

BRING TO MEETING

REAL PROPERTY, PROBATE & TRUST LAW SECTION
www.rpptl.org



Executive Council Meeting

AGENDA

Four Seasons Hotel Ritz

Rua Rodrigo da Fonseca, 88
1099-039 Lisbon, Portugal

Friday, September 20, 2013
8:00 a.m. - 10:00 a.m.

BRING THIS AGENDA TO THE MEETING

Real Property, Probate and Trust Law Section
Executive Council Meeting
September 20, 2013
Four Seasons Hotel Ritz
Lisbon, Portugal

AGENDA

- I. [Presiding](#) — *Margaret Ann Rolando, Chair*
- II. [Attendance](#) — *Andrew M. O'Malley, Secretary*
- III. [Minutes of Previous Meeting](#) — *Andrew M. O'Malley, Secretary*
- Motion to Approve Minutes of July 27, 2013, Meeting at The Breakers, Palm Beach
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- IV. [Chair's Report](#) — *Margaret Ann Rolando*
1. Recognition of guests / CLE presentation
2. 2013 – 2014 RPPTL Section Executive Council Meeting Schedule **pp. 31**
- V. [Chair-Elect's Report](#) — *Michael A. Dribin - deferred*
- VI. [Liaison with Board of Governors' Report](#) — *Sandra Diamond*
- VII. [Treasurer's Report](#) — *S. Katherine Frazier - deferred*
- VIII. [Director of At-Large Member's Report](#) — *Debra L. Boje - deferred*
- IX. [CLE Seminar Coordination Report](#) — CLE Seminar Coordination – Robert Freedman (Real Property) and Tae K. Bronner (Probate & Trust), Co-Chairs
- X. [Probate and Trust Law Division](#) — *Deborah P. Goodall, Director - deferred*
- XI. [Real Property Law Division](#) — *Michael J. Gelfand, Real Property Law Division Director*

Information Items:

1. Condominium & Planned Development Committee — *Steven H. Mezer, Chair*

In re: Activities of Community Association Managers, Supreme Court of Florida Case No. SC13-889. Status of Briefing Regarding Proposed Advisory Opinion, FAO #2012-2, Activities of Community Association Managers.

2. Real Property Litigation --- *Martin Awerback, Chair*

Reconsideration and withdrawal of referral of *Clipper Bay v. FDOT* to Amicus Committee.

3. Residential Real Estate and Industry Liaison – *Frederick W. Jones, Chair*

Status of 2013 FR/BAR Residential Contract Use, Distribution and Posting on Website.

4. Foreclosure Reform (Ad Hoc) --- *Jeffrey Sauer, Chair*

Implementation of legislative request for rule-making, Chp. 2013-137 Fla. Laws (H.B. 87), RPPTL liaison with Rules of Civil Procedure Subcommittee, and proposed new mortgage foreclosure complaint form, Fla.R.Civ.P. Form 1.994.

XII. General Standing Committees — *Michael A. Dribin, Director and Chair-Elect*

Information Items:

1. Budget Committee, S. Katherine Frazier, Chair—The committee is working on preparation of a proposed budget for the 2014-2015 Section year and anticipates submission of a proposed budget for consideration by the Executive Council at the Sarasota Executive Council meeting.
2. Member Communications and Information Technology Committee, Nicole C. Kibert, Chair—The committee has been working on the format and appearance of the Section's new website and anticipates transitioning to the new website between October and December of 2013. The Committee will also conduct a meeting of all Section Chairs and Vice-Chairs at the Sarasota meeting for the purpose of introducing them to and training them on the use of the new website. The Committee will also demonstrate the new website to the Executive Council during its meeting in Sarasota.

XIV. Probate and Trust Law Division Committee Reports — *Deborah P. Goodall, Director*

1. **Ad Hoc Committee on Creditors' Rights to Non-Exempt, Non-Probate Assets** – Angela M. Adams, Chair
2. **Ad Hoc Guardianship Law Revision Committee** – David Brennan, Chair; Sancha Brennan Whynot, Sean W. Kelley and Charles F. Robinson, Co-Vice Chairs
3. **Ad Hoc Study Committee on Jurisdiction and Service of Process** – Barry F. Spivey, Chair; Sean W. Kelley and Christopher Q. Wintter, Co- Vice Chairs
4. **Ad Hoc Study Committee on Estate Planning Conflict of Interest** – William T. Hennessey III, Chair; Paul Roman, Vice Chair

5. **Ad Hoc Committee on Personal Representative Issues** – Jack A. Falk, Jr., Chair
6. **Ad Hoc Committee on Treatment of Life Insurance Payable to Revocable Trust** – Richard R. Gans, Chair
7. **Asset Protection** – Brian C. Sparks, Chair; George Karibjanian, Vice-Chair
8. **Attorney/Trust Officer Liaison Conference** – Jack A. Falk, Jr., Chair; Sharon DaBrusco, Corporate Fiduciary Chair; Patrick Lannon, Deborah Russell and Laura Sundberg, Co-Vice Chairs
9. **Digital Assets and Information Study Committee** – Eric Virgil, Chair; Travis Hayes and S. Dresden Brunner, Co-Vice Chairs
10. **Elective Share Review Committee** – Lauren Detzel, Chair; Charles I. Nash and Robert Lee McElroy IV, Co-Vice Chairs
11. **Estate and Trust Tax Planning** – Elaine M. Bucher, Chair; David Akins, Tasha Pepper-Dickinson and William Lane, Co-Vice Chairs
12. **Guardianship, Power of Attorney and Advanced Directives** – Sean W. Kelley, Chair; Seth A. Marmor, Tattiana Brenes-Stahl, Cynthia Fallon and David Brennan, Co-Vice Chairs
13. **IRA, Insurance and Employee Benefits** – L. Howard Payne and Lester Law, Co-Chairs
14. **Liaisons with ACTEC** – Michael Simon, Bruce Stone, and Diana S.C. Zeydel
15. **Liaisons with Elder Law Section** – Charles F. Robinson and Marjorie Wolasky
16. **Liaisons with Tax Section** – Lauren Y. Detzel, William R. Lane, Jr., David Pratt, Brian C. Sparks, Donald R. Tescher and Harris L. Bonnette, Jr.
17. **Principal and Income** – Edward F. Koren, Chair; Pamela Price, Vice Chair
18. **Probate and Trust Litigation** – Thomas M. Karr, Chair; Jon Scuderi, James George, J. Richard Caskey and Jerry Wells, Co-Vice Chairs
19. **Probate Law and Procedure** – John C. Moran, Chair; Sarah S. Butters, Michael Travis Hayes and Marsha G. Madorsky, Co-Vice Chairs
20. **Trust Law** – Shane Kelley, Chair; Angela M. Adams, Deborah L. Russell, and Tami F. Conetta, Co-Vice Chairs
21. **Wills, Trusts and Estates Certification Review Course** – Richard R. Gans, Chair; Jeffrey S. Goethe, Linda S. Griffin, Laura Sundberg and Jerome L. Wolf, Co-Vice Chairs

XV. Real Property Law Division Reports — *Michael J. Gelfand, Director*

1. **Ad Hoc Foreclosure Reform** – Jeffrey Sauer, Chair; Mark Brown, Burt Bruton and Alan Fields, Co-Vice Chairs.
2. **Commercial Real Estate** – Art Menor, Chair; Burt Bruton and Adele Stone, Co- Vice Chairs.
3. **Condominium and Planned Development** – Steven H. Mezer, Chair; Jane Cornett, Christopher Davies and Lisa Van Dien, Co-Vice Chairs.
4. **Construction Law** – Hardy Roberts, Chair; Lisa Colon Heron, Scott Pence and Lee Weintraub, Co-Vice Chairs.
5. **Construction Law Certification Review Course** – Lee Weintraub, Chair; Bruce Alexander, Deborah Mastin and Bryan Rendzio, Co-Vice Chairs.
6. **Construction Law Institute** – Reese Henderson, Chair; Sanjay Kurian, Diane Perera and Jason Quintero, Co-Vice Chairs.
7. **Development & Green Building** – Anne Pollack, Chair; Mike Bedke, Vinette Godelia, and Neil Shoter, Co-Vice Chairs.
8. **Landlord and Tenant** – Lloyd Granet, Chair; Rick Eckhard, Vice Chair.
9. **Legal Opinions** – Kip Thornton, Chair; Robert Stern, Vice-Chair.
10. **Liaisons with FLTA** – Norwood Gay and Alan McCall, Co-Chairs; Alan Fields and James C. Russick, Co-Vice Chairs.
11. **Property & Liability Insurance/Suretyship** – W. Cary Wright, Chair; Fred Dudley and Michael Meyer, Co-Vice Chairs.
12. **Real Estate Certification Review Course** – Raul Ballaga, Chair; Kip Thornton and Jennifer Tobin, Co-Vice Chairs.
13. **Real Estate Structures and Taxation** – Wilhelmina Kightlinger, Chair; Cristin C. Keane and Salome Zikakis, Co-Vice Chairs.
14. **Real Property Finance & Lending** – Jim Robbins, Chair; Homer Duval, III, Brenda Ezell and Bill Sklar, Co-Vice Chairs.
15. **Real Property Litigation** – Marty Awerbach, Chair; Manny Farach and Susan Spurgeon, Co-Vice Chairs.
16. **Real Property Problems Study** – W. Theodore “Ted” Conner, Chair; Mark A. Brown and Patricia J. Hancock, Co-Vice Chairs.

