

November 2026

Message from the Chair



Dear RPPTL Members,

Welcome to the fourth edition of the Dirt and Death Digest. I'm happy to announce the Section has a new website. Take a look at **RPPTL.org**. You will have to create a new password. While the new website has launched, it is still a work in progress, and we will continue fine-tuning it.

You will find our new website to be more useful than the prior one, including improvements in speed. It has a modern, refreshed design and easier access to the information you are looking for. It has a centralized Section calendar featuring meetings, upcoming CLEs and events including a subscription feature for Outlook, Google Calendar, and Apple Calendar. There is easier access to CLE offerings and committee pages. Check it out and please provide any feedback to the team at **webmaster@rpptl.org**.

Many thanks to the Section's Information Technology Committee for their hard work on this. Hardy Roberts, Jourdan Haynes, Alex Dobrev and Rafaela Vianna did, and continue to do, a wonderful job on this project. I also thank our website developer NetProfession, led by David J. Berkowitz, who happens to be a member of our Section.

Thank you for being a member of the Section, let us know how we can help you.

Jon Scuderi
Chair



Looking for information about upcoming Section meetings, CLE programs, or other Section activities? Our Section Administrator, Hilary Stephens, keeps our FAQs updated on



Executive Council Meeting
November 11, 2026 – November 14, 2026
JW Marriott Marco Island
Marco Island, Florida

the website in real time with the latest information. Please check here first—you may find just what you need without having to call or email.

Executive Council Meeting
February 3 - 6, 2027
Ritz-Carlton Amelia Island

FAQ

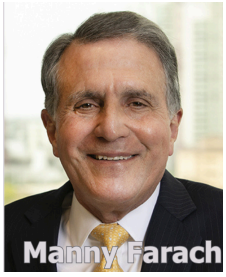
Calendar

Key Appellate Decisions



MEB Loan Trust VI v. Isaacs, **2026 WL 3012330** (3d DCA 2026) – Lender filed a foreclosure against a co-owner who had already been adjudicated totally incapacitated and had a court-appointed guardian. The guardian answered in his official capacity and later moved to dismiss the ward arguing that the lender's failure to move to substitute the guardian within 90 days required dismissal under Rule 1.260. The trial court dismissed the ward on grounds that the guardian was the proper party. The 3rd DCA reversed, holding an incapacitated ward who holds record title remains an indispensable defendant in a foreclosure suit. The guardianship did not divest the ward of ownership; it only empowered the guardian to defend on his behalf. Suing the ward without referring to the guardianship was at most a misnomer.

- "[T]he better practice would have been … naming him as: "Albert Isaacs, a ward, by Adrian Delancy, as guardian of the property."
- Indispensable Party, Ward, Rule 1.260



In RJ International Trading, LLC v. Crown Castle South, LLC, Case No. SC2024-0547 (Fla. Oct. 29, 2026), the Florida Supreme Court held that a prevailing-party attorney's fee provision in an easement agreement fails the touch-and-concern requirement, and as a result, does not run with the land so as to bind successor owners of the land.

The Court held the "touch and concern" requirement asks whether an obligation is sufficiently connected to how the land is used, occupied, or enjoyed. It found a fee clause, which only allocates litigation costs after the merits are resolved, too attenuated to meet that test. The Court distinguished its earlier *Hayslip v. U.S. Home Corp.* decision (an arbitration clause governs the resolution of physical defects in the home) and declined to extend it. Two concurrences in the result only would go further: Justice Barrios would require a direct effect on the physical use of the land and would call Hayslip an outlier and Justice Tanenbaum reasoned that a mutual fee provision can never run with the land.

