

**The Real Property, Probate and Trust Law Section  
Executive Council Meeting  
Sunseeker Resort, Charlotte Harbor, Florida  
Saturday, January 31, 2026**

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**Agenda**

**I. Presiding – *Wm. Cary Wright, Chair***

**II. Secretary's Report - *Wilhemina Kightlinger, Secretary***

- A. Motion to approve minutes of the December 6, 2025, Executive Council meeting held at the Four Seasons, Orlando, Florida. **(p. 10)**
- B. RPPTL Executive Council Attendance Roster 2025-2026 as of December 6, 2025. **(p. 22)**
  - 1. Attendance Policy Reminder: RPPTL Section Bylaws, Article V, Section 4 states in relevant part, “. . . if any past section chair is absent from 10 consecutive in-state executive council meetings, or if any other member of the executive council fails to attend at least 2 in-state executive council meetings in-person in any membership year, the member is deemed to have resigned from the executive council, and any section office or position held by that person is deemed vacant.”
  - 2. Attention Executive Council Members: Please review the attendance roster and email Wilhemina Kightlinger with any corrections or note the correction on the roster circulated at this meeting.
- C. Minutes, Interim Executive Committee Meeting – December 19, 2025 **(p. 31)**
- D. Minutes, Interim Executive Committee Meeting – January 13, 2026 **(p. 35)**

**III. Chair's Report — *Wm. Cary Wright, Chair***

- A. Recognition of Special Guests.
- B. Thank you to our Sponsors. **(p. 40)**
- C. Milestones.
  - 1. Marve Alaimo, Katherine Frazier, and Peggy Rolando – Recognized in the November 2025 Florida Trend Magazine as Legal Elite Notable Women Leaders in Law, honoring their professional excellence and leadership within the legal community and the RPPTL Section.
- D. Interim Actions of the Executive Committee.
  - 1. Conforming Legislative Positions for SB120 and SB116

E. 2025-2026 Executive Council Meeting Schedule. (p. 41)

F. 2025-2026 RPPTL Section Division Leadership Charts. (p. 42)

G. General Comments of the Chair.

**IV. Board of Governors Report – Paige A. Greenlee, Liaison**

**V. Chair-Elect's Report – Jon Scuderi, Chair-Elect**

A. 2026-2027 Executive Council Meeting Schedule (p. 53)

**VI. Treasurer's Report – Angela M. Adams, Treasurer**

A. December 2025 Financials (p. 54)

**VII. Director of At-Large Members Report – Brenda B. Ezell, Director**

**VIII. CLE Seminar Coordination Report – Michael V. Hargett (Real Property) and Nicklaus J. Curley (Probate & Trust), Co-Chairs**

A. Upcoming CLE Calendar as of January 20, 2026. (p. 63)

**IX. Legislation Committee Report – Lee A. Weintraub (Real Property) and S. Dresden Brunner (Probate & Trust), Co-Chairs**

**X. General Standing Committees Report – Jon Scuderi, Chair-Elect**

*Action Items:*

*NONE*

*Information Items:*

A. Fellows – Bridget M. Friedman, Chair; Taniquea C. Reid, Jeanette Mora, and Julia Jennison, Co-Vice Chairs

1. Committee Report

B. Information Technology Committee — Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs

1. Committee Report

C. Law School Outreach — Kymberlee C. Smith, Chair; Jacqueline Marzan and Sandy Boisrond, Co-Vice Chairs

1. Committee Report

D. Membership Committee – Lawrence J. Miller, Chair; Shayla M. Johnson-Mount, Eryn E. Riconda, and Michael Sneeringer, Co-Vice Chairs

1. Committee Report

E. Convention Coordination - Stacy O. Kalmanson and Tae K. Bronner, Co-Chairs

1. Committee Report

F. Liaison with the Clerk of Circuit Court – Zachary T. Zuroweste

1. Report

**XI. Probate and Trust Law Division Report –*Sancha K. Brennan, Division Director***

*Action Items:*

A. **Trust Law Committee – *M. Travis Hayes, Chair; Jolyon D. Acosta, Frederick “Ricky” Hearn, and Jennifer J. Robinson, Co-Vice Chairs***

1. Committee Motion to:

- a. support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust;
- b. find that such proposal is within the purview of the RPPTL Section;
- c. authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board’s approval; and
- d. authorize the expenditure of funds from the Section’s budget necessary to effectuate the same. **(p. 64)**

2. Committee Motion to:

- a. support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard;
- b. find that such proposal is within the purview of the RPPTL Section;
- c. authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board’s approval; and

- d. authorize the expenditure of funds from the Section's budget necessary to effectuate the same. (p. 76)

Information Items:

*NONE*

**XII. Real Property Law Division Report – Steven H. Mezer, Division Director**

*Action Items:*

**A. Florida Realtor-Attorney Joint Committee – Colleen Sachs**

- 1. Amendments to FR-Bar Contract Forms.

The Florida Realtor/Attorney Joint Committee (the “Committee”) has approved one revision to the FR-Bar standard and AS-IS contract forms and one revision to Rider EE and seeks approval of the changes by the RPPTL Section Executive Council.

- a. *Paragraph 18, Standard I(iii):* Previously, this subsection dealt with the FinCEN Geographic Targeting Orders and the buyer’s agreement to comply with Closing Agent requests to produce documents and information necessary to allow for compliance with the GTOs. In anticipation of the GTOs being replaced by the Residential Real Estate Reporting Rule (the “RE Rule”) on March 1, 2026, the Committee has revised this language to address both parties’ obligation to comply with Closing Agent requests related to the RE Rule. The Committee closely followed the language recommended by ALTA for this purpose.
- b. *Rider EE. PACE:* A statutory change requires changes to this rider. Property Assessed Clean Energy (PACE) programs are now referred to as “qualifying improvements.” References to energy efficiency, renewable energy, and wind resistance have been removed.
  - i. EE Qualifying Improvements Rider: committee approved 10/09/2025 (p. 84)
  - ii. FinCEN Real Estate Reporting Obligation - Para 18(I)(iii): committee approved 08/14/2025 (p. 85)

The attached revisions were approved by the Committee for release on March 1, 2026, with the caveat that if the RE Rule does not take effect on that date (there are two pending federal lawsuits challenging the RE Rule, which could delay implementation), then the revisions to Paragraph 18, Standard I(iii) will not be part of the published changes until the RE Rule becomes effective, if at all.

2. Committee Motion to:

- a. support proposed revisions to Paragraph 18, Standard I(iii) in both the standard and AS-IS versions of the FR-Bar Residential Contract for Sale and Purchase forms as presented to the Executive Council at its meeting on December 6, 2025, for release and publication on March 1, 2026, with the caveat that the Joint Committee is authorized to withhold the revisions to Paragraph 18, Standard I(iii) from such publication until such time, if at all, the FinCEN Residential Real Estate Reporting Rule takes effect, without further action by the Council or The Florida Bar;
  - a. find that such proposal is within the purview of the RPPTL Section;
  - b. authorized transmittal of the proposal to The Florida Bar Board of Governors with a request for the Board's approval; and
  - c. authorized the expenditure of funds from the Section's budget necessary to effectuate the same.

3. Committee Motion to:

- b. support proposed revisions to Rider EE, as presented to the Executive Council at its meeting on December 6, 2025, for release and publication on March 1, 2026.
  - c. find that such proposal is within the purview of the RPPTL Section;
  - d. authorized transmittal of the proposal to The Florida Bar Board of Governors with a request for the Board's approval; and
  - e. authorized the expenditure of funds from the Section's budget necessary to effectuate the same.

B. **Condominium and Planned Development Committee – Joel McTeague, Jennifer Bloodworth, Co-Chairs**; Jordan Haynes, and Christine Ertl, Co-Vice Chairs

1. Committee Motion to:

- a. opposing any legislation imposing mandatory, universal "Kaufman Language" on community associations subject to Chapters 718, 719, or 720, Florida Statutes; opposing any legislation requiring such community associations to amend their governing documents to adopt universal "Kaufman Language"; and opposing any legislation requiring the governing documents of newly created community associations subject to Chapters 718, 719, or 720, Florida Statutes to contain universal "Kaufman Language" as a condition of approval;

- b. find that such proposal is within the purview of the RPPTL Section;
- c. authorized transmittal of the proposal to The Florida Bar Board of Governors with a request for the Board's approval; and
- d. authorized the expenditure of funds from the Section's budget necessary to effectuate the same. (p. 86)