17. **Residential Real Estate and Industry Liaison** – Frederick W. Jones, Chair; Deborah Boyd and E. Ralph Tirabassi, Co-Vice Chairs.
18. **Title Insurance and Title Insurance Liaison** – Kristopher Fernandez, Chair; Raul Ballaga and Julie Horstkamp, Co-Vice Chairs.
19. **Title Issues and Standards** – Christopher W. Smart, Chair; Robert M. Graham, Patricia P. Jones and Karla J. Staker, Co-Vice Chairs.

XVI. General Standing Committee Reports — *Michael A. Dribin, Director and Chair-Elect*

1. **Ad Hoc Leadership Academy** – Tae Kelley Bronner, Chair
2. **Ad Hoc LLC Monitoring** – Lauren Y. Detzel and Ed Burt Bruton, Jr., Co-Chairs
3. **Ad Hoc Trust Account** – John B. Neukamm and Jerry E. Aron, Co-Chairs
4. **Alternative Dispute Resolution (ADR)** – Deborah Bovarnick Mastin and David R. Carlisle, Co-Chairs
5. **Amicus Coordination** – Robert W. Goldman, John W. Little, III, Kenneth B. Bell and Gerald B. Cope, Jr., Co-Chairs
6. **Budget** – S. Katherine Frazier, Chair; Andrew M. O'Malley, Pamela O. Price, Daniel L. DeCubellis, Lee Weintraub, and W. Cary Wright, Co-Vice Chairs
7. **CLE Seminar Coordination** – Robert Freedman (Real Property) and Tae K. Bronner (Probate & Trust), Co-Chairs; Laura K. Sundberg (Probate & Trust), Sarah S. Butters (Probate & Trust), Lawrence J. Miller (Ethics), Jennifer S. Tobin (Real Property) and Hardy L. Roberts, III (General E-CLE), Co-Vice Chairs
8. **Convention Coordination** – Laura K. Sundberg, Chair; Marsha G. Madorsky, S. Dresden Brunner and Chris N. Davies, Co-Vice Chairs
9. **Fellows** – Marsha G. Madorsky, Chair; Brenda B. Ezell, Hung V. Nguyen and Benjamin B. Bush, Co-Vice Chairs
10. **Florida Electronic Filing & Service** – Patricia P. Jones and Rohan Kelley, Co-Chairs
11. **Homestead Issues Study** – Shane Kelley (Probate & Trust) and Patricia P. Jones (Real Property), Co-Chairs
12. **Legislation** – William T. Hennessey, III (Probate & Trust) and Robert S. Swaine (Real Property), Co-Chairs; Sara S. Butters (Probate & Trust) and Alan B. Fields (Real Property), Co-Vice Chairs

13. **Legislative Update (2014)** – Stuart H. Altman, Chair; Charles I. Nash, R. James Robbins, Brian F. Spivey, Stacy Kalmanson and Jennifer S. Tobin, Co- Vice Chairs
14. **Liaison with:**
 - a. **American Bar Association (ABA)** – Edward F. Koren and Julius J. Zschau
 - b. **Board of Legal Specialization and Education (BLSE)** – Raul P. Ballaga, David M. Silberstein and Deborah L. Russell
 - c. **Clerks of Circuit Court** – Laird A. Lile and William Theodore (Ted) Conner
 - d. **FLEA / FLSSI** – David C. Brennan, John Arthur Jones and Roland “Chip” Waller
 - e. **Florida Bankers Association** – Mark T. Middlebrook
 - f. **Judiciary** – Judge Linda R. Allan, Judge Melvin B. Grossman, Judge Hugh D. Hayes, Judge Claudia Rickert Isom, Judge Maria M. Korvick, Judge Lauren Laughlin, Judge Celeste H. Muir, Judge Robert Pleus, Jr., Judge Richard J. Suarez, Judge Morris Silberman, Judge Patricia V. Thomas and Judge Walter L. Schafer, Jr.
 - g. **Out of State Members** – Michael P. Stafford and John E. Fitzgerald, Jr.
 - h. **TFB Board of Governors** – Andrew Sasso
 - i. **TFB Business Law Section** – Gwynne A. Young
 - j. **TFB CLE Committee** – Robert S. Freedman
 - k. **TFB Council of Sections** – Margaret A. Rolando and Michael Dribin
 - l. **TFB Pro Bono Committee** – Tasha K. Pepper-Dickinson
15. **Long-Range Planning** – Michael Dribin, Chair
16. **Meetings Planning** – George Meyer, Chair
17. **Member Communications and Information Technology** – Nicole C. Kibert, Chair; S. Dresden Brunner, William A. Parady and Michael Travis Hayes, Co- Vice Chairs
18. **Membership and Inclusion** – Michael A. Bedke, Chair; Lynwood F. Arnold, Jr., (Diversity); Stacy O. Kalmanson (Law Schools), Phillip A. Baumann (Career Coaching), Navin R. Pasem (Diversity) and Guy S. Emerich (Career Coaching and Liaison to TFB’s Scope program), Co-Vice Chairs
19. **Model and Uniform Acts** – Bruce M. Stone and S. Katherine Frazier, Co-Chairs
20. **Professionalism and Ethics--General** – Lawrence J. Miller, Chair; Tasha K. Pepper-Dickinson, Vice Chair
21. **Professionalism and Ethics—Special Subcommittee on Integrity Awareness and Coordination** – Jerry Aron and Sandra Diamond, Co-Chairs
22. **Publications (ActionLine)** – Silvia B. Rojas, Chair; Scott P. Pence (Real Property),

Shari Ben Moussa (Real Property), Navin R. Pasem (Real Property), Jane L. Cornett (At Large), Brian M. Malec (Probate & Trust), George D. Karibjanian (Probate & Trust), Hung V. Nguyen (Probate & Trust) and Lawrence J. Miller (Professionalism & Ethics), Co-Vice Chairs

23. **Publications (Florida Bar Journal)** – Kristen M. Lynch (Probate & Trust) and David R. Brittain (Real Property), Co-Chairs; Jeffrey S. Goethe (Editorial Board – Probate & Trust), Linda Griffin (Editorial Board – Probate & Trust), Michael A. Bedke (Editorial Board – Real Property) and William T. Conner (Editorial Board – Real Property), Co-Vice Chairs
24. **Sponsor Coordination** – Kristen M. Lynch and Wilhelmina F. Kightlinger, Co-Chairs; J. Michael Swaine, Adele I. Stone, Deborah L. Russell, W. Cary Wright and Benjamin F. Diamond, Co-Vice Chairs
25. **Strategic Planning** – Margaret A. Rolando and Michael A. Dribin, Co-Chairs

XVII. CLE Presentation — *Lisbon: Real Law, Real Life – Exploring the Effects of the Economy on our Practice and our “Corporate Responsibility”*

Panel:

- Mr. Manuel Álvares de Calvão of Inmoseguros
- Filipa Arantes Pedroso, Esq. of Morais Leitão, Galvão Teles, Soares da Silva
- Miguel Braga da Costa, Esq. of AMBA – Braga da Costa, Sousa de Macedo, Ascensão, Almeida Garrett & Associates
- Mr. Francisco Horta e Costa of CBRE
- Mr. Eric Van Leuven of Cushman & Wakefield
- Julie A.S. Williamson, Esq. of Akerman Senterfitt (moderator)

XVIII. Adjourn

**MINUTES OF THE FLORIDA BAR'S
REAL PROPERTY, PROBATE AND TRUST LAW SECTION**

EXECUTIVE COUNCIL MEETING

**Saturday, July 27, 2013
The Breakers – Palm Beach, Florida**

I. Call to Order - *Margaret Ann Rolando, Chair*

The meeting was held in Venetian Room at the Breakers in Palm Beach, Florida. Ms. Margaret A. Rolando called the meeting to order at 10:10 a.m.

II. Attendance — *Andrew M. O'Malley, Secretary*

Andrew O'Malley reminded members that the attendance roster was circulating to be initialed by council members in attendance at the meeting as attached as Addendum "A".

[*Secretary's Note*: The Roster showing members in attendance is attached as Addendum "A"]

III. Minutes of Previous Meeting — *Andrew M. O'Malley, Secretary*

Mr. O'Malley moved:

To Approve Minutes of the Executive Council Meeting occurring on Saturday, May 25, 2013, at the Vinoy Hotel in St. Petersburg, Florida appearing on Page 1 of the Agenda Materials¹.