More Decisions

ActionLine Highlights



Know Before You Go: Ethical Considerations in Representing Charities
By Tara Rao Bild, Esq., Porter Wright Morris & Arthur LLP, Tampa, Florida, and Jonathan T. Baker, Esq., Dunwody White & Landon, P.A., Naples, Florida
Read more

Florida's New LLC Statute: What Real Estate Attorneys Need To Know
By James Marx, Esq., Marx Rosenthal PLLC, Miami and Julian A. Marx, Esq., Marx Rosenthal PLLC, Miami
Read more

Read the latest ActionLine

Legislation of Interest

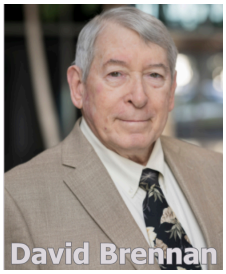


Amendment 3 was approved by more than 61% of the voters with more than 90% of votes counted. The proposed amendment will increase the state's homestead property tax exemption from the current $50,000 exemption to $150,000 in 2027 and $250,000 in 2028. This proposed amendment is limited to non-school ad valorem taxes, so it only applies to property taxes levied by counties, cities, and special taxing districts. The Constitutional Amendment was initially crafted by Governor Ron DeSantis and passed by the Florida Legislature during a Special Session early this June.

In addition to the new super homestead exemption, Amendment 3 will halve the current Constitutional limit for annual taxable value increases for nonhomestead properties from 10% to 5%. If local government millage rates remain consistent, this reduction of the annual cap will provide predictability for nonhomestead property owners. If local governments are able to increase property tax rates without limitation, tax burdens will be shifted.

Even though voters approved this proposal, expect more discussions of property tax changes. While campaigning for the Amendment, Governor Ron DeSantis provided that he would call the Legislature into a Special Session to further implement Amendment 3. Additionally in 2027, Florida will kick off a once-every-twenty-year Taxation and Budget Reform Commission that will continue to look at potential changes. That Commission will be appointed by newly elected Governor Byron Donalds, Senate President Jim Boyd, and Speaker of the House Sam Garrison. The Commission will be responsible for suggesting legislative changes or placing Constitutional Amendments on the 2028 General Election ballot.

Historian's Corner



Recognizing RPPTL Section Heroes

In the last two issues, the Historian's Corner has focused on interesting facts about some of our section chairs. All good stuff. However, it has long occurred to me that so much of the section's good and valuable work is done by section members and executive council members who have committee leadership or implicit authority for activities but are not serving as section chairs. This is only natural, since the RPPTL section, each year, has one section chair and 914 executive council members. (That is only half true. The executive council is somewhat smaller than stated but there is, really, only one section chair.)

So much has been done, through the years, by people I think of as heroes without portfolio, committee leaders, advisors, and section members with particular skills and loyalty to the section to make all the activities we do possible.

These section contributors have done good works over the years but, as time goes by, they are sometimes forgotten as the generations build up. Their names should be remembered. Thus, this column will be a roll call of some of our section heroes through the years. Due to the mandates and stochasticity of writing and publishing, there will only be time and space to recognize a few of these heroes, this time.

In no particular order:

Samuel S. Smith
Sam was a true leader of our section and beyond, having served as president of the Florida Bar. We previously recognized Sam in a presentation for the executive council.

William R. Platt
Bill was a committee chair and lecturer over many years and was editor and drafter of our FLSSI probate and guardianship forms.

Judge Harold R. Clark
A beloved member of the RPPTL executive council during the 1970s and 80s

Professor Mandell Glicksberg
A courtly and thoughtful executive council member, Mendy continued to teach us real property law during the 1970s, 80s and 90s.

Jean Coker
A valuable lecturer, committee chair and noted authority in the probate and trust field.

Wayne Andrew Wolf
Wayne was a valued committee chair and lecturer during the 1980s and 90s.

John S. Thorton Jr.
John served for many years as a voice of education and reason for the Section in the field of land title.

Professor James J. Brown
Stetson professor J. J. Brown was a valuable member for many years, particularly when the section addressed land use issues.

J. Ernest Collins
Ernest loyally served as an executive council member during the 1970s, 80s and 90s. Please accept this small kaleidoscope of names of importance from our past. It is merely an indication of so many people who served for long periods of time or as strategic voices in our section's most important work. There are many others and we will try to recognize more of them over time.