*Information Items:*

*NONE*

**XIII. Probate and Trust Law Division Committees – Sancha K. Brennan, Division Director**

- 1. Ad Hoc Guardianship Law Revision** – Stacy B. Rubel, Chair; David C. Brennan, Sancha K. Brennan and Nicklaus J. Curley, Co-Vice Chairs
- 2. Asset Protection** — Justin Savioli, Chair; Richard R. Gans, Patrick J. Lannon, and Bo Trudeau, Co-Vice-Chairs
- 3. Attorney/Trust Officer Liaison Conference** — Eamonn W. Gunther, Chair; Stacey L. Cole, Gail G. Fagan, Michael M. Rubenstein, Kimberly Bald, Sean Lebowitz, Yoshi Smith, Co-Vice Chairs
- 4. Charitable Planning and Exempt Organizations** — Alyssa R. Wan, Chair; Carla DeLoach and Jeffrey Spina-Jennings, Co-Vice-Chairs
- 5. Elective Share Review** — Cristina Papanikos, Chair; Lauren Y. Detzel, Jason P. Van Lenten, and Jenna Rubin, Co-Vice-Chairs
- 6. Estate and Trust Tax Planning** — Andrew H. Thompson, Chair; Denise Cazobon and Joe Percopo, Co-Vice Chairs
- 7. Guardianship, Power of Attorney and Advanced Directives** — Elizabeth M. Hughes, Chair; Stephanie L. Cook, Marve Ann Alaimo, and Jeff Eisel Co- Vice Chairs
- 8. IRA, Insurance and Employee Benefits** — Charles W. Callahan, III, Chair; Rebecca C. Bell and Rachel N. Barlow, Co-Vice-Chairs
- 9. Liaisons with ACTEC** — Elaine M. Bucher, Tami F. Conetta, Jerome L. Wolf, Charles I. Nash, L. Howard Payne, and Diana S.C. Zeydel
- 10. Liaisons with Elder Law Section** — Travis D. Finchum and Marjorie E. Wolasky
- 11. Liaison with the FSGA** — Stephanie Cook
- 12. Liaisons with Tax Section** — William Lane, Brian M. Malec, and Brian C. Sparks
- 13. Liaison with Professional Fiduciary Council** — Darby Jones
- 14. OPPG Delegate** — Nicklaus J. Curley
- 15. Principal and Income** — Jolyon D. Acosta and Keith B. Braun, Co-Chairs; Susan Kubar, Vice-Chair
- 16. Probate and Trust Litigation** — R. Lee McElroy, IV, Chair; Cady L. Huss, Darren M. Stotts, and Barry Spivey, Co-Vice Chairs
- 17. Probate and Trust Problem Study Committee** - Sean W. Kelley, Chair; Shelly Wald Harris and David Akins, Co-Vice Chairs

18. **Probate Law and Procedure** — Theodore S. Kypreos, Chair; Benjamin F. Diamond, Stacey Prince-Troutman, J. Grier Pressley, III, and Michael Sneeringer, Co-Vice Chairs
19. **Trust Law** — M. Travis Hayes, Chair; Jennifer J. Robinson, Frederick “Ricky” Hearn, and Jolyon Acosta, Co-Vice Chairs
20. **Wills, Trusts and Estates Certification Review Course** — J. Allison Archbold, Chair; J. Eric Virgil and Alyse Reiser, Co-Vice Chairs

**XIV. Real Property Law Division Committees — Steven H. Mezer, Division Director**

1. **Ad Hoc 99 Year Leaseholds** — Lori E. Ward, Chair
2. **Ad Hoc Covenants Running with Land** — Robert Freedman, Chair; Jeremy Cranford, and Ellie Taft, Co-Vice Chairs
3. **Ad Hoc Fraudulent Filings** — Alan Fields, Chair
4. **Ad Hoc Redaction** — John Redding, Chair
5. **Attorney Banker Conference** — Kristopher E. Fernandez and Salome J. Zikakis, Co-Chairs; R. James “Jim” Robbins, Jr., and John Primeau Co-Vice Chairs
6. **Commercial Real Estate** — E. Ashley McRae and Alexandra D. Gable, Co-Chairs; Michael Maguire and Angelo Gasparri, Co-Vice Chairs
7. **Condominium and Planned Development Law Certification Review Course** — Alessandra Stivelman, Chair; Alan Schwartzseid and Laura Manning-Hudson Co-Vice Chairs
8. **Condominium and Planned Development** — Joel McTeague, Jennifer Bloodworth, Co-Chairs; Jordan Haynes, and Christine Ertl, Co-Vice Chairs
9. **Construction Law** — Bruce D. Partington, Chair; Jason J. Quintero, and Brett Henson, Co-Vice Chairs
10. **Construction Law Certification Review Course** — Scott P. Pence, Chair; Jason J. Quintero and Ryan Sullivan, Co-Vice Chairs
11. **Construction Law Institute** — Trevor B. Arnold, Chair; Nikki Bhavsar, and Haley R. Maple, Co-Vice Chairs
12. **Development & Land Use** — Lisa B. Van Dien, Chair; Jin Liu and Gregg Strock, Co-Vice Chairs
13. **Insurance & Surety** — Ann Q. Pollack and Debbie S. Crockett, Co-Chairs; Allison Hertz, and Reed Grimm Co-Vice Chairs
14. **Liaisons with FLTA** — Alan K. McCall, Melissa J. Murphy, Alan B. Fields and James C. Russick
15. **Liaison with American College of Real Estate Lawyers (ACREL)** — Martin A. Schwartz and William P. Sklar, Co-Liaisons
16. **Liaison with American College of Construction Lawyers (ACCL)** — George J. Meyer
17. **Liaison with Florida Realtors** — Louis “Trey” E. Goldman, III
18. **Real Estate Certification Review Course** — Lloyd Granet, and Laura Licastro Co-Chairs; Martin S. Awerbach, and Melissa Scaletta, Co-Vice Chairs
19. **Real Estate Leasing** — Christopher A. Sajdera, and Ryan J. McConnell Co-Chairs; Terrence Harvey, and Adele Stone Co-Vice Chairs
20. **Real Property Finance & Lending** — Jason M. Ellison and Nicole M. Villarel, Co-Chairs; Jeremy T. Cranford and Klarika J. Caplano, Co-Vice Chairs
21. **Real Property Litigation** — Manuel “Manny” Farach and Amanda R. Kison, Co-Chairs; Sanjay Kurian and Lindsay Moczynski, Co-Vice Chairs

- 22. Real Property Problems Study** — Susan K. Spurgeon, and Brian W. Hoffman Co-Chairs; Leonard “Len” F. Prescott, and Scott Pence, Co-Vice Chairs
- 23. Residential Real Estate and Industry Liaison** — James “Jamie” A. Marx and Kristen K. Jaiven, Co-Chairs; Rebecca L.A. Wood and Erin Miller, Co-Vice Chairs
- 24. Title Insurance and Title Insurance Industry Liaison** — Christopher W. Smart, Chair; Leonard F. Prescott, and Shannon Widman, Co-Vice Chairs
- 25. Title Issues and Standards** — Amanda K. Hersem and Lee Offir Co-Chairs; Robert M. Graham, Cynthia Manfredi, and Melissa Scaletta, Co-Vice Chairs

**XV. General Standing Committees** — *Jon Scuderi, Chair-Elect*

- 1. Ad Hoc Committee on Judgment Liens** — Brian J. Felcoski, Chair
- 2. Ad Hoc Protocols** — Stacy O. Kalmanson, Chair; Colleen C. Sachs and Rachel Barlow, Co-Vice Chairs
- 3. Ad Hoc Rules Revisions** — Thomas M. Karr, J. Richard Caskey, and Shawn G. Brown Co-Chairs
- 4. Ad Hoc TODI (Transfer on Death Instrument f/k/a RTODD)** — Christopher W. Smart and Alan S. “Steve” Kotler, Co-Chairs; Rebecca Wood, Vice Chair
- 5. Amicus Coordination** — Gerald B. Cope, Jr., Robert W. Goldman and John W. Little, III, Co-Chairs; J. Grier Pressly, III and Brian Hoffman, Co-Vice Chairs
- 6. Budget** — Angela M. Adams, Chair; Tae K. Bronner, Linda S. Griffin, and Alfred J. Stashis, Jr., Co-Vice Chairs
- 7. Communications** — Michael V. Hargett, Chair; Laura K. Sundberg, Vice Chair
- 8. CLE Coordination** — Nicklaus Curley and Michael V. Hargett, Co-Chairs; Robert Lancaster, Tattiana Stahl, Amanda R. Kison, Silvia B. Rojas, Christopher A. Sajdera, and John Cerneski, Co-Vice Chairs
- 9. Convention Coordination** — Stacy O. Kalmanson and Tae K. Bronner, Co-Chairs
- 10. Disaster and Emergency Preparedness and Response** — Colleen C. Sachs, Chair; Amy B. Beller, Michael A. Bedke, and Daniel Siegel, Co-Vice Chairs
- 11. Fellows** — Bridget M. Friedman, Chair; Taniquea C. Reid, Jeanette Mora, and Julia Jennison, Co-Vice Chairs
- 12. History** — Michael P. Stafford, Chair; E. Burt Burton, Jr. and Frederick W. Jones, Co-Vice Chairs
- 13. Homestead Issues Study** — Jeffrey A. Baskies, Chair; Jeremy T. Cranford, E. Burt Bruton, Jr., and Shane Kelley, Co-Vice Chairs
- 14. Information Technology** — Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs
- 15. In House Counsel Committee** — Lisa B. Ban Dien, Chair
- 16. Law School Outreach** — Kymberlee C. Smith, Chair; Jacqueline Marzan and Sandy Boisrond, Co-Vice Chairs
- 17. Legislation** — S Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich McIver, M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs
- 18. Legislative Update** — Salome J. Zikakis (RP) and Gutman Skrande (PT), Co-Chairs; Jennifer S. Tobin (RP), Terrence L. Harvey (RP), Jeffrey S. Goethe (PT), Brad Weiss (RP), and Andrew Sasso (PT), Co-Vice Chairs
- 19. Liaison with:**