The Motion was approved unanimously.

IV. Chair's Report — *Margaret Ann Rolando, Chair*

Ms. Rolando introduced as special guests Ramon A. Abadin and David C. Prather of The Florida Bar Board or Board of Governors. She also noted the presence of Board of Governors members who are also Section members and Past Chairs, Sandra Diamond and Laird Lile.

Ms. Rolando then introduced the two sponsors of the Executive Council lunch – The Florida Bar Foundation and U.S. Trust. No representative of The Florida Bar Foundation was present. Ms. Rolando introduced Stacey Cole from U.S. Trust who thanked the Section for allowing U.S. Trust the privilege of sponsoring the luncheon, and noted that she had been a Section member for over 17 years and enjoyed the diverse views and perspectives of the Section members.

¹ References in these minutes to Agenda pages are to the Executive Council meeting Agenda and Supplemental Agenda posted at www.RPPTL.org.

Ms. Rolando also recognized and thanked our Section's general sponsors; with particular recognition of Attorneys' Title Fund Services, LLC, as a longtime sponsor of the Legislative Update and Annual Convention.

The following general sponsors were recognized and thanked for their support:

GENERAL SPONSORS

Attorneys' Title Fund Services, LLC - Ted Conner
Overall Sponsors - Legislative Update & Convention & Spouse Breakfast

BMO Private Bank - Joan Kayser
Probate Roundtable

Fidelity National Title Group - Pat Hancock
Real Property Roundtable

First American Title Insurance Company - Alan McCall
Friday Night Dinner

JP Morgan - Carlos Battle / Alyssa Feder
Thursday Night Reception

Management Planning, Inc. - Roy Meyers / Joe Gitto
Thursday Lunch

Old Republic National Title Insurance Company - Jim Russick
Thursday Night Reception

Regions Private Wealth Management - Margaret Palmer
Friday Night Dinner

SRR (Stout Risius Ross Inc.) - Garry Marshall
Probate Roundtable

SunTrust Bank - Debbie Smith Johnson
Saturday Night Reception and Dinner

The Florida Bar Foundation - Jane Curran
Saturday Lunch

U.S. Trust - Stacey Cole
Saturday Lunch

Wells Fargo Private Bank - Mark Middlebrook / George Lange / Alex Hamrick
Friday Night Reception

The following Friends of the Section were recognized and thanked for their support:

FRIENDS OF THE SECTION

BB&T Bank - Rob Frye

Business Valuation Analysts, LLC - Tim Bronza

Guardian Trust - Ashley Gonnelli

Iberia Wealth Advisors

Wright Private Asset Management, LLC - Diane Timpany

Ms. Rolando also thanked the Section's Committee sponsors:

COMMITTEE SPONSORS

Attorneys' Title Fund Services, LLC – Ted Conner
Commercial Real Estate Committee

BNY Mellon Wealth Management – Joan Crain
IRA, Insurance & Employee Benefits Committee
&
Probate Law & Procedure Committee

Business Valuation Analysts – Tim Bronza
Trust Law Committee

Coral Gables Trust – John Harris
Probate and Trust Litigation Committee

First American Title Insurance Company – Alan McCall
Condominium & Planned Development Committee

First American Title Insurance Company – Wayne Sobien
Real Estate Structures and Taxation Committee

Guardian Trust – Ashley Gonnelli
Guardianship, Power of Attorney & Advance Directives Committee

Key Private Bank – Kathleen A. Saigh
Asset Protection Committee

Management Planning, Inc. – Roy Meyers / Joe Gitto
Estate & Trust Tax Planning Committee

Northern Trust – Brett Rees
Trust Law Committee

Nuview IRA, Inc., – Glen Mathers
IRA, Insurance & Employee Benefits Committee

Ms. Rolando gave special thanks to Stuart Altman, Stacey Kalmanson, Jim Robbins and Charles

Nash for a successful Legislative Update Seminar. Ms. Rolando also thanked the members of the Legislation Committee, in particular Barry Spivey and Robert Swaine as co-chairs of the Committee for the Section's success during the 2013 legislative session. Ms. Rolando also recognized Peter Dunbar, the Section's Legislative Consultant and the members of his "team" for their outstanding work during the legislative session.

Ms. Rolando noted the 2013 – 2014 RPPTL Section Executive Council meeting schedule and in particular the schedule of events for the Out-of-State Meeting in Lisbon, Portugal.

Ms. Rolando then asked that Executive Council members assist in controlling meeting expenses. She explained contract provisions for guaranteeing a block of rooms and meeting expenses, and the increased costs for cancellations without notice. Ms. Rolando asked that members notify Ms. Sherron immediately if they cancel a room so the room may be offered to the next member on the waiting list.

Ms. Rolando then welcomed Greg Coleman, President-elect of The Florida Bar.

Ms. Rolando reported on the Section's filing of an amicus brief in the Florida Supreme Court in response to the proposed Advisory Opinion filed with Court by The Florida Bar Standing Committee on the Unlicensed Practice of Law relating to certain activities undertaken by community association managers. Ms. Rolando noted that the filing would be discussed during the Condominium and Planned Development Committee report.

Ms. Rolando reported on the Executive Committee's approval of the proposed contract and addendum to contract between the Section and Peter M. Dunbar of the Pennington law firm for legislative consulting services to the Section from September 1, 2013 to August 31, 2015, due to the need to vote on the proposed contract before Florida Board of Governors meeting, which occurred prior to the Section's meeting at the Breakers. Ms. Rolando also reported that the Board of Governors of The Florida Bar approved the contract at its meeting on July 26, 2013.

Ms. Rolando reported on the formation of a new "Childrens Advisory Committee", Steven Goodall chair, to plan and coordinate events for children of members at Executive Council meetings and noted that if any members had children who wanted to participate, the committee was meeting concurrently with the Executive Council meeting.

Ms. Rolando reported the Executive Committee's approval of the Section's position with regards to filing an amicus brief in Fourth District Court of Appeals case of *Ross G. Stone, Appellant v. Nancy Stone and Alma Stone, Appellees*, Case No. 4D11-4541 and noted that Michael Dribin would report on this topic during the Chair-Elect's report.

Lastly, Ms. Rolando introduced the new members of the Executive Council and asked them to stand and be recognized.

V. Chair-Elect's Report — *Michael A. Dribin*

Mr. Dribin reviewed the Meeting Schedule for 2014-2015, in particular the plans for the out of state meeting in his former hometown of Chicago, IL. Mr. Dribin noted that he will be circulating to Executive Council members options for activities at that meeting and asked that members advise him of their preferences.

Mr. Dribin reported on the action of the Executive Committee in connection with the Section's amicus brief in the Fourth District Court of Appeals case of Ross G. Stone, Appellant v. Nancy Stone and Alma Stone, Appellees, Case No. 4D11-4541, as described on pages 335-355, of the Agenda. Mr. Dribin reported that the Executive Committee met again on July 25, 2013, at the Breakers in Palm Beach and voted to reconsider its previous motion regarding the content of the amicus brief. Mr. Dribin reported that the Executive Committee affirmed the motion it previously approved instructing the Amicus Committee as to the content of the amicus brief to be filed in the Stone case. However, rather than asking the Amicus Committee to brief the waiver of homestead issue at this time, the Executive Committee approved that following language to be inserted in the amicus brief with respect to the waiver of homestead issue:

"We appreciate the opportunity to serve the Court by briefing the issue in its Order dated June 14, 2013. Based on our review of the lower Court's order, we recognize the Court may have additional issues to consider, including the criteria for waiver of homestead rights under the facts of this case. If we can be of service on any additional issues in this case, please contact us."

Mr. Dribin stated that if the appellate court, in response to this statement, asks the Section to brief the homestead waiver issue, the position of the Section as stated in its previous instructions to the Amicus Committee on the waiver of homestead issue will apply. Mr. Dribin reported that the brief is in the process of being drafted.

VI. Liaison with Board of Governors' Report

Mr. Sasso was not present. Ms. Rolando introduced Ramon "Ray" Abadin, a member of The Florida Bar Board of Governors who is exploring running for President of The Florida Bar. Ms. Rolando also acknowledged that Gwyne Young, immediate post-president of The Florida Bar and a member of the RPPTL Section Executive Council was in attendance and "welcomed her back" as a fulltime RPPTL. Mr. Abadin discussed current issues before the Board of Governors including the status of the adoption of model rules concerning trust accounts, and the establishment of the "2016 Commission" that will engage in a thorough evaluation of all Bar functions and services including technology, Bar admissions and pro bono services. He expressed great appreciation for the service performed by the RPPTL Section on behalf of both the members of The Florida Bar and the citizens of Florida.

VII. President of The Florida Bar's Report — Eugene Pettis [invited]

No Report.