Continuing Legal Education



For Fiduciaries: Interacting with Financial Institutions
On Demand
Introductory price of $20 through 12/31/2026

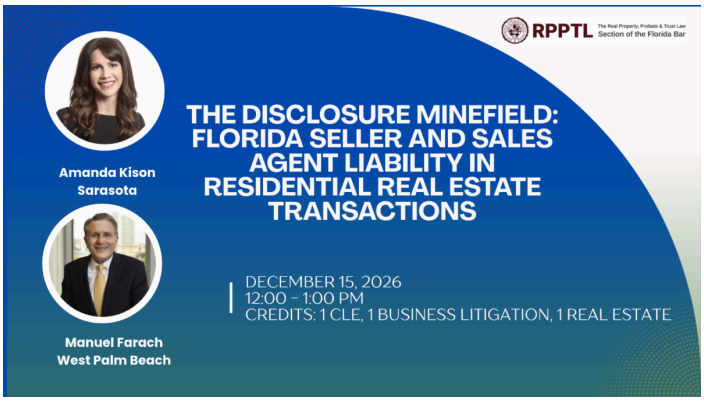
This practical, skills-based seminar offers guidance and best practices for personal representatives in managing interaction with financial institutions, including account access and safe-deposit box procedures. The impetus for this CLE arises from the Florida Supreme Court's Workgroup on Uncontested Probate Proceedings' Final Report (July 15, 2025). Three members of the Workgroup address specific problems the Workgroup identified and relevant 2026 statutory amendments. The topics that will be discussed are:

- Background: The Workgroup's Findings on Financial Institutions
- Pre-Administration Steps: Information Gathering, Safekeeping and Communicating with Institutions
- Accessing and Marshalling the Decedent's Financial Accounts
- Accessing and Marshalling Safe-Deposit Boxes
- Non-Probate Assets and Financial Institutions
- Estate Administration Accounts

As part of the RPPTL Section's commitment to sharing these key insights from the Workgroup, this course is offered to Section members at a reduced fee through December 31, 2026. On January 1, 2027, the registration fee will increase. (Not a member? Join the Section through your portal at The Florida Bar.)

Order here

The Disclosure Minefield: Florida Seller and Sales Agent Liability in Residential Real Estate Transactions
December 15, 2026



This course examines Florida seller and sales agent liability for nondisclosure and misrepresentation in residential real estate transactions, including disclosure duties under Johnson v. Davis and Chapter 475, Florida Statutes; fraudulent and negligent misrepresentation; and the effect of "as-is," integration, and nonreliance provisions. Participants will explore the independent tort doctrine, the distinction between fraudulent inducement and contractual nonperformance, and available remedies, pleading requirements, and defenses. Emphasizing practical application, the presentation equips attorneys to advise clients on disclosure obligations, evaluate contractual protections, and develop effective strategies for prosecuting and defending residential real estate claims.

Register here

Advanced Condominium and Planned Development Certification Review Course 2027
January 21 - 22, 2027
Live in Miami or via Webcast



This in-depth detailed program is an essential resource for those studying for the certification exam, as well as for those wanting to keep their day-to-day practice on the cutting edge.

General CLE: 15 hours
Ethics: 1 hour
Condominium and Planned Land Development Law: 15 hours

Register to attend in person

Register to attend live webcast

CLE Calendar

Member Resources

There are over 11,000 RPPTL members. The Section has two divisions: Real Property (“Dirt”) and Probate and Trust (“Death”). Its Committees cover nearly all aspects of the practices and the Section is intimately involved in the oversight and drafting of legislation to improve the statutory framework of the practice. In addition, the Section has a very active amicus curiae Committee that files briefs in appellate cases to give guidance to the court on issues affecting the practice.

Are you a new member? Check out these **New Member Resources**.

Real Property Probate & Trust Law Section of The Florida Bar | 651 East Jefferson Street | Tallahassee, FL 32399 US

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