type** RPPTL Section

## CONTACTS

**Board & Legislation Committee Appearance** Michael Gelfand, Esq., Gelfand & Arpe  
1555 Palm Beach Lakes Blvd., Ste. 1220, West Palm Beach, Florida 33401  
(561) 655-1361 mjgelfand@gelfandarpe.com

**Appearances before Legislators** Peter M. Dunbar, Esq.  
P. O. Box 10095, Tallahassee, Florida 32302-2095  
(850) 222-2126 pete@penningtonlawfirm.com

Martha Edenfield, Esq.  
P. O. Box 10095, Tallahassee, Florida 32302-2095  
(850) 222-2126 martha@penningtonlawfirm.com

**Meetings with Legislators/staff** Michael Gelfand, Esq., and Peter M. Dunbar, Esq.

## PROPOSED ADVOCACY

All types of partisan advocacy or nonpartisan technical assistance should be presented to the Board of Governors via this request form. All proposed legislation that has *not* be filed as a bill or a proposed committee bill (PCB) should be attached to this request in legislative format – Standing Board Policy 9.20(c). Contact the Governmental Affairs office with questions.

**If Applicable,  
List The Following** \_\_\_\_\_

(Bill or PCB #)

(Bill or PCB Sponsor)

**Indicate Position** \_\_\_\_\_ Support \_\_\_\_\_ Oppose \_\_\_\_\_ Technical Assistance \_\_\_\_\_ Other \_\_\_\_\_

### Proposed Wording of Position for Official Publication:

“Support amendment of the Florida Trust Code to add new provisions limiting certain trustee fiduciary duties with respect to policies of insurance on the life of the settlor if the limitations are consented to by the settlor or the qualified beneficiaries of the trust; support amendment of F.S. s. 518.112 to harmonize notice procedures under that statute with notice procedures in the Florida Probate Code and the Florida Trust Code.”

**Reasons for Proposed Advocacy:**

The proposed legislation would limit certain fiduciary duties with respect to a policy of insurance on the life of the settlor. The limitations would apply only in the case of a policy owned by the trust where the settlor and/or the settlor's spouse is or are paying the policy premiums. In this instance, the policy of insurance is normally selected and carried (through paying the required premiums) by the settlor, and the settlor desires the trustee simply to continue the settlor's arrangement. The proposed legislation would only apply if the settlor or the qualified beneficiaries consent to its application; otherwise, the trustee has all of the normally-applicable fiduciary duties as to the policy. The proposed amendments to F.S. 518.112 are to make changes required by the enactment of these provisions as additions to the Florida Trust Code, and to make the procedures for notice of delegation under the statute identical to those under the Florida Probate Code and the Florida Trust Code.

**PRIOR POSITIONS TAKEN ON THIS ISSUE**

Please indicate any prior Bar or section positions on this issue to include opposing positions. Contact the Governmental Affairs office if assistance is needed in completing this portion of the request form.

**Most Recent Position**

None known

(Indicate Bar or Name Section)

(Support or Oppose)

(Date)

**Others**

(May attach list if  
More than one)

N / A

(Indicate Bar or Name Section)

(Support or Oppose)

(Date)

**REFERRALS TO OTHER SECTIONS, COMMITTEES OR LEGAL ORGANIZATIONS**

The Legislation Committee and Board of Governors do not typically consider requests for action on a legislative position in the absence of responses from all potentially affected Bar groups or legal organizations – Standing Board Policy 9.50(c). Please include all responses with this requested form.

**Referrals**

1. The Tax Law Section of The Florida Bar

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(Support, Oppose or No Position)

2. The Florida Bankers Association

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(Support, Oppose or No Position)

**Please submit completed Legislative Position Request Form, along with attachments, to the Governmental Affairs Office of The Florida Bar. Upon receipt, staff will further coordinate the scheduling for final Bar action of your request which usually involves separate appearances before the Legislation Committee and the Board of Governors unless otherwise advised.**