- a. **American Bar Association (ABA)** — Robert S. Freedman, George J. Meyer, and Julius J. Zschau
- b. **Business Law Section** — Manuel Farach
- c. **Clerks of Circuit Courts** — Zachary T. Zuroweste
- d. **FLEA / FLSSI** — David C. Brennan and Roland D. Waller
- e. **Florida Bankers Association** — Robert G. Stern
- f. **Judiciary** — Ret. Judge Hugh D. Hayes, Judge Mark A. Speiser, Judge Michael Rudisill, and Judge Kenneth Gillespie
- g. **Out of State Members** — John E. Fitzgerald, Jr. and Nicole C. Kibert Basler
- h. **TFB Board of Governors** — Paige A. Greenlee
- i. **TFB CLE Committee** — Nicklaus Curley and Michael V. Hargett
- j. **TFB Council of Sections** — Wm. Cary Wright, Jon Scuderi, and Steven H. Mezer
- k. **TFB Pro Bono Legal Services** — Lorna E. Brown-Burton

**20. Long-Range Planning** — Jon Scuderi, Chair

**21. Meetings Planning** — George J. Meyer, Chair; Scott Pence and Tae K. Bronner, Co-Vice-Chairs

**22. Membership** — Lawrence J. Miller, Chair; Shayla M. Johnson-Mount, Eryn E. Riconda, and Michael Sneeringer, Co-Vice Chairs

**23. Model and Uniform Acts** — Patrick J. Duffey and Amber E. Ashton, Co-Chairs; Michael A. Bedke and Cullen I. Boggus, Co-Vice Chairs

**24. Professionalism and Ethics** — Alexander B. Dobrev and Laura K. Sundberg, Co-Chairs; Elizabeth A. Stoops, Ret. Judge Celeste H. Muir, and Hardy Roberts, Co-Vice Chairs

**25. Publications ActionLine** — Erin F. Finlen and Michelle G. Hinden, Co-Chairs; Alexander S. Douglas, II, Gregg I. Strock, Seth R. Kaplan, Daniel L. McDermott, Paul E. Roman, and Lisa Van Dien, Co-Vice Chairs

**26. Publications Florida Bar Journal** — J. Allison Archbold (PT) and Homer Duvall, III (RP), Co-Chairs; Marty J. Solomon, Jonathan A. Galler, Jack A. Falk, and Eryn E. Riconda, Co-Vice Chairs

**27. Sponsor Coordination** — Rebecca C. Bell, Chair; Marsha G. Madorsky, J. Michael Swaine, Cullen I. Boggus, Silvia B. Rojas, and Chris Smart, Co-Vice Chairs

**28. Strategic Planning Implementation** — Robert S. Freedman, William T. Hennessey, III, Robert S. Swaine, Sarah S. Butters, and John Moran, Co-Chairs

**XVI. New Business**

**XVII. Adjourn**

Motion to Adjourn.

**The Real Property, Probate and Trust Law Section  
Minutes of the Executive Council Meeting  
The Four Seasons, Orlando, Florida  
Saturday, December 6th, 2025**

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**I. Presiding – *Wm. Cary Wright, Chair***

The Chair called the meeting to order at approximately 9:45 a.m.

**II. Secretary's Report – *Wilhelmina Kightlinger, Secretary***

1. Secretary, Wilhelmina Kightlinger, presented the Minutes of the August 23rd, 2025, meeting of the Executive Council held at The Breakers, Palm Beach, FL for approval. A motion to approve those Minutes was made and seconded. The motion PASSED unanimously.

2. The Executive Council Attendance Roster for 2025-2026 was circulated.

a. The Secretary reminded Council members of the attendance requirements in the Section's Bylaws, i.e.,:

RPPTL Section Bylaws, Article V, Section 4 states in relevant part, “. . . if any past section chair is absent from 10 consecutive in-state executive council meetings, or if any other member of the executive council fails to attend at least 2 in-state executive council meetings in-person in any membership year, the member is deemed to have resigned from the executive council, and any section office or position held by that person is deemed vacant.”

b. The Secretary also asked Executive Council members to please review the Attendance Roster and either make a note of any corrections on the Roster or send an e-mail message identifying requested corrections.

3. The Secretary presented the minutes for the Interim Executive Committee Meetings held October 17<sup>th</sup> and November 18<sup>th</sup>.

**III. Chair's Report — *Wm. Cary Wright, Chair***

1. The Chair recognized and thanked the Section's Platinum, Gold, and Silver Sponsors, as well as the Section's App Sponsor. During the course of the meeting, the Chair invited the following Sponsor representatives to briefly address the Council:

Shannon Widman - The Fund

Todd Jones - Real Advice

Amber Ashton - Old Republic Title

Joe Tschida – WFG National Title Insurance

Gary Marshall - Stout Risius Ross Inc.

Richard DeNapoli - Coral Gables Trust

Carlos Batlle – JP Morgan

Cynthia Manfredi - FNF Family of Companies

Laura Licastro - Westcor Land Title Insurance Company

Ashley McRae – Stewart Title Guaranty Company

Lee Offir - Title Resources  
John Celmer – Leap Legal Software  
Travis Finchum - Guardian Trust – Travis gave an update as the liaison with the Elder Law Section as well.  
Len Prescott – First American Title

2. Milestones:

Elizabeth "Liz" Hughes – Elected as a new ACTEC Fellow at the Fall 2025 Meeting in Austin, TX

Michael Sneeringer – Elected as a new ACTEC Fellow at the Fall 2025 Meeting in Austin, TX

Mike Bedke – Honored by the Skyes College of Business as a recipient of the 30th Annual Tampa Bay Ethics Award

Bill Sklar – Elected President Elect of ACREL. Bill recognized the Executive Council members who are ACREL Fellows and noted that ACREL is the pre-eminent organization for real estate practitioners nationwide and looks forward to continuing the strong relationship between the Section and ACREL.

Arlene Udick – Sumter County Legal Services Pro Bono award

Cary and the entire Executive Council sang Happy Birthday to Chip Waller.

3. The Chair reported the following Interim Actions of the Executive Committee:

a. Renewal of the Cvent Contract.

4. The Chair reviewed the Executive Council Meeting schedule for the 2025-2026 year.

5. General Comments of the Chair – The Chair thanked the Executive Committee, Hilary, and Jeremy for their hard work and reminded everyone that communications should go to the appropriate Division Chair first who will then elevate the issue to Hilary if needed.

**IV. Board of Governors Report – Paige A. Greenlee, Liaison**

Paige reported that the December meeting ended yesterday in Orlando. Chief Justice Muniz joined the meeting and gave an update on the Court including the departure of Justice Canady. Approved recommendations to the Florida Realtor Committee. Committee appointments for standing committees of the Florida Bar are open now; applications are due January 15<sup>th</sup>. Next BOG meeting will be January 21-23, 2026 in Tallahassee.

**V. Chair-Elect's Report – Jon Scuderi, Chair-Elect**

The Chair-Elect reviewed the 2026-2027 Executive Council Meeting Schedule and noted registration is open for the Out-of-State meeting to Alaska.

**VI. Treasurer's Report – Angela M. Adams, Treasurer**

Statements of Financial Condition through October 31, 2025, in the Agenda package. Angela noted for the Council that the financials do not reflect significant liabilities for hotel contracts and other matters.

The cost to provide for Zoom attendance at this meeting was \$492.09.

**VII. Director of At-Large Members Report – Brenda B. Ezell, Director**

Brenda announced that the nomination and renomination applications for ALMs are available on the website and are due December 12, 2025.

Colleen Sachs reported a “revamp” of the ALMs webpage with the assistance of Sylvia Rojas. They are leading a group of ALMs who are charged with reviewing and updating the entire website for the Section to make it more usable for the members.

Sylvia Rojas reported on the Law School Enrichment subcommittee that supports the Law School Outreach Committee. Several events in the fall and more planned for the Spring. Volunteers available for speakers as well. Noted the mentorship program for law students and asked anyone interested in being a mentor to let her or Jackie Marzan know. Information is available on the ALMs website.

Rebecca Wood reported for Richard Warner who has created a shadow program for undergraduate students who may have an interest in law and asked the attendees to contact her or Richard with any interest in providing shadowing opportunities.

**VIII. CLE Seminar Coordination Report – Michael V. Hargett (Real Property) and Nicklaus J. Curley (Probate & Trust), Co-Chairs**

Mike Hargett recognized the chairs and co-chairs of the Section’s Board Certification Review courses and their efforts on behalf of the Section.

**IX. Legislation Committee Report – Lee A. Weintraub (Real Property) and S. Dresden Brunner (Probate & Trust), Co-Chairs**

Lee noted the activity prior to the upcoming legislative session and reminded the Council members that the Section needs quick and timely responses when asked for technical advice or review of proposed legislation. Lee informed the Council that due to the Section calendar, any proposed legislative positions for 2027 Session must be an Action Item at The Breakers, which means that the position must be an Information Item by the next meeting in Port Charlotte in January, 2026, which is in approximately 6 weeks.

**X. General Standing Committees Report – Jon Scuderi, Chair-Elect**

*Action Items:*

- A. **Budget Committee** – Angela M. Adams, Chair; Tae K. Bronner, Linda S. Griffin,<sup>12</sup> and Alfred J. Stashis, Jr., Co-Vice Chairs

Committee Motion to approve the RPPTL Section Budget Fiscal Year 2026-2027. The motion passed unanimously.

Angela referred the Council to the report of the Excess Funds Committee in the Agenda. The committee recommended that excess funds balance be considered by the Budget Committee each year during the budgeting process for special projects, which are intended to be single, discrete long-term projects that benefits the Section or is within the purview of the Section (e.g., set up of new Section website). Proposal must be in writing from Executive Council members.

Executive Council approval required for expenditures; cannot be approved by the Executive Committee in lieu of the Executive Council. Special Projects line item for 2026-2027 Bar year is \$200,000 (as reflected on the Summary page of the proposed Budget). Once a special project is approved, there will need to be a budget amendment to place the funds in the appropriate line item.

B. **Legislation Committee** – S Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich McIver, M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs – Addressed in the Real Property Division report.

*Information Items:*

A. **Liaison to the Florida Bar Pro Bono Legal Services** – *Lorna E. Brown-Burton* – no report.

B. **Ad Hoc Judgment Liens Committee** – Brian J. Felcoski, Chair, reported on the formation and charge of the committee and recognized the committee members.

C. **In-House Counsel Committee** – Lisa Van Dien, Chair, reported on the formation of the committee and requirements for membership.

D. **Legislation Committee** – S. Dresden Brunner (PT) and Lee A. Weintraub (RP), Co-Chairs; Arthur J. Menor (RP), Stacey Kalmanson (RP), Rich McIver, M. Travis Hayes (PT), Benjamin F. Diamond (PT), Stephanie Cook (PT), Co-Vice Chairs

Dresden reported on the renewal of the Section's legislative positions which is required every 2 years. The Legislation Committee recommends renewal of all the Legislative position other than the following:

2. Removal of Section Positions:
  - a. 1 (f): "Probate, Trust & Guardianship / Estate Planning"
    - f. Supports proposed legislation which would amend Section 117.201, Florida Statutes, to create a definition of "witness" (when used as a noun) for purposes off remote online notarization and witnessing of electronic documents.
  - b. 4(h): "Probate, Trust & Guardianship / Trust"
    - h. Support revisions to the Florida Community Property Trust Act (Sections 736.1501, et al., of the Florida Statutes) to fix language in the definitional section of the Act that was inadvertently included during the bill-drafting process for the original Act (Section 736.1502(1)); to clarify that the Act applies to express trusts created, amended, restated, or

modified after July 1, 2021 (Section 736.1502(2)); and to clarify that the transfer of homestead property to a Florida Community Property Trust is not a change of ownership for purposes of Chapter 193 and does not trigger a reassessment of the value of the property (new Section 736.151(3)). [Added 9/20/2024]

c. 13(c) “Real Property / Property Rights”

c. Supports legislation to provide a statutory definition for ejectment actions, provide for jurisdiction in the circuit courts for such actions, eliminate any ambiguity over whether pre-suit notice is required in such actions, and update the language in the existing ejectment statute.

E. History – Michael Stafford Chair, Burt Bruton, Fred Jones, Co-Vice Chairs

David Brennan noted that he has been on the Executive Council for 50 years. David presented on the history of the Section Directory, the Section's strong relationship with the Florida Bar, and the formation of FLEA and FLSSI, and the Council of Sections.

F. Information Technology Committee – Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs

Alex Dobrev reported on priorities of the committee to modernize the website, upgrade the listserv, and focus on improving volunteer usability and communication reliability.

**XI. Probate and Trust Law Division Report** – *Sancha K. Brennan, Division Director*

*Action Items:* None

*Information Items:*

A. Trust Law Committee – M. Travis Hayes, Chair; Jennifer J. Robinson, Frederick “Ricky” Hearn, and Jolyon Acosta, Co-Vice Chairs

1. Report from subcommittee on pretermitted children – Jeffrey S. Goethe discussed the proposed legislation, white paper and Section position request supporting a proposed motion to support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust. This proposed motion will be an Action Item at the upcoming meeting in Port Charlotte.
2. Report from the subcommittee reviewing the potential invalidity of spendthrift provisions – Beau Trudeau discussed legislation and white paper in the Agenda to support a proposed legislative position to revise Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard.

**XII. Real Property Law Division Report** – *Steven H. Mezer, Division Director*

*Action Item:*

A. **Florida Realtor-Attorney Joint Committee** – Colleen Sachs and Lori Ward

1. Colleen and Lori reviewed the proposed amendments to FR-Bar Contract Forms approved by the Florida Realtor/Attorney Joint Committee (the “Committee”):
  - a. *Paragraph 18, Standard I(iii)*: Previously, this subsection dealt with the FinCEN Geographic Targeting Orders and the buyer’s agreement to comply with Closing Agent requests to produce documents and information necessary to allow for compliance with the GTOs. In anticipation of the GTOs being replaced by the Residential Real Estate Reporting Rule (the “RE Rule”) on March 1, 2026, the Committee has revised this language to address both parties’ obligation to comply with Closing Agent requests related to the RE Rule. The Committee closely followed the language recommended by ALTA for this purpose.
  - b. *Paragraphs 16 & 17: In the Pesantes v. Kelley case* (2025 WL 611399, Fla. 3d DCA Feb. 26, 2025), the Court held that “the Contract specifically limits fee entitlement to the prevailing party in lawsuits ‘permitted’ by the Contract,” denying an award of attorney’s fees to a prevailing seller because the parties did not mediate their dispute prior to the buyer bringing the lawsuit – a contract requirement which the Court determined was a condition precedent to the litigation being “permitted” under the contract. The Court went on to say that if the drafters of the contract wanted a broader fee entitlement provision, the drafters would have used broader “arising out of” language. The Committee does not agree with the Court’s interpretation of the drafters’ intent, and these revisions are designed to clarify that intent, to wit: prevailing party attorney’s fees should be permissible in any action arising out of or related to the contract; and only disputes over Deposits (as defined in the contract) should be subject to the mandatory mediation requirement.
  - c. *Paragraph 18, Standard F (with related changes to Paragraph 3 and Paragraph 18, Standard K)*: According to Florida Realtors and many of the Realtor members on the Committee, questions about how to compute time periods are the most frequently encountered

issues on both the Florida Realtors Legal Hotline and in practice. In addition to clarifying uncertainty about how to calculate the time period when it must be calculated backwards (example: “at least five days prior to closing”), these revisions are intended to provide clear guidance on how to calculate time periods and deadlines throughout the contract, as well as to define “holidays” in accordance with federal law.

- d. *Rider EE. PACE*: A statutory change requires changes to this rider. Property Assessed Clean Energy (PACE) programs are now referred to as “qualifying improvements.” References to energy efficiency, renewable energy, and wind resistance have been removed.
  - i. CR-6\_EE committee approved October 9, 2025
  - ii. Default provisions only - committee approved August 14, 2025
  - iii. Standard F and related changes - committee approved August 14, 2025
  - iv. FinCEN Real Estate Reporting Rule - Para 18(I)(iii) - committee approved August 14, 2025

The proposed revisions were approved by the Committee for release on December 31, 2025, with the caveat that the revisions to Paragraph 18, Standard I(iii) will not be part of the published changes until the FinCen rule becomes effective, if at all.

## 2. Motion:

Move that the Executive Council of the Real Property, Probate and Trust Law Section of The Florida Bar approves and recommends that The Florida Bar approve the proposed revisions to Paragraph 18, Standard I(iii); Paragraphs 16 & 17; and Paragraph 18, Standard F (with related changes to Paragraph 3 and Paragraph 18, Standard K) in both the standard and AS-IS versions of the FR-Bar Residential Contract for Sale and Purchase forms, and Rider EE, as presented to the Executive Council at its meeting on December 6, 2025, for release and publication on December 31, 2025, with the caveat that the Joint Committee is authorized to withhold the revisions to Paragraph 18, Standard I(iii) from

such publication until such time, if at all, the FinCEN Residential Real Estate Reporting Rule takes effect, without further action by the Executive Council of the Real Property, Probate and Trust Law Section of The Florida Bar or The Florida Bar.

Friendly amendment – Kristene Javien proposed a friendly amendment for release and publication on a schedule coordinated with Florida Realtors. Michael Gelfand proposed a friendly amendment to tie release and publication to a date determined by the Executive Committee.

Fred Jones expressed concern that proposed changes were not submitted to the Section at large as was tradition. Language regarding interpleader has not been vetted by the Real Property Litigation Committee. Mr. Jones also expressed concern about the proposed amendment regarding calculation of time. Propose moving forward with FinCen and EE Rider change and tabling the remainder of the motion.

Michael Gelfand spoke on the changes to the dispute resolution provisions making mediation mandatory for deposit disputes and moved several proposed changes to the proposed language. Nick Curley seconded Michael's motion. After a vote 34 in favor and 32 opposed, the motion to change the language passed.

The Committee withdrew the motion, so no action was taken.

**B. Real Property Problems Study Committee – Susan K. Spurgeon, and Brian W. Hoffman Co-Chairs; Leonard “Len” F. Prescott, and Scott Pence, Co-Vice Chairs**

1. In response to SB 116, the Real Property Problems Study Committee moved to:

a. Oppose any legislation which unreasonably constrains, in any way, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated, to convey property or an interest therein.

b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.

c. Oppose any legislation which sets requirements for the witnesses to any instrument which conveys real property or an interest therein which requirements apply

only to transactions where the grantor is a natural person who has reached or surpassed a certain age.

Committee floor substitution as follows:

a. Oppose any legislation which places unreasonable constraints on a natural person, in his or her individual or representative capacity, who is legally an adult and not adjudicated as incapacitated from entering into any agreement or executing any instrument, including, but not limited to those which convey real property or any interest therein and estate planning documents.

(i) Motion by Dresden Brunner to add “or effectuating” after “entering into any agreement or executing”. Seconded by Lee Weintraub. Amendment passed.

b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.

c. Oppose any legislation which sets unreasonable requirements for the witnesses to any instrument that conveys real property or an interest therein. This position does not apply to a will or trust.

(i) Motion by Larry Miller to delete the last sentence: “This position does not apply to a will or trust.” Seconded by Steve Mezer. Amendment passed unanimously.

d. Find within the Section’s purview and to expend funds to support the position.

Being a committee motion, it needs no second. Motion passed as amended, to read as follows:

a. Oppose any legislation which places unreasonable constraints on a natural person, in his or her individual or representative capacity, who is legally an adult and not adjudicated as incapacitated from entering into any

agreement or executing or effectuating any instrument, including, but not limited to those which convey real property or any interest therein and estate planning documents.

- b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.
- c. Oppose any legislation which sets unreasonable requirements for the witnesses to any instrument that conveys real property or an interest therein.

The Executive Council considered a motion from the Legislation Committee Motion regarding SB 120 at the same time to:

- a. Oppose any legislation which constrains, in any way, based on the age of the grantor, the ability of any natural person who has reached the age of majority or otherwise had the disability of nonage removed, and has not been adjudicated as incapacitated to,
  - (i) enter into an agreement that impairs his or her rights or
  - (ii) execute documents transferring or waiving rights, including, but not limited to, conveyances, encumbrances, contracts, wills, trusts, powers of attorney, advance directives, declarations of preneed guardian unless such legislation does not infringe on a person's right to contract based solely upon age, or create burdensome conditions for elderly or disabled persons to enter into an otherwise valid contract, or violate the Excessive Fines Clause, Equal Protection and Due Process Clauses of the U.S. and Florida Constitutions.
- b. Oppose any legislation which includes defined terms that conflict with the definitions contained in Chapters 393, 415, 709, 744 and 825, Florida Statutes.

**Committee floor substitution as follows:**

Oppose any legislation which places unreasonable constraints on a natural person, in his or her individual or representative capacity, who is legally an adult and not adjudicated as incapacitated from entering into any agreement or executing any instrument, including, but not limited to those which convey real property or any interest therein and estate planning documents.

- c. Find within the Section's purview and to expend funds to support the position.

Being a committee motion, it needs no second. Motion passed.

*Information Items:*

**A. Condominium and Planned Development Committee – Joel McTeague, Jennifer Bloodworth, Co-Chairs; Jordan Haynes, and Christine Ertl, Co-Vice Chairs**

Jennifer Bloodworth presented on a proposed legislative position in opposition to legislation (i) imposing mandatory, universal “Kaufman Language” on community associations subject to Chapters 718, 719, or 720, Florida Statutes, (ii) requiring community associations subject to Chapters 718, 719, or 720, Florida Statutes to amend their governing documents to adopt universal “Kaufman Language”, and (iii) requiring any governing document of a newly created community association subject to Chapters 718, 719, or 720, Florida Statutes to contain universal “Kaufman Language” as a condition of approval of the governing document. She referred the Executive Council to the proposal and White Paper included in the Agenda.

**XIII. New Business - None**

**XIV. Adjourn**

Meeting adjourned at approximately 12:10 pm

Respectfully submitted by:

*Wilhelmina F. Kightlinger*

Secretary, RPPTL Section

**ATTENDANCE ROSTER**  
**REAL PROPERTY PROBATE & TRUST LAW SECTION**  
**EXECUTIVE COUNCIL MEETINGS**

Executive Council Members	Division		8/23/25 Breakers	12/6/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	Comments
	R	P						
Archbold, J. Allison		PT	✓					
Arnold, Casey		PT	✓					
Aron, Jerry E. <b>Past Chair</b>	RP							
Awerbach, Martin S.	RP		✓					
Ballaga, Raul	RP			✓				
Barlow, Rachel N.		PT	✓					
Baskies, Jeffrey A.		PT	✓					
Beales, III, Walter R. <b>Past Chair</b>	RP		✓					
Bell-Alexander, Darlene	RP		✓					
Bild, Tara Rao		PT	✓					
Boston, Wiley	RP			✓				
Braun, Keith Brian		PT	✓	✓				
Brenes-Stahl, Tattiana		PT		✓				
Bronner, Tae K.		PT	✓					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	COMMENTS
	R	P						
Bucher, Elaine M.		PT	✓					
Busey, Lauren	RP			✓				
Butters, Sarah <b>Past Chair</b>		PT	✓					
Caplano, Klarika	RP			✓				
Cazobon, Denise B.		PT	✓					
Coleman, Jami A.		PT	✓					
Conetta, Tami F.		PT	✓					
Cope, Jr., Hon. Gerald B.	RP		✓					
Cornett, Jane Louise	RP							
Crockett, Debbie	RP			✓				
Cummins, Amanda C.		PT						
Dobrev, Alexander B.	RP		✓					
Dribin, Michael <b>Past Chair</b>		PT	✓					
Duffey, Patrick J.		PT		✓				
Felcoski, Brian J. <b>Past Chair</b>		PT	✓					
Finlen, Erin F.		PT	✓					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	Comments
	R	P						
Freedman, Robert (Rob) <b>Past Chair</b>	RP		Z					
Friedman, Bridget	RP							
Friedman, Jesse B.		PT						
Gabel, Alexandra	RP							
Galler, Jonathan A.		PT						
Gasparri, Angelo J.	RP				✓			
Goldman, Robert W. <b>Past Chair</b>		PT			✓			
Goodall, Deborah P. <b>Past Chair</b>		PT	✓					
Graham, Robert M.	RP				✓			
Grimm, Reed	RP				✓			
Grimsley, John G. <b>Past Chair</b>		PT						
Guttmann, III, Louis B <b>Past Chair</b>	RP							
Harvey, Terrance L.	RP		✓					
Hearn, Steven L. <b>Past Chair</b>		PT			✓			
Hipsman, Mitchell Alec		PT			✓			
Hoffman, Brian W.	RP				✓			

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	COMMENTS
	R	P						
Ispphording, Roger O. <b>Past Chair</b>		PT						
Jennison, Julia A.	RP		✓					
Johnson-Mount, Shayla	RP							
Jones, Darby		PT		✓				
Kaplan, Seth		PT		✓				
Karr, Thomas M.		PT						
Kayser, Joan B. <b>Past Chair</b>		PT						
Kibert-Basler, Nicole	RP		Z					
Kinsolving, Ruth Barnes <b>Past Chair</b>	RP							
Kirkland, Robert K.		PT		✓				
Koren, Edward F. <b>Past Chair</b>		PT						
Kurian, Sanjay	RP		Z					
Lancaster, Robert		PT		✓				
Lebowitz, Sean		PT	✓					
Little, III, John W.	RP		Z					
Maguire, Michael	RP		✓					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	COMMENTS
	R	P						
Marger, Bruce <b>Past Chair</b>		PT						
Marx, James A.	RP		✓					
McCall, Alan K.	RP							
McDermott, Daniel		PT	✓					
McElroy, IV, Robert Lee		PT		✓				
McIver, Richard S.	RP			✓				
McRae, Ashley E.	RP			✓				
Menor, Arthur J.	RP							
Meyer, George F. <b>Past Chair</b>	RP							
Miller, Erin M.	RP		✓					
Moczynski, Lindsay	RP		✓					
Mora, Jeanette		PT	Z					
Naples, David D., Jr.			✓					
O'Malley, Andrew M. <b>Past Chair</b>	RP							
Papanikos, Cristina		PT	✓					
Payne, L. Howard		PT						

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	COMMENTS
	R	P						
Price, Pamela O.		PT						
Primeau, John	RP							
Redding, John N.	RP		✓					
Reiser, Alyse M.		PT	✓					
Riconda, Eryn E.		PT	✓					
Roberts, III, Hardy L.	RP		✓					
Robinson, Jennifer		PT	Z					
Romano, Antonio		PT	✓					
Rubin, Jenna		PT	Z					
Sasso, Andrew B.		PT	Z					
Scaletta, Melissa	RP		✓					
Schwartz, Martin A.	RP							
Seigel, Daniel A.		PT	✓					
Sheets, Sandra G.		PT		✓				
Skrande, Gutman	RP							
Smart, Christopher W.	RP		✓					

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	Comments
	R	P						
Smith, Kymberlee C.	RP			✓				
Smith, G. Thomas <b>Past Chair/Hon. Member</b>	RP							
Solomon, Marty J.	RP							
Sparks, Brian C.		PT	✓					
Speiser, Hon. Mark A.			✓					
Spivey, Barry F.		PT	✓					
Stern, Robert G.	RP		✓					
Stivelman, Alessandra	RP		✓					
Stone, Bruce M. <b>Past Chair</b>		PT						
Strock, Gregg	RP							
Swaine, J. Michael <b>Past Chair</b>	RP			✓				
Swaine, Robert S. <b>Past Chair</b>	RP							
Taulbee, Kimberly M.	RP		✓					
Thornton, Kenneth E. "Kip"	RP		✓					
Trudeau, Robert H. "Bo"		PT		✓				
Virgil, J. Eric		PT						

Executive Council Members	Division		8/23/25 Breakers	12/7/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra	COMMENTS
	R	P						
Wan, Alyssa Razook		PT	✓					
Warner, Richard		PT						
Williams, Margaret A.	RP			✓				
Williamson, Julie Ann <b>Past Chair</b>	RP		✓					
Wolf, Jerome L.		PT	Z					
Zeydel, Diana S.C.		PT	Z					
Zikakis, Salome J.	RP		✓					
Zuroweste, Zack		PT	✓					

YELLOW = ISSUES ALREADY

Fellows	Division		8/23/25 Beakers	12/3/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Bailey, Camille	RP		✓	✓			
Crain-Evans, Emily		PT	✓	✓			
Kolyesnik, Lyudmyla		PT	✓				
Stubbs, Mellissa		PT	✓	✓			

Super, Lisa	RP		✓	✓			
Thomas, Jennifer		PT	✓	✓			
Valencia, Arienne		PT	✓	✓			

Legislative Consultants	Division		8/23/25 Beakers	12/3/25 Orlando	1/31/26 Charlotte Harbor	4/24/26 Budapest	5/30/26 Ponte Vedra
	R	P					
Brown, French	RP		✓				
Dunbar, Marc							
Dunbar, Peter M.	RP		✓				
Edenfield, Martha Jane		PT	✓	✓			

## **RPPTL EXECUTIVE COMMITTEE MEETING MINUTES**

Friday, December 19th, 2025, via Zoom

### **Present:**

Cary Wright  
Jon Scuderi  
Mike Hargett  
Steve Mezer  
Willie Kightlinger  
Lee Weintraub  
Dresden Brunner  
Angela Adams  
John Moran  
Nick Curley  
Sancha Brennan  
Brenda Ezell

### **Absent:**

None

**I. CALL TO ORDER.** The Chair, Cary Wright, called the meeting to order at approximately 9:30 a.m.

**II. EXECUTIVE COUNCIL MEETING – SUNSEEKER RESORT– Cary Wright**

Cary noted that Agenda items for the meeting must be sent to him and Hilary by January 9<sup>th</sup>.

Cary reviewed the schedule of and events at the meeting. The first hour of the Thursday Welcome Reception will be a joint reception with BLS who are meeting at the resort at the same time.

**III. HOSTING FLORIDA SUPREME COURT JUSTICES AT EXECUTIVE COUNCIL MEETINGS – Cary Wright**

Cary reported that he extended an invitation to the Florida Supreme Court Justices to the Executive Council meeting at the Four Seasons and the Sunseeker Resort and has not received a response.

#### **IV. CONFORMING LEGISLATIVE POSITIONS FOR SB 120 AND SB 116 – Dresden Brunner**

Dresden reviewed the legislative positions that were passed during the Executive Council meeting at the Four Sessions. There is a technicality in that the second position passed (re: SB 120) did not receive a friendly amendment from the floor to add the words “or effectuating” that were added into SB 116 (from an amendment from the floor). The reason was the absence of time in which to do so, not any substantive reason. Given that the positions are substantially similar as to those provisions, and the Executive Council approved the position for SB 116, the Legislation Committee requests that the Executive Committee conform the position for SB 120 to add the words “or effectuating” that were added into SB 116.

##### **SB 116-related Position that passed:**

- a. Oppose any legislation which places unreasonable constraints on a natural person, in his or her individual or representative capacity, who is legally an adult and not adjudicated as incapacitated from entering into any agreement or executing or effectuating any instrument, including, but not limited to those which convey real property or any interest therein and estate planning documents.
- b. Oppose any legislation which, absent an order from a Court having jurisdiction over the matter, delays or prohibits the Clerks of Court from recording an instrument which conveys real property or an interest therein.
- c. Oppose any legislation which sets unreasonable requirements for the witnesses to any instrument that conveys real property or an interest therein.

##### **SB 120-related Position that passed:**

Oppose any legislation which places unreasonable constraints on a natural person, in his or her individual or representative capacity, who is legally an adult and not adjudicated as incapacitated from entering into any agreement

or executing any instrument, including, but not limited to those which convey real property or any interest therein and estate planning documents.

Steve Mezer seconded the motion. The motion passed unanimously.

#### **V. SECTION WEBSITE UPDATE – Brenda Ezell**

Brenda reported that Colleen Sachs is leading a committee of ALMs that will do a deep dive review of the website. Brenda anticipates the committee will have a report for the Sunseeker meeting. Angela reminded the group that we are looking at new website providers to ensure that the work of the committee will translate to a new platform. Brenda confirmed that the updated website will be migrated to the new platform. Jon reported that the Technology committee favors updating and cleaning up the website prior to migration. Mike raised concerns that we ensure data is maintained to respond to public records requests. Brenda will confirm that the data will be maintained properly to respond to such requests.

#### **VI. CONTRACT RENEWAL PROTOCOL – Steve Mezer**

Steve reviewed the protocol submitted to the Executive Committee attached hereto. Cary asked the Committee to review the proposal and provide any comments to Steve. Steve will route to Hilary for review and comment as well.

#### **VII. UPCOMING EXECUTIVE COUNCIL MEETINGS – Cary Wright**

Cary reminded the Committee of the dates for the upcoming meetings.

#### **VIII. NEW BUSINESS**

- A. Workgroup on Uncontested Probate Proceedings – Cary reported on a request from Chief Justice Muniz to collaborate with the Workgroup on Uncontested Probate Proceedings within the Judicial Management Counsel to develop CLE materials to educate the Section members on the Workgroup's Final Report and Recommendations.
- B. The Committee discussed ways to restructure the Executive Council meeting agenda to ensure there is time to fully address substantive matters in the agenda.
- C. The Committee reviewed the process for committees to propose legislative positions and the role of the Legislative Committee.
- D. Mike reported on a CLE committee request to audio record a history presentation at the Commercial Law Committee for a podcast. The Executive

Committee discussed how to allow recording presentations without recording the committee meeting.

**XII. MEETING ADJOURNED.** Cary adjourned the meeting at approximately 10:45 a.m.

## RPPTL EXECUTIVE COMMITTEE MEETING MINUTES

Friday, January 13<sup>th</sup>, 2026, via Zoom

### **Present:**

Cary Wright  
Jon Scuderi  
Mike Hargett  
Steve Mezer  
Willie Kightlinger  
Lee Weintraub  
Dresden Brunner  
Angela Adams  
John Moran  
Sancha Brennan  
Brenda Ezell

### **Absent:**

Nick Curley

- I. **CALL TO ORDER.** The Chair, Cary Wright, called the meeting to order at approximately 10:05 a.m.
- II. **SPECIAL GUEST – Hilary Stephens**
- III. **EXECUTIVE COUNCIL MEETING – SUNSEEKER RESORT– Cary Wright**

Cary reviewed the schedule of and events at the meeting. The first hour of the Thursday Welcome Reception will be a joint reception with BLS who are meeting at the resort at the same time.

- IV. **2026-2027 SECTION PREFERENCE FORM – Cary Wright**

The Executive Committee discussed the process for conveying Section preferences for liaisons:

- A. Board of Governors Liaison Preferences (1st/2nd/3rd choice)

- B. Continuing Legal Education Committee Representative (Rep & Alternate)
- C. Council of Sections Representatives (Delegate & Alternate)
- D. **Submission deadline: Monday, February 19, 2026.**

**V. PROBATE WORKSHOP – Cary Wright**

Cary reported that Nick Curley is working on a response to the Florida Supreme Court's request for probate workshops and is putting together the CLE programs that the Supreme Court specifically required.

**VI. HOSTING FLORIDA SUPREME COURT JUSTICES AT EXECUTIVE COUNCIL MEETINGS – Cary Wright**

Cary reported that he extended an invitation to the Florida Supreme Court Justices to the Executive Council meeting at the Sunseeker Resort and has not received a response.

**VII. NOMINATIONS FOR THE WM. M. HOEVELER JUDICIAL PROFESSIONALISM AWARD - Cary Wright**

Cary noted that the deadline for submission for nominations is Friday, February 6, 2026. The Executive Committee discussed nominating Judge Spizer for the award. The award may require judges in active service. Sancha volunteered to research the requirements and report back to the Executive Committees.

**VIII. SUNSEEKER MEETING AGENDA REVIEW: Cary Wright**

**a. General Standing Committee – Jon Scuderi**

- i. Action Items – None
- ii. Information Items:
  - 1. Fellows – Bridget M. Friedman, Chair; Taniquea C. Reid, Jeanette Mora, and Julia Jennison, Co-Vice Chairs
  - The Executive Committee discussed the timing for application and selection of Fellows. Jon Scuderi will follow

up with Bridget to ensure that the timeline is moved up as previously discussed so that we have more applicants and Fellows can be selected in time for attendance at The Breakers meeting.

2. Information Technology Committee — Hardy L. Roberts III, Chair; Alexander B. Dobrev, Jesse B. Friedman, and Jourdan Haynes, Co-Vice Chairs
3. Law School Outreach Committee — Kymberlee C. Smith, Chair; Jacqueline Marzan and Sandy Boisrond, Co-Vice Chairs

iii. Membership Committee – Lawrence J. Miller, Chair; Shayla M. Johnson-Mount, Eryn E. Riconda, and Michael Sneeringer, Co-Vice Chairs

iv. Convention Coordination - Stacy O. Kalmanson and Tae K. Bronner, Co-Chairs

v. Liaison with the Clerk of Circuit Court – Zachary T. Zuroweste

**b. Real Property Division – Steve Mezer**

- i. Action Items - Steve reported that the FAR/BAR Committee will present revisions to the FAR/BAR contract in response to the comments received at the Executive Council meeting at The Four Seasons in Orlando. Steve will confirm that the changes are responsive to those comments. Condo Committee will have proposed legislation regarding retroactive application of Kaufmann language.

ii. Information Items – None

**c. Probate / Trust – Sancha Brennan**

i. Action Items:

1. Trust Committee Motion to support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust; find that such proposal is within the purview of the RPPTL Section; authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board's approval; and authorize the expenditure of funds from the Section's budget necessary to effectuate the same.
2. Trust Committee Motion to support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard; find that such proposal is within the purview of the RPPTL Section; authorize transmittal of the proposed legislation to The Florida Bar Board of Governors with a request for the Board's approval; and authorize the expenditure of funds from the Section's budget necessary to effectuate the same.

ii. Information Items: None

**X. SECTION WEBSITE UPDATE – Brenda Ezell**

Brenda reported that Colleen Sachs is leading a committee of ALMs that will do a deep dive review of the website. Brenda anticipates the committee will have a

report for the Sunseeker meeting. The Executive Committee discussed issues with the software, website, and list serve and their relation to our vendor contract renewal and upgrade of our system.

**XI. CONTRACT RENEWAL PROTOCOL – Steve Mezer**

Steve reported that Steve and Angela will make final adjustments to the protocol so that it will be ready for the Agenda for the Sunseeker meeting. The Executive Committee reviewed the Bar bid procedures and requirements especially in relation to services Carl provides for the Executive Council meetings.

**XII. UPCOMING EXECUTIVE COUNCIL MEETINGS – Cary Wright**

Cary reminded the Committee of the dates for the upcoming meetings. Cary noted that meeting space at the Convention will be at a premium so that some committees will need to meet by Zoom. Mike reported on the Convention CLE which will be on AI and its effect on the legal profession.

**XIII. NEW BUSINESS**

Jon reminded everyone of the Officer Planning meeting next Thursday, January 22<sup>nd</sup>, 2026, and asked for materials to be sent out by Tuesday.

Dresden informed the Executive Committee of a Bill recently proposed that would allow certain family members convicted of a felony serving as a guardian. The Section does not have a position that would allow objection so providing technical advice at this time. Guardianship Committee is working on a proposed legislative position that may be considered at the Sunseeker meeting.

**XIV. MEETING ADJOURNED.** Cary adjourned the meeting at approximately 11:00 a.m.



## Thank you to Our General Sponsors

<u>Sponsor Level</u>	<u>Sponsor</u>	<u>Contact Name</u>	<u>Email</u>
Platinum	Old Republic Title	Jim Russick	<a href="mailto:jrussick@oldrepublictitle.com">jrussick@oldrepublictitle.com</a>
Platinum	The Fund	Shannon Widman	<a href="mailto:swidman@thefund.com">swidman@thefund.com</a>
Platinum	RealAdvice	Todd Jones	<a href="mailto:Todd.jones@realadvice.com">Todd.jones@realadvice.com</a>
APP	WFG National Title Insurance	Joseph J. Tschida	<a href="mailto:itschida@wfgnationaltitle.com">itschida@wfgnationaltitle.com</a>
Gold	Coral Gables Trust Company	John Harris	<a href="mailto:jharris@cqtrust.com">jharris@cqtrust.com</a>
Gold	First American Title Insurance Company	Len Prescott	<a href="mailto:lprescott@firstam.com">lprescott@firstam.com</a>
Gold	FNF Family of Companies – Florida	Cynthia Manfredi	<a href="mailto:cynthia.manfredi@fnf.com">cynthia.manfredi@fnf.com</a>
Gold	Guardian Trust	Travis Finchum	<a href="mailto:travis@specialneedslawyers.com">travis@specialneedslawyers.com</a>
Gold	J.P. Morgan Private Bank	Carlos Batlle	<a href="mailto:Carlos.a.batlle@jpmorgan.com">Carlos.a.batlle@jpmorgan.com</a>
Gold	LEAP	John Celmer	<a href="mailto:John.celmer@leap.us">John.celmer@leap.us</a>
Gold	Stewart Title Guaranty Company	David Shanks	<a href="mailto:David.shanks@stewart.com">David.shanks@stewart.com</a>
Gold	Stout	Garry Marshall	<a href="mailto:gmarshall@stout.com">gmarshall@stout.com</a>
Gold	Title Resources Group	Lee Offir	<a href="mailto:Lee.offir@titleresources.com">Lee.offir@titleresources.com</a>
Gold	Westcor Land Title Insurance Company	Laura Licastro	<a href="mailto:Laura.licastro@wltc.com">Laura.licastro@wltc.com</a>
Silver	Athanassie Capital Partners	Steve Athanassie	<a href="mailto:steve@teamacpartners.com">steve@teamacpartners.com</a>
Silver	CATIC	Stacey Morey	<a href="mailto:smorey@atic.com">smorey@atic.com</a>
Silver	Management Planning, Inc.	Roy Meyers	<a href="mailto:rmeyers@mpival.com">rmeyers@mpival.com</a>
Silver	The Florida Association of Professional Process Servers	Lance Randall	<a href="mailto:lance110205@gmail.com">lance110205@gmail.com</a>
Silver	Valuation Services Inc.	Jeff Bae	<a href="mailto:jeff@valuationservice.com">jeff@valuationservice.com</a>
Silver	WealthCounsel	Rachel Gifford	<a href="mailto:Rachel.gifford@wealthcounsel.com">Rachel.gifford@wealthcounsel.com</a>
Bronze	BNY Wealth	Rafaela Vianna	<a href="mailto:Rafaela.vianna@bny.com">Rafaela.vianna@bny.com</a>
Bronze	Cumberland Trust	Haley Barba	<a href="mailto:hbarba@cumberlandtrust.com">hbarba@cumberlandtrust.com</a>
Bronze	Grove Bank & Trust	Marta Goldberg	<a href="mailto:mgoldberg@grovebankandtrust.com">mgoldberg@grovebankandtrust.com</a>
Bronze	Mercer Capital Management	Nikki McNeil	<a href="mailto:mcneeln@mercercapital.com">mcneeln@mercercapital.com</a>
Bronze	PwC	Sasha Klein	<a href="mailto:sasha.klein@pwc.com">sasha.klein@pwc.com</a>

**RPPTL 2025-2026**  
**Executive Council Meeting Schedule**  
**Cary Wright's Year**

**Limit 1 reservation per registrant, additional rooms will be approved upon special request.**

**NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend. Both virtual attendance and voting will be permitted at the Executive Council meeting.**

Date	Location
<b>January 28 – January 31, 2026</b>	<b>Executive Council Meeting</b> Sunseeker Resort Charlotte Harbor, Florida Room Rate (Coastal View): \$339
<b>April 19 – 24, 2026</b>	<b>Executive Council Meeting</b> Out of State Budapest River Cruise
<b>May 27 – May 30, 2026</b>	<b>Executive Council Meeting &amp; Annual Convention</b> Ponte Vedra Inn and Club Ponte Vedra, Florida Room Rate (Run of House): \$399

# 2025-2026 RPPTL Leadership Chart

## RPPTL General Standing Committees

Committee	2025-2026	2025-2026
Ad Hoc Protocols	Stacy O. Kalmanson	Chair
	Colleen C. Sachs	Co-Vice Chair
	Rachel Barlow	Co-Vice Chair
Ad Hoc Rules Revisions	Shawn G. Brown	Co-Chair
	Thomas M. Karr	Co-Chair
	J. Richard ("Rich") Caskey	Co-Chair
Ad Hoc TODI (Transfer On Death Instrument f/ka RTODD)	Christopher ("Chris") W. Smart	Co-Chair
	Alan S. ("Steve") Kotler	Co-Chair
	Rebecca Wood	Vice Chair
Amicus Coordination	Gerald B. Cope, Jr.	Co-Chair
	Robert W. Goldman	Co-Chair
	John W. Little, III	Co-Chair
	J. Grier Pressly, III	Co-Vice Chair
	Brian Hoffman	Co-Vice Chair
Budget	Angela M. Adams	Chair
	Tae K. Bronner	Co-Vice Chair
	Linda S. Griffin	Co-Vice Chair
	Alfred ("Al") J. Stashis, Jr.	Co-Vice Chair
Communications	Michael V. Hargett	Chair
	Laura K. Sundberg	Vice Chair
CLE Coordination	Michael V. Hargett	Co-Chair (RP)
	Nicklaus Curley	Co-Chair (PT)
	Robert ("Rob") Lancaster	Co-Vice Chair (PT)
	Tattiana Stahl	Co-Vice Chair (PT)
	Amanda R. Kison	Co-Vice Chair (RP)
	Silvia B. Rojas	Co-Vice Chair (RP)
	Christopher A. Sajdera	Co-Vice Chair (RP)
	John Cherneski	Co-Vice Chair (PT)

<b>Convention Coordination</b>	Tae K. Bronner Stacy O. Kalmanson	Co-Chair Co-Chair
<b>Disaster and Emergency Preparedness and Response</b>	Colleen C. Sachs Amy B. Beller Michael A. Bedke Daniel Siegel	Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair
<b>Fellows</b>	Bridget M. Friedman (Co-Chair) Taniquea C. Reid Jeanette Mora Julia Jennison	Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair
<b>History Committee</b>	Michael P. Stafford E. Burt Bruton, Jr. Fred Jones	Chair Co-Vice Chair Co-Vice Chair
<b>Homestead Issues Study</b>	Jeffrey ("Jeff") A. Baskies Jeremy T. Cranford E. Burt Bruton Shane Kelley	Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair
<b>Information Technology</b>	Hardy L. Roberts, III Alexander ("Alex") B. Dobrev Jesse B. Friedman Jourdan Haynes	Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair
<b>Law School Outreach</b>	Kymberlee C. Smith Jacqueline Marzan Sandy Boisrond	Chair Co-Vice Chair Co-Vice Chair
<b>Legislation</b>	S. Dresden Brunner Lee Weintraub Benjamin ("Ben") F. Diamond Stephanie Cook M. Travis Hayes Arthur J. Menor Stacey Kalmanson Rich McGiver	Co-Chair Co-Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair Co-Vice Chair

<b>Legislative Update</b>	Salome J. Zikakis	Co-Chair (RP)
	Gutman Skrande	Co-Chair (PT)
	Jennifer S. Tobin	Co-Vice Chair (RP)
	Terrence L. Harvey	Co-Vice Chair (RP)
	Jeffrey ("Jeff") S. Goethe	Co-Vice Chair (PT)
	Brad Weiss	Co-Vice Chair (RP)
	Andrew Sasso	Co-Vice Chair (PT)
<b>Liaison with:</b>	<b>ABA</b>	<b>ABA</b>
	Robert ("Rob") S. Freedman	Co-Liaison
	George J. Meyer	Co-Liaison
	Julius J. Zschau	Co-Liaison
	<b>Business Law</b>	<b>Business Law</b>
	Manuel ("Manny") Farach	Co-Liaison
	<b>Clerks of Circuit Court</b>	<b>Clerks of Circuit Court</b>
	Zachary T. Zuroweste	Liaison
	<b>FLEA/FLSSI</b>	<b>FLEA/FLSSI</b>
	David C. Brennan	Co-Liaison
	Roland ("Chip") D. Waller	Co-Liaison
	<b>Florida Bankers Association</b>	<b>Florida Bankers Association</b>
	Robert G. Stern	Liaison
	<b>Judiciary</b>	<b>Judiciary</b>
	Judge Hugh D. Hayes	Co-Liaison
	Judge Mark A. Speiser	Co-Liaison
	Judge Michael Rudisill	Co-Liaison
	Judge Kenneth Gillespie	Co-Liaison
	<b>TFB Pro Bono Legal Services</b>	<b>TFB Pro Bono Legal Services</b>
	Lorna Brown-Burton	Liaison
	<b>Out of State Members</b>	<b>Out of State Members</b>
	John E. Fitzgerald, Jr.	Liaison
	Nicole C. Kibert Basler	Liaison
	<b>TFB Board of Governors</b>	<b>TFB Board of Governors</b>
	Paige A. Greenlee	Liaison
	<b>TFB CLE Committee</b>	<b>TFB CLE Committee</b>
	Michael V. Hargett	Co-Liaison
	Nicklaus Curley	Co-Liaison
	<b>TFB Council of Sections</b>	<b>TFB Council of Sections</b>
	Wm. Cary Wright	Co-Liaison
	Jon Scuderi	Co-Liaison
	Steven H. Mezer	Co-Liaison
<b>Long-Range Planning</b>	<b>Long Range Planning</b>	<b>Long Range Planning</b>
	Jon Scuderi	Chair

	<b>Meetings Planning</b>	<b>Meetings Planning</b>
<b>Meetings Planning</b>	George J. Meyer	Chair
	Scott Pence	Co-Vice Chair
	Tae Bonner	Co-Vice Chair
<b>Membership and Outreach</b>	Lawrence ("Larry") J. Miller	Chair
	Shayla M. Johnson-Mount	Co-Vice Chair
	Eryn E. Riconda	Co-Vice Chair
	Michael Sneeringer	Co-Vice Chair
<b>Model and Uniform Acts</b>	Patrick J. Duffey	Co-Chair (PT)
	Amber E. Ashton	Co-Chair (RP)
	Michael A. Bedke	Co-Vice Chair (RP)
	Cullen I. Boggus	Co-Vice Chair (PT)
<b>Professionalism and Ethics</b>	Alexander ("Alex") B. Dobrev	Co-Chair
	Laura K. Sundberg	Co-Chair
	Elizabeth A. Stoops	Co-Vice Chair
	Ret. Judge Celeste Hardee Muir	Co-Vice Chair
	Hardy Roberts	Co-Vice Chair
<b>Publications ActionLine</b>	Erin F. Finlen	Co-Chair (PT)
	Michelle G. Hinden	Co-Chair (RP)
	Alexander S. Douglas, II	Co-Vice Chair (PT)
	Gregg I. Strock	Co-Vice Chair (RP)
	Seth R. Kaplan	Co-Vice Chair (PT)
	Daniel L. ("Danny") McDermott	Co-Vice Chair (PT)
	Paul E. Roman	Co-Vice Chair
	Lisa Van Dien	Co-Vice Chair (RP)
<b>Publications Florida Bar Journal</b>	Homer Duvall, III	Co-Chair (RP)
	J. Allison Archbold	Co-Chair (PT)
	Marty J. Solomon	Co-Vice Chair (RP)
	Jonathan A. Galler	Co-Vice Chair (PT)
	Jack Falk	Co-Vice Chair (PT)
	Erin Riconda	Co-Vice Chair (PT)

<b>Sponsor Coordination</b>	Rebecca C. Bell (Co-Chair)	Chair
	J. Michael Swaine	Co-Vice Chair (RP)
	Marsha G. Madorsky	Co-Vice Chair (PT)
	Cullen Boggus	Co-Vice Chair (PT)
	Silvia Rohas	Co-Vice Chair (RP)
	Chris Smart	Co-Vice Chair (RP)
<b>Strategic Planning Implementation</b>	Robert ("Rob") S. Freedman	Co-Chair
	William ("Bill") T. Hennessey, III	Co-Chair
	Robert ("Bob") S. Swaine	Co-Chair
	Sarah S. Butters	Co-Chair
	John Moran	Co-Chair

## RPPTL Real Property Committees

Committee	Name	2025-2026
Ad Hoc Covenants Running with Land	Robert Freedman	Chair
	Jeremy Cranford	Co-Vice Chair
	Ellie Taft	Co-Vice Chair
Attorney Banker Conference	Kris Fernandez	Co-Chair
	Salome Zikakis	Co-Chair
	Jim Robbins	Vice-Chair
	John Primeau	Vice-Chair
Commercial Real Estate	Ashley McRae	Co-Chair
	Alexandra Gabel	Co-Chair
	Michael Maguire	Vice-Chair
	Angela Gasparri	Vice-Chair
Condominium and Planned Development Law Certification Review Course	Alessandra Stivelman	Chair
	Alan Schwartzseid	Co-Vice Chair
	Laura Manning	Co-Vice Chair
Condominium and Planned Development	Joel McTeague	Co-Chair
	Jennifer Bloodworth	Co-Chair
	Jourdan Haynes	Vice-Chair
	Christine Ertl	Vice-Chair
Construction Law	Bruce Partington	Chair
	Bret Henson	Vice-Chair
	Jason Quintero	Vice-Chair
Construction Law Certification Review Course	Scott Pence	Chair
	Jason Quintero	Co-Vice Chair
	Ryan Sullivan	Co-Vice Chair
Construction Law Institute	Trevor Arnold	Chair
	Haley Maple	Vice-Chair
	Nikki Bhavsar	Vice-Chair
Development and Land Use	Lisa Van Dien	Chair
	Jin Liu	Vice-Chair
	Gregg Strock	Vice-Chair

<b>Liaison with FLTA</b>	Melissa Murphy	Co-Liaison
	Alan McCall	Co-Liaison
	Alan Fields	Co-Liaison
	Jim Russick	Co-Liaison
<b>Insurance &amp; Surety</b>	Debbie Crockett	Co-Chair
	Anne Q. Pollack	Co-Chair
	Allison Hertz	Vice-Chair
	Michael Cassel	Vice-Chair
<b>Real Estate Certification Review Course</b>	Lloyd Granet	Co-Chair
	Laura Licastro	Co-Chair
	Marty Awerbach	Vice-Chair
	Melissa Scaletta	Vice-Chair
<b>Real Estate Leasing</b>	Chris Sajdera	Co-Chair
	Ryan McConnell	Co-Chair
	Terrance Harvey	Vice-Chair
	Adele Stone	Vice-Chair
<b>Real Property Finance and Lending</b>	Jason Ellison	Co-Chair
	Deb Boyd	Co-Chair
	Nicole Villarreal	Vice-Chair
	Jeremy Cranford	Vice-Chair
<b>Real Property Litigation</b>	Manny Farach	Co-Chair
	Amanda Kison	Co-Chair
	Lindsay Moczynski	Vice-Chair
	Sanjay Kurian	Vice-Chair
<b>Real Property Problems Study</b>	Susan Spurgeon	Co-Chair
	Brian Hoffman	Co-Chair
	Len Prescott	Vice-Chair
	Scott Pence	Vice-Chair
<b>Residential Real Estate and Industry Liaison</b>	Jamie Marx	Co-Chair
	Kristen Jaiven	Co-Chair
	Rebecca Wood	Vice-Chair
	Erin Miller	Vice-Chair
<b>Title Insurance and Title Industry Liaison</b>	Chris Smart	Chair
	Len Prescott	Vice-Chair
	Shanon Widman	Vice-Chair

<b>Title Issues and Title Standards</b>	Amanda Hersem	Co-Chair
	Lee Offir	Co-Chair
	Karla Staker	Vice-Chair
	Bob Graham	Vice-Chair
	Melissa Scaletta	Vice-Chair
<b>American College of Real Estate Lawyers (ACREL) Liaison</b>	Martin Schwartz	Liason
	William Sklar	Liaison
<b>American College of Construction</b>	George Meyer