VIII. Treasurer's Report — S. Katherine Frazier

Ms. Katherine Frazier reviewed the 2012-13 Financial Summary thru June 30, 2013, located on the Agenda at page 42. Ms. Frazier noted two minor mathematical corrections in the figures on the summary: (i) under general budget category the expenses amount should be \$794,084.00; and (ii) the convention deficit should be \$102,829.00.

Ms. Frazier noted that the Convention ran a deficit, which was anticipated. Ms. Frazier thanked the Section Sponsors and Friends of the Section for their support.

IX. Director of At-Large Member's Report — Debra L. Boje

Ms. Debra Boje, Director of At-Large Members, reported that the At-Large Members are “stepping up the pace” of their activities. They have been working with the Membership, Diversity and Law School Liaison Committees to promote its activities. Lead ALMs in the circuits have been sending email blasts promoting Section CLE Seminars. The ALMs will be sponsoring a reception after the certification seminars in Orlando. ALMs are also improving communication with out-of-state members and engaging in outreach to judges in their circuits. Ms. Boje asked for assistance from the Executive Council, especially by forwarding to her information pertaining to legislation, case law or procedural matters that may be of interest to the judiciary.

X. CLE Seminar Coordination Report — CLE Seminar Coordination – Robert Freedman (Real Property) and Tae K. Bronner (Probate & Trust), Co-Chairs

Robert Freedman, Committee Co-Chair, reported that the training session for committee chairs and vice-chairs on Wednesday, July 24, 2013, was a great event and that the materials from that session are posted on the Committee's website. Mr. Freedman emphasized the need to adhere to the deadlines posted for submission of seminar materials. Mr. Freedman noted the CLE schedule in the Supplemental Agenda and also noted that a free E-CLE Seminar on the Koontz environmental permitting case was scheduled for July 31st and over 200 had already signed up.

XI. Probate and Trust Law Division — Deborah P. Goodall, Director

Ms. Deborah Goodall began by noting that the third action item in the Agenda concerning a proposed amendment to F.S. 710.123 (Termination of Guardianship) would not be presented.

Action Items:

1. Ad Hoc Committee on Life Insurance Payable to Revocable Trust – Richard R. Gans, Chair

Mr. Richard Gans, Committee Chair, explained that the motion proposed by the Ad Hoc Committee on Life Insurance payable to Revocable Trust was a fix to the holding in the Morey vs. Everbank decision in order to clarify that a waiver of protection from creditors' claims to certain death benefits must be made with “great specificity”. Ms. Gans noted that most practitioners thought the existing statute was already clear on that point and that the proposed amendment was “we really mean it” legislation. Mr. Gans reported that the proposal was unanimously approved at the Probate and Trust Roundtable. Mr. Gans moved:

To adopt as legislative positions of the Section the amendment of F.S. 733.808(4) (death benefits; disposition of proceeds) and F.S. 736.05053(1) (Trustee's duty to pay expenses and obligations of settlor's estate) to clarify that a waiver of the protection from creditors' claims afforded to certain death benefits payable to trusts must be clear and specific, and that a general “pay all claims from the assets of my revocable trust” type waiver is insufficient to waive the statutory protections; to find that such legislative positions are within the purview of the Section; and to expend funds in support of the positions.

The motion was approved unanimously.

2. Estate and Trust Tax Planning – Elaine M. Bucher, Chair

Ms. Goodall reported that the proposed motion from the Estate Trust Tax Planning Committee described on pages 56-156 of the Agenda was discussed at both the Probate and Trust Roundtable and the Real Estate Roundtable and several floor motions to amend the proposed motion would be made based on input received at the Probate and Trust Roundtable. Ms. Goodall requested that the Executive Council waive the rule in Article VIII, Section 4(a) of the Section By-Laws requiring distribution of Agenda items a week prior to Executive Council meetings, which motion as made, seconded and unanimously approved.

Randall Randolph reported on behalf of the Committee and stated that it had looked at Florida's existing public trust company statute and at legislation in various states, including South Dakota, Delaware and Nevada that allow Family Trust Companies. The Committee believed allowing such licensed and unlicensed Family Trust Companies, would simplify matters for such families who would otherwise have to use Florida's complex public trust company statute. It would also enable citizens of Florida to "come back" to Florida rather than forming such Family Trust Companies in other states that currently permit them and that would be of economic benefit to Florida. Ms. Goodall noted that the proposed floor motions to amend the motion described in the Agenda would provide that such companies would not serve as personal representatives or as an agent under Power of Attorney. Mr. Randolph moved:

To adopt as a legislative position of the Section, to allow families to form and operate licensed and unlicensed family trust companies and to authorize out of state licensed family trust companies to operate in Florida, including the creation of new Chapter 659 – Family Trust Companies, the amendment of F.S. 736.0802(2), (3) and (5) (Duty of Loyalty) and F.S. 744.351 (Bond of Guardian); to find that such legislative position is within the purview of the Section; and to expend funds in support of the position.

The motion was approved unanimously.

3. Estate and Trust Tax Planning – Elaine M. Bucher, Chair

[Secretary Note: This item was withdrawn.]

4. Guardianship, Durable Power of Attorney and Advance Directives – Sean W. Kelley, Chair.

Ms. Goodall introduced the action item from the Guardianship, Durable Power of Attorney and Advanced Directives Committee described on pages 163-228 of the Agenda and noted that an amendment thereto had been suggested and approved at the Committee meeting and at the Probate and Trust Roundtable and a floor motion to amend the motion described on the Agenda would be made. Ms. Goodall requested a motion:

To waive the rule in Article VIII, Section 4(a) of the Section By-Laws requiring distribution of Agenda items a week prior to Executive Council meetings concerning the proposal.

The motion was made, seconded and unanimously approved.

Ms. Goodall introduced the Committee Chair, Sean W. Kelley. Mr. Kelley noted that this proposal had been approved by the Section's Executive Council several years ago and explained that there was

opposition to similar legislation proposed in the last legislative session that resulted in the proposal being pulled and that during the Probate and Trust Roundtable it was suggested that the Section's legislative position omit any reference to F.S. 709.2201 to hopefully avoid another battle. Mr. Kelley noted that the proposal would allow access to medical information and the ability to make medical decisions without a finding of incapacity and also provide for healthcare surrogates for minors to make medical decisions for the minor.

Mr. Kelley moved:

To adopt as legislative positions of the Section the amendment of F.S. 743.0645 (other persons who may consent to medical care or treatment of a minor), and F.S. Chapter 765 (Health Care Advance Directives) to provide a competent adult with greater protection in designating individuals to make medical decisions and to allow a parent, legal custodian or legal guardian of a minor the ability to designate a competent adult to serve as the minor's health care surrogate when the parents, legal custodian or legal guardian of the minor cannot be timely contacted by the health care provider; to find that such legislative positions are within the purview of the Section; and to expend funds in support of the positions.

The Motion was approved unanimously.

5. Trust Law Committee – Shane Kelley, Chair

Ms. Goodall introduced the Chair of the Trust Law Committee, Mr. Shane Kelley. Mr. Kelley discussed the proposal described on pages 229-238 of the Agenda and noted that the objective of the proposal is to make the Trust Code antilapse provision more consistent with that of the Probate Code.

Mr. Kelley moved:

To adopt as a legislative position of the Section an amendment to F.S. 736.1106 (Antilapse; survivorship with respect to future interests under terms of intervivos and testamentary trusts; substitute takers) to make the Trust Code's antilapse provisions consistent with the Probate Code's antilapse provisions regarding the treatment of specific devises to certain persons who do not survive the settlor of a revocable trust or the testator of a testamentary trust; to find that such legislative position is within the purview of the Section; and to expend funds in support of the position.

The motion was approved unanimously.

Ms. Goodall then noted that a book was circulating in the meeting room for Executive Council members to send their regards to longtime Executive Council member and former Section Chair John Arthur Jones who is in a rehabilitation facility, allowing members sign their best wishes.

XII. Real Property Law Division — *Michael J. Gelfand, Real Property Law Division Director*

Mr. Michael Gelfand noted that all action items reflected in the Agenda had been withdrawn for further Committee consideration.

Action Items:

1. Condominium & Planned Development Committee – Steven H. Mezer, Chair

[Secretary's Note: This item was withdrawn for further consideration by the Condominium and Planned Development Committee.]

2. Condominium & Planned Development Committee – Steven H. Mezer, Chair

[Secretary's Note: This item was withdrawn for further consideration by the Condominium and Planned Development Committee.]

Information Item:

Condominium & Planned Development Committee – Steven H. Mezer, Chair

Mr. Gelfand introduced Committee Chair Mr. Steven H. Mezer who thanked the Executive Committee for approving the filing of an amicus brief in the case of *In re: Activities of Community Association Managers*, Supreme Court of Florida Case No. SC13-889. Regarding Proposed Advisory Opinion, FAO #2012-2, *Activities of Community Association Managers*, in which the Court will determine whether certain functions currently performed by community association managers constitute the unauthorized practice of law.

XIII. General Standing Committees — Michael A. Dribin, Director and Chair-Elect

Action Item:

1. Budget Committee – S. Katherine Frazier, Chair

Mr. Dribin introduced Budget Committee Chair, Ms. S. Katherine Frazier. Ms. Frazier noted that the Section Executive Council currently has two members, Brenda B. Ezell and Tattiana Brenes-Stahl, who have been accepted into The Florida Bar Leadership Academy. Ms. Frazier introduced the following Committee motion as reported in the Supplemental Agenda:

To approve an amendment to the RPPTL Section budget for 2013-2014, to provide for reimbursement of up to \$3500 to each of the Section's two participants (total not to exceed \$7000) in The Florida Bar Leadership Academy for out-of-pocket travel and hotel expenses incurred in attending the Leadership Academy, in furtherance of the motion approved by the Executive Council at its meeting in Tallahassee, Florida, on February 9, 2013 pertaining to the Section's participation in the Leadership Academy.

The motion was approved unanimously.

Information Items:

1. Legislation Committee – Robert Swaine and William T. Hennessey, III (Probate and Trust), Co-Chairs

Mr. Michael Dribin introduced Robert Swaine, Co-Chair of the Legislation Committee who briefly

discussed the renewal of the contract between the Section and Peter M. Dunbar of the law firm of Pennington, P.A. for the rendering of legislative consulting services to the Section from September 1, 2013 to August 31, 2015. Mr. Swaine noted that, as Ms. Rolando stated in her Chair's report, the Executive Committee had already approved the new contract on behalf of the Section due to the need for Section approval prior to the latest Board of Governors' meeting.

2. Ad Hoc Trust Account Committee – John B. Neukamm and Jerry E. Aron, Co-Chairs

Mr. Dribin introduced Committee Co-Chair John Neukamm who reported on the status of the Section's efforts to secure the issuance of an ethics opinion from The Florida Bar's Professional Ethics Committee which would confirm the Section's existing position (as enunciated in the Professional Ethics Committee's Advisory Opinion 93-5 and mandated in F.S. §626.8473(8)) that an attorney may continue to permits a title underwriter to audit a special trust account used exclusively for transactions in which the attorney acts as a title or real estate settlement agent without obtaining informed client consent pursuant to Exception (c)(1) to Rule 4-1.6 (which permits an attorney to reveal information to the extent reasonably necessary to serve the client's interests). Mr. Neukamm noted the background of this issue relates back to a 1994 Bar ethics advisory opinion on trust account management. Mr. Neukamm noted that the issue was discussed extensively at the Real Estate Roundtable and the consensus was that, if the rule currently proposed by The Florida Bar's Professional Ethics Committee, which would leave it to the discretion of an individual attorney to decide if an audit of the special trust account used exclusively for transactions in which the attorney acts as a title or real estate agent is in the best interest of the client, then the "bad apples" in the Bar would use the rule as a shield to prevent an audit. Mr. Neukamm urged Executive Council members to discuss the proposed opinion with members of the Professional Ethics Committee and with Board of Governors members and express the Section's position that the right to audit is in the best interest of clients. Mr. Neukamm stated that the Committee will be developing and emailing "talking points" to Executive Council members for that purpose.

Mr. Neukamm also reported on the recent The Florida Bar v. Roth and The Florida Bar v. Rousso trust account cases in which the Supreme Court imposed a number of requirements on law firms that incur a shortfall in their trust accounts that the Committee perceives to be cumbersome and impractical. Mr. Neukamm reported that the Committee will be studying those opinions and preparing a response. Mr. Neukamm noted that these cases were discussed in detail by Mr. Jim Robbins in his presentation at the Legislative Update Seminar the previous day.

3. Professionalism and Ethics Committee – Lawrence J. Miller, Chair

Mr. Larry Miller reported on the recent Florida Supreme Court's corrected opinion approving a Code for Resolving Professionalism Complaints based on a recommendation from its Commission on Professionalism and noted that Florida is one of only three State Bars that have disciplinary processes relating to professionalism issues. Mr. Miller provided background on the evolution of The Florida Bar's efforts to promote and govern professionalism and the creation of the Henry Latimer Center for Professionalism and the Basic Standing Committee on Professionalism. Mr. Miller noted that the Court in its opinion states that professionalism issues are a constant source of complaints. The Code for Resolving Professionalism Complaints represents an effort to avoid professionalism issues from becoming grievance issues. The approval of the Code will be reported in ActionLine and on the Section's website. Mr. Miller also asked members of the Executive Council to forward ethics opinions of interest to Section members for publication.

XIV. Probate and Trust Law Division Committee Reports — Deborah P. Goodall, Director

[Secretary's Note: The General Committee reports were delivered immediately after the General Standing Committee Action Item and Information Items but are reported in these minutes in the sequence in which they appear in the Agenda.]

1. **Ad Hoc Committee on Creditors' Rights to Non-Exempt, Non-Probate Assets** – Angela M. Adams, Chair
2. **Ad Hoc Guardianship Law Revision Committee** – David Brennan, Chair; Sancha Brennan Whynot, Sean W. Kelley and Charles F. Robinson, Co-Vice Chairs
3. **Ad Hoc Study Committee on Jurisdiction and Service of Process** – Barry F. Spivey, Chair; Sean W. Kelley and Christopher Q. Wintter, Co-Vice Chairs
4. **Ad Hoc Study Committee on Estate Planning Conflict of Interest** - William T. Hennessey III, Chair; Paul Roman, Vice Chair
5. **Ad Hoc Committee on Personal Representative Issues** – Jack A. Falk, Jr., Chair
6. **Ad Hoc Committee on Treatment of Life Insurance Payable to Revocable Trust** – Richard R. Gans, Chair
7. **Asset Protection** – Brian C. Sparks, Chair; George Karibjanian, Vice-Chair
8. **Attorney/Trust Officer Liaison Conference** – Jack A. Falk, Jr., Chair; Sharon DaBrusco, Corporate Fiduciary Chair; Patrick Lannon, Deborah Russell and Laura Sundberg, Co-Vice Chairs
9. **Digital Assets and Information Study Committee** – Eric Virgil, Chair; Travis Hayes and S. Dresden Brunner, Co-Vice Chairs
10. **Elective Share Review Committee** – Lauren Detzel, Chair; Charles I. Nash and Robert Lee McElroy IV, Co-Vice Chairs
11. **Estate and Trust Tax Planning** – Elaine M. Bucher, Chair; David Akins, Tasha Pepper-Dickinson and William Lane, Co-Vice Chairs
12. **Guardianship, Power of Attorney and Advanced Directives** – Sean W. Kelley, Chair; Seth A. Marmor, Tattiana Brenes-Stahl, Cynthia Fallon and David Brennan, Co-Vice Chairs
13. **IRA, Insurance and Employee Benefits** – L. Howard Payne and Lester Law, Co-Chairs
14. **Liaisons with ACTEC** – Michael Simon, Bruce Stone, and Diana S.C. Zeydel
15. **Liaisons with Elder Law Section** – Charles F. Robinson and Marjorie Wolasky

16. **Liaisons with Tax Section** – Lauren Y. Detzel, William R. Lane, Jr., David Pratt, Brian C. Sparks, Donald R. Tescher and Harris L. Bonnette, Jr.
17. **Principal and Income** – Edward F. Koren, Chair; Pamela Price, Vice Chair
18. **Probate and Trust Litigation** – Thomas M. Karr, Chair; Jon Scuderi, James George, J. Richard Caskey and Jerry Wells, Co-Vice Chairs
19. **Probate Law and Procedure** – John C. Moran, Chair; Sarah S. Butters, Michael Travis Hayes and Marsha G. Madorsky, Co-Vice Chairs
20. **Trust Law** – Shane Kelley, Chair; Angela M. Adams, Deborah L. Russell, and Tami F. Conetta, Co-Vice Chairs
21. **Wills, Trusts and Estates Certification Review Course** – Richard R. Gans, Chair; Jeffrey S. Goethe, Linda S. Griffin, Laura Sundberg and Jerome L. Wolf, Co-Vice Chairs

XV. Real Property Law Division Reports — *Michael J. Gelfand, Director*

1. **Ad Hoc Foreclosure Reform** – Jeffrey Sauer, Chair; Mark Brown, Burt Bruton and Alan Fields, Co-Vice Chairs.
2. **Commercial Real Estate** – Art Menor, Chair; Burt Bruton and Adele Stone, Co-Vice Chairs.
3. **Condominium and Planned Development** – Steven H. Mezer, Chair; Jane Cornett, Christopher Davies and Lisa Van Dien, Co-Vice Chairs.
4. **Construction Law** – Hardy Roberts, Chair; Lisa Colon Heron, Scott Pence and Lee Weintraub, Co-Vice Chairs.
5. **Construction Law Certification Review Course** – Lee Weintraub, Chair; Bruce Alexander, Deborah Mastin and Bryan Rendzio, Co-Vice Chairs.
6. **Construction Law Institute** – Reese Henderson, Chair; Sanjay Kurian, Diane Perera and Jason Quintero, Co-Vice Chairs.
7. **Development & Green Building** – Anne Pollack, Chair; Mike Bedke, Vinette Godelia, and Neil Shoter, Co-Vice Chairs.
8. **Landlord and Tenant** – Lloyd Granet, Chair; Rick Eckhard, Vice Chair.
9. **Legal Opinions** – Kip Thornton, Chair; Robert Stern, Vice-Chair.
10. **Liaisons with FLTA** – Norwood Gay and Alan McCall, Co-Chairs; Alan Fields and James C. Russick, Co-Vice Chairs.

11. **Property & Liability Insurance/Suretyship** – W. Cary Wright, Chair; Fred Dudley and Michael Meyer, Co-Vice Chairs.
12. **Real Estate Certification Review Course** – Raul Ballaga, Chair; Jennifer Tobin, Co-Vice Chair.
13. **Real Estate Structures and Taxation** – Wilhelmina Kightlinger, Chair; Cristin C. Keane and Salome Zikakis, Co-Vice Chairs.
14. **Real Property Finance & Lending** – Jim Robbins, Chair; Homer Duval, III, Brenda Ezell and Bill Sklar, Co-Vice Chairs.
15. **Real Property Litigation** – Marty Awerbach, Chair; Manny Farach and Susan Spurgeon, Co-Vice Chairs.
16. **Real Property Problems Study** – W. Theodore “Ted” Conner, Chair; Mark A. Brown and Patricia J. Hancock, Co-Vice Chairs.
17. **Residential Real Estate and Industry Liaison** – Frederick W. Jones, Chair; Deborah Boyd and E. Ralph Tirabassi, Co-Vice Chairs.
18. **Title Insurance and Title Insurance Liaison** – Kristopher Fernandez, Chair; Raul Ballaga and Julie Horstkamp, Co-Vice Chairs.
19. **Title Issues and Standards** – Christopher W. Smart, Chair; Robert M. Graham, Patricia P. Jones and Karla J. Staker, Co-Vice Chairs.

XVI. General Standing Committee Reports — *Michael A. Dribin, Director and Chair-Elect*

1. **Ad Hoc Leadership Academy** – Tae Kelley Bronner, Chair

Tae Kelley Bronner reported that the Leadership Fellows had attended their first meeting, and would be reporting back to the Committee.

2. **Ad Hoc LLC Monitoring** – Lauren Y. Detzel and Ed Burt Bruton, Jr., Co-Chairs

No Report. Mr. Dribin noted that he anticipated that there would be a CLE Seminar addressing the new LLC Act.

3. **Ad Hoc Trust Account** – John B. Neukamm and Jerry E. Aron, Co-Chairs

No Further Report.

4. **Alternative Dispute Resolution (ADR)** – Deborah Bovarnick Mastin and David R. Carlisle, Co-Chairs

Co-Chair Deborah Bovarnick reported that the Committee has two CLE events scheduled for later this year. One will address construction law ADR, the other will focus on

amendments to the Uniform Arbitration Act.

5. **Amicus Coordination** – Robert W. Goldman, John W. Little, III, Kenneth B. Bell and Gerald B. Cope, Jr., Co-Chairs

Co-Chair Robert Goldman reported that the North Carrillon and Basile cases in which the Section filed amicus brief are still pending in the Supreme Court. The Committee is also briefing the Stone case, previously reported on by Chair-Elect Michael Dribin. Mr. Goldman reported that there is a constitutional attack being prepared against the Power of Attorney Act and he expects the Committee will become involved when that is filed. Co-Chair Mr. John Little reported on a referral to the Committee of the Clipper Bay v. FDOT case involving the public rights of way provision in the Marketable Records Title Act.

Mr. Dribin thanked the Committee and noted the credibility the Section has with the Supreme Court and Appellate Courts as evidenced by the numerous requests the Section receives from those courts for amicus briefs.

6. **Budget** – S. Katherine Frazier, Chair; Andrew M. O'Malley, Pamela O. Price, Daniel L. DeCubellis, Lee Weintraub, and W. Cary Wright, Co-Vice Chairs

No Further Report. Mr. Dribin noted the Committee would be meeting immediately after the Executive Council meeting.

7. **Childrens Advisory Committee.**

Mr. Dribin noted the formation of this new General Standing Committee as reported by Ms. Rolando in her Chair's report, and introduced Committee Chair Steven Goodall. Mr. Goodall stated that the Committee had just concluded its first meeting and he introduced its members. The Committee will be planning events of interest to children of Executive Council members attending upcoming meetings.

8. **CLE Seminar Coordination** – Robert Freedman (Real Property) and Tae K. Bronner (Probate & Trust), Co-Chairs; Laura K. Sundberg (Probate & Trust), Sarah S. Butters (Probate & Trust), Lawrence J. Miller (Ethics), Jennifer S. Tobin (Real Property) and Hardy L. Roberts, III (General E-CLE), Co-Vice Chairs

No Further Report.

9. **Convention Coordination** – Laura K. Sundberg, Chair; Marsha G. Madorsky, S. Dresden Brunner and Chris N. Davies, Co-Vice Chairs

No Report.

10. **Fellows** – Marsha G. Madorsky, Chair; Brenda B. Ezell, Hung V. Nguyen and Benjamin B. Bush, Co-Vice Chairs

Chair Marsha Madorsky reported that applications are being accepted for the 2013-2015 Fellows Class and asked for recommendations of possible candidates from the Executive Council and also solicited the participation of Execution Council members wishing to serve

on the review committee. Ms. Madorsky noted that selections will start in October 2013 and results should be available by the Section's Sarasota meeting. Mr. Dribin noted that selections will now be on an annual rather than every other year basis.

11. **Florida Electronic Filing & Service** – Patricia P. Jones and Rohan Kelley, Co-Chairs

Co-Chair Rohan Kelley reported that numerous “bugs” had surfaced with the e-filing system since the commencement on April 1st and that those issues are in the process of being resolved. The Committee is seeking to promote uniformity amongst the counties in the administration of the e-filing system. Mr. Kelley noted that Laird Lile had advised him that the e-service portal should be functioning soon. Mr. Lile reported that he expected e-service would be available by early September.

12. **Homestead Issues Study** – Shane Kelley (Probate & Trust) and Patricia P. Jones (Real Property), Co-Chairs

Co-Chair Shane Kelley reported that the committee is working on the homestead/revocable trust issue.

13. **Legislation** – William T. Hennessey, III (Probate & Trust) and Robert S. Swaine (Real Property), Co-Chairs; Sara S. Butters (Probate & Trust) and Alan B. Fields (Real Property), Co-Vice Chairs

Co-Chair Robert Swaine reminded members of the time frames associated with moving proposed legislative thru the Section approval process.

14. **Legislative Update (2013)** – Stuart H. Altman, Chair; Charles I. Nash, R. James Robbins and Stacy Kalmanson, Co-Vice Chairs

[Secretary's Note: This report was taken out of order but is reported in the order reflected in the Agenda]. Chair Stuart Altman gave special recognition to David Brennan, who has disclosed that this will be his last year as a speaker at the Legislative Update Seminar. Mr. Altman thanked Mr. Brennan for his outstanding presentations over the years.

15. **Legislative Update (2014)** – Stuart H. Altman, Chair; Charles I. Nash, R. James Robbins, Brian F. Spivey, Stacy Kalmanson and Jennifer S. Tobin, Co-Vice Chairs

No Report.

16. **Liaison with:** No Reports.

- a. **American Bar Association (ABA)** – Edward F. Koren and Julius J. Zschau
- b. **Board of Legal Specialization and Education (BLSE)** – Raul P. Ballaga, David M. Silberstein and Deborah L. Russell
- c. **Clerks of Circuit Court** – Laird A. Lile and William Theodore (Ted) Conner
- d. **FLEA / FLSSI** – David C. Brennan, John Arthur Jones and Roland “Chip” Waller
- e. **Florida Bankers Association** – Mark T. Middlebrook
- f. **Judiciary** – Judge Linda R. Allan, Judge Melvin B. Grossman, Judge Hugh D.

Hayes, Judge Claudia Rickert Isom, Judge Maria M. Korvick, Judge Lauren Laughlin, Judge Celeste H. Muir, Judge Robert Pleus, Jr., Judge Richard J. Suarez, Judge Morris Silberman, Judge Patricia V. Thomas and Judge Walter L. Schafer, Jr.

- g. **Out of State Members** – Michael P. Stafford and John E. Fitzgerald, Jr.
 - h. **TFB Board of Governors** – Andrew Sasso
 - i. **TFB Business Law Section** – Gwynne A. Young
 - j. **TFB CLE Committee** – Robert S. Freedman
 - k. **TFB Council of Sections** – Margaret A. Rolando and Michael Dribin
 - l. **TFB Pro Bono Committee** – Tasha K. Pepper-Dickinson
17. **Long-Range Planning** – Michael Dribin, Chair
- Chair Mr. Dribin reported that the Committee is in the process of planning a retreat in April of next year.
18. **Meetings Planning** – George Meyer, Chair
- No Report.
19. **Member Communications and Information Technology** – Nicole C. Kibert, Chair; S. Dresden Brunner, William A. Parady and Michael Travis Hayes, Co-Vice Chairs
- Chair Nicole Kibert introduced the Committee new Co-Chairs and asked members to visit the Committee website to learn how to maintain and update their committee pages no later than October 1st. She introduced a chameleon puppet to the members to demonstrate that adaptability and change are good.
- Mr. Dribin emphasized how critical it is that substantive committees maintain their webpages with current information and stated that evaluation of Committee performance would include a review of the Committee’s webpage.
20. **Membership and Inclusion** – Michael A. Bedke, Chair; Lynwood F. Arnold, Jr., (Diversity); Stacy O. Kalmanson (Law Schools), Phillip A. Baumann (Career Coaching), Navin R. Pasem (Diversity) and Guy S. Emerich (Career Coaching and Liaison to TFB’s Scope program), Co-Vice Chairs

Chair Michael Bedke noted the Committee’s new name. He thanked the Committee members for their work and asked Executive Council members to think of opportunities to engage new members in presentations and reports made by their Committees. Mr. Bedke noted that the Committee will be sending letters to individuals who have not renewed their membership in the Section to invite them to rejoin. Mr. Bedke reported that Section membership is now over 11,000 and the Committee has a goal of 12,000. Mr. Bedke noted the Committee has its first co-sponsored event in Miami in conjunction with the Caribbean Bar’s 17th Annual Scholarship Banquet on September 28. He noted that the Committee has also had a very active year engaging with the law schools and encouraged Executive Council members to assist with job placement. Over a dozen students and recent graduates found jobs thru Section efforts last year.

21. **Model and Uniform Acts** – Bruce M. Stone and S. Katherine Frazier, Co-Chairs
- Co-Chair Katherine Frazier reported that the Probate and Trust Division has formed a new subcommittee to review the Uniform Powers of Appointment Act.
22. **Professionalism and Ethics--General** – Lawrence J. Miller, Chair; Tasha K. Pepper-Dickinson, Vice Chair
- No Further Report.
23. **Professionalism and Ethics—Special Subcommittee on Integrity Awareness and Coordination** – Jerry Aron and Sandra Diamond, Co-Chairs
- Co-Chair Sandra Diamond reported that the Committee will be seeking opinions from Executive Council members on how best to promote professional integrity.
24. **Publications (ActionLine)** – Silvia B. Rojas, Chair; Scott P. Pence (Real Property), Shari Ben Moussa (Real Property), Navin R. Pasem (Real Property), Jane L. Cornett (At Large), Brian M. Malec (Probate & Trust), George D. Karibjanian (Probate & Trust), Hung V. Nguyen (Probate & Trust) and Lawrence J. Miller (Professionalism & Ethics), Co-Vice Chairs
- Chair Silvia Rojas reported that the Summer issue is already published, the Fall issue will have articles on FIRPTA and new legislation passed in this year’s legislative session and she solicited articles from Executive Council members for the Winter issue. Michael Dribin commended Ms. Rojas and her Committee for the great job they have done with ActionLine.
25. **Publications (Florida Bar Journal)** – Kristen M. Lynch (Probate & Trust) and David R. Brittain (Real Property), Co-Chairs; Jeffrey S. Goethe (Editorial Board – Probate & Trust), Linda Griffin (Editorial Board – Probate & Trust), Michael A. Bedke (Editorial Board – Real Property) and William T. Conner (Editorial Board – Real Property), Co-Vice Chairs
- Co-Chair Kristen Lynch reported that the Committee is actively seeking articles and noted that the publication guidelines are available on the Committee webpage.
26. **Sponsor Coordination** – Kristen M. Lynch and Wilhelmina F. Kightlinger, Co-Chairs; J. Michael Swaine, Adele I. Stone, Deborah L. Russell, W. Cary Wright and Benjamin F. Diamond, Co-Vice Chairs
- Co-Chair Kristen Lynch welcomed Wilhelmina Kightlinger as Co-Chair and noted that she anticipates Ms. Kightlinger will transition to Committee Chair next year. Ms. Lynch noted the Committee only lost one sponsor in the previous year while it gained several other sponsors. Co-Chair Wilhelmina Kightlinger asked that Executive Council members make a point of greeting sponsors and to be attentive when they speak at Executive Council events.
27. **Strategic Planning** – Margaret A. Rolando and Michael A. Dribin, Co-Chairs

Co-Chair Michael Dribin reported that there will be a strategic planning retreat early next year at a location to be determined.

XVII. Adjourn

Ms. Rolando thanked those in attendance. There being no further business to come before the Executive Council, a motion to adjourn was unanimously approved at 12:37 p.m.

Respectfully submitted,

Andrew M. O'Malley, Secretary

ADDENDUM "A"
ATTENDANCE ROSTER
REAL PROPERTY PROBATE & TRUST LAW SECTION
EXECUTIVE COUNCIL MEETINGS
2013-2014

Executive Committee	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Rolando, Margaret A., Chair	√		X				
Dribin, Michael A., Chair-Elect		√	X				
Gelfand, Michael J., Real Property Law Div. Director	√		X				
Goodall, Deborah P., Probate and Trust Law Div. Director		√	X				
O'Malley, Andrew M., Secretary	√		X				
Frazier, S. Katherine, Treasurer	√		X				
Hennessey, William M., Legislation Co-Chair (P&T)		√	X				
Swaine, Robert S., Legislation Co-Chair (RP)	√		X				
Bronner, Tae K. Seminar Coordinator (P&T)		√	X				
Freedman, Robert S., Seminar Coordinator (RP)	√		X				
Boje, Debra L., Director of At-Large Members		√	X				
Belcher, William F., Immediate Past Chair		√	X				

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Adams, Angela M.		√	X				
Adcock, Jr., Louie N., Past Chair		√					
Akins, David J.		√	X				
Alexander, Bruce G.	√						

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Altman, Stuart H.		√	X				
Arnold, Jr., Lynwood F.	√	√	X				
Aron Jerry E. Past Chair	√		X				
Awerbach, Martin S.	√						
Bald, Kimberly A.	√		X				
Ballaga, Raul P.	√		X				
Banister, John R.	√						
Battle, Carlos A.		√	X				
Baumann, Phillip A.		√	X				
Beales, III, Walter R. Past Chair	√						
Bedke, Michael A.	√		X				
Bell, Kenneth B.	√						
Bellew, Brandon D.		√	X				
Ben Moussa, Shari D.	√		X				
Bonnette, Jr., Harris L.		√	X				
Boyd, Deborah	√						
Brenes-Stahl, Tattiana P.		√	X				
Brennan, David C. Past Chair		√	X				
Brittain, David R.	√						
Brown, Mark A.	√		X				
Brunner, S. Dresden		√	X				
Bruton, Jr., Ed Burt	√		X				

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Bucher, Elaine M.		√	X				
Bush, Benjamin B.	√						
Butters, Sarah S.		√	X				
Buzby-Walt, Anne		√	X				
Carlisle, David R.		√	X				
Caskey, John R.		√	X				
Christiansen, Patrick T. Past Chair	√		X				
Cole, John P.		√	X				
Conetta, Tami F.		√	X				
Conner, W. Theodore	√		X				
Cope, Jr., Gerald B.	√		X				
Cornett, Jane L.	√		X				
Davies, Christopher	√		X				
DeCubellis, Daniel L.	√						
Detzel, Lauren Y.		√	X				
Diamond, Benjamin F.		√	X				
Diamond, Sandra F. Past Chair		√	X				
Dollinger, Jeffrey	√		X				
Dudley, Frederick R.	√		X				
Duvall, III, Homer	√		X				
Eckhard, Rick	√		X				
Ellison, Jason M.	√		X				

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Emerich, Guy S.		√	X				
Ezell, Brenda B.	√		X				
Falk, Jr., Jack A.		√	X				
Fallon, Cynthia		√					
Farach, Manuel	√		X				
Felcoski, Brian J., Past Chair		√	X				
Fernandez, Kristopher E.	√		X				
Fields, Alan B.	√						
Fitzgerald, Jr., John E.		√	X				
Fleece, III, Joseph W.		√	X				
Flood, Gerard J.		√	X				
Foreman, Michael L.		√	X				
Galler, Jonathan		√	X				
Gans, Richard R.		√	X				
Gay, III, Robert Norwood	√		X				
George, James		√	X				
Godelia, Vinette D.	√		X				
Goethe, Jeffrey S.		√	X				
Goldman, Robert W. Past Chair		√	X				
Graham, Robert M.	√		X				
Granet, Lloyd	√		X				
Griffin, Linda S.		√	X				

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Grimsley, John G. Past Chair		√					
Grossman, Honorable Melvin B.		√	X				
Guttmann, III, Louis B. Past Chair	√		X				
Hamrick, Alexander H.		√	X				
Hancock, Patricia J.	√		X				
Hart, W.C.	√						
Hayes, Honorable Hugh D.		√	X				
Hayes, Michael Travis		√	X				
Hearn, Steven L. Past Chair		√	X				
Henderson, Jr., Reese J.	√		X				
Henderson, III, Thomas N.	√		X				
Heron, Lisa Colon	√		X				
Heuston, Stephen P.		√	X				
Horstkamp, Julie	√						
Isom, Honorable Claudia R.		√					
Isphording, Roger O. Past Chair		√	X				
Johnson, Amber Jade F.		√	X				
Jones, Darby		√	X				
Jones, Frederick W.	√		X				
Jones, Jennifer W.		√	X				
Jones, John Arthur Past Chair		√					
Jones, Patricia P.H.	√		X				

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	RP	P&T					
Judd, Robert B.		√	X				
Kalmanson, Stacy O.	√		X				
Karibjanian, George		√	X				
Karr, Thomas M.		√	X				
Kayser, Joan B. Past Chair		√					
Keane, Cristin C.	√		X				
Kelley, Rohan Past Chair		√	X				
Kelley, Sean W.		√	X				
Kelley, Shane		√	X				
Kibert, Nicole C.	√		X				
Kightlinger, Wilhelmina F.	√		X				
Kinsolving, Ruth Barnes Past Chair	√						
Koren, Edward F. Past Chair		√					
Korvick, Honorable Maria M.		√	X				
Kotler, Alan Stephen		√	X				
Kromash, Keith S.		√	X				
Kurian, Sanjay	√		X				
Kypreos, Theodore S.		√	X				
Lancaster, Robert L.		√	X				
Lane, Jr., William R.		√					
Lange, George		√	X				
Lannon, Patrick J.		√					

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Larson, Roger A.	√		X				
Laughlin, Honorable Lauren C.		√					
Law, Lester		√					
Leebrick, Brian D.	√		X				
Lile, Laird A. Past Chair		√	X				
Little, III, John W.	√		X				
Lynch, Kristen M.		√	X				
Madorsky, Marsha G.		√	X				
Malec, Brian		√	X				
Marger, Bruce Past Chair		√	X				
Marmor, Seth A.		√	X				
Marshall, III, Stewart A.		√	X				
Mastin, Deborah Bovarnick	√		X				
McCall, Alan K.	√		X				
McElroy, IV, Robert Lee		√	X				
McRae, Ashley E.	√		X				
Menor, Arthur J.	√						
Meyer, George F. Past Chair	√		X				
Meyer, Michael	√		X				
Mezer, Steven H.	√		X				
Middlebrook, Mark T.		√	X				
Miller, Lawrence J.		√	X				

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	RP	P&T					
Moran, John C.		√	X				
Moule, Jr., Rex E.		√	X				
Muir, Honorable Celeste H.		√	X				
Murphy, Melissa J. Past Chair	√		X				
Nash, Charles I.		√	X				
Neukamm, John B. Past Chair	√		X				
Nice, Marina		√	X				
Nguyen, Hung V.		√	X				
Palmer, Margaret		√					
Parady, William A.		√	X				
Pasem, Navin	√						
Payne, L. Howard		√	X				
Pence, Scott P.	√		X				
Pepper-Dickinson, Tasha K.		√	X				
Perera, Diane	√						
Platt, William R.		√	X				
Pleus, Jr., Honorable Robert J.							
Pollack, Anne Q.	√		X				
Polson, Marilyn M.		√	X				
Pratt, David		√					
Price, Pamela O.		√					
Prince-Troutman, Stacey A.		√					

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	RP	P&T					
Pyle, Michael A.		√	X				
Quintero, Jason	√						
Rao, Tara		√					
Renzio, Bryan	√		X				
Reynolds, Stephen H.	√						
Rieman, Alexandra V.		√					
Robbins, Jr., R.J.	√		X				
Roberts, III, Hardy L.	√		X				
Robinson, Charles F.		√					
Rojas, Silvia B.	√		X				
Roman, Paul E.		√	X				
Russell, Deborah L.		√	X				
Russick, James C.	√		X				
Rydberg, Marsha G.	√		X				
Sachs, Colleen C.	√		X				
Sasso, Andrew		√					
Sauer, Jeffrey T.	√		X				
Schafer, Jr., Honorable Walter L.		√					
Schnitker, Clay A.	√						
Schofield, Percy A.	√		X				
Schwartz, Robert M.	√						
Scuderi, Jon		√					

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	RP	P&T					
Sheets, Sandra G.		√	X				
Shoter, Neil B.	√		X				
Sibblies, Sharaine A.		√					
Silberman, Honorable Morris							
Silberstein, David M.		√	X				
Simon, Michael		√	X				
Sklar, William P.	√		X				
Smart, Christopher W.	√		X				
Smith, G. Thomas Past Chair	√		X				
Smith, Wilson Past Chair		√					
Sobien, Wayne J.	√						
Sparks, Brian C.		√	X				
Spivey, Barry F.		√	X				
Spurgeon, Susan K.	√		X				
Stafford, Michael P.		√	X				
Staker, Karla J.	√		X				
Stern, Robert G.	√		X				
Stone, Adele I.	√		X				
Stone, Bruce M. Past Chair		√					
Suarez, Honorable Richard J.							
Sundberg, Laura K.		√	X				
Swaine, Jack Michael Past Chair	√						

Executive Council Members	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Taft, Eleanor W.	√		X				
Taylor, Richard W.	√		X				
Tescher, Donald R.		√	X				
Thomas, Honorable Patricia V.		√					
Thornton, Kenneth E.	√		X				
Tirabassi, Ralph	√						
Tobin, Jennifer S.	√		X				
Triggs, Matthew H.		√	X				
Udick, Arlene C.	√		X				
Van Dien, Lisa	√		X				
Virgil, Eric		√	X				
Waller, Roland D. Past Chair	√		X				
Walters, Hanton H.	√		X				
Weintraub, Lee A.	√		X				
Wells, Jerry B.		√	X				
White, Jr., Richard M.		√					
Whynot, Sancha B.		√	X				
Wilder, Charles D.		√					
Williamson, Julie Ann S. Past Chair	√		X				
Winter, Christopher Q.		√	X				
Wohlust, Gary Charles		√	X				
Wolasky, Marjorie E.		√	X				

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	RP	P&T					
Wolf, Jerome L.		√	X				
Wright, William Cary	√		X				
Wright, Thomas D.	√		X				
Young, Gwynne A.		√	X				
Zeydel, Diana S.C.		√	X				
Zikakis, Salome J.	√		X				
Zschau, Julius J. Past Chair	√		X				

RPPTL Fellows	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Hoffman, Brian W.	√		X				
Khan, Nishad	√		X				
Melanson, Noelle M.		√	X				
Rao, Tara		√	X				

Legislative Consultants	Division		Jul. 27 Palm Beach	Sept. 21 Lisbon, Portugal	Nov. 23 Sarasota	Feb. 8 Amelia Island	May 31 Captiva
	RP	P&T					
Adams, Howard Eugene		√	X				
DiNunzio, Ashely	√		X				
Dunbar, Peter M.							
Edenfield, Martha							

RPPTL 2013 - 2014
Executive Council Meeting Schedule

Peggy Rolando's YEAR

Date	Location
July 24 – 28, 2013	Executive Council Meeting & Legislative Update The Breakers Palm Beach, Florida Reservation Phone # 888-211-1669 www.thebreakers.com Room Rate: \$206.00 Cut-off Date: June 24, 2013
September 18 – 22, 2013	Executive Council Meeting/Out of State Four Seasons Hotel Ritz Lisbon Lisbon, Portugal Phone # 351 (21)381-1400 www.fourseasons.com/lisbon/ Room Rate: 245 Euros Cut-off Date: August 28, 2013
November 20 – 24, 2013	Executive Council Meeting Ritz Carlton Sarasota Sarasota, Florida Reservation Phone # 800-241-3333 http://www.ritzcarlton.com/sarasota Room Rate: \$205.00 Cut-off Date: October 21, 2013
February 6 – 9, 2014	Executive Council Meeting Ritz Carlton Amelia Island Amelia Island, Florida Reservation Phone # 800-241-3333 http://www.ritzcalton.com/amelia Room Rate: \$199.00 Cut-off Date: January 6, 2014
May 29 – June 1, 2014	Executive Council Meeting / RPPTL Convention South Seas Island Resort Captive, Florida http://www.southseas.com Reservation Phone # 877-597-9696 Room Rate \$165.00 Cut-off Date: May 7, 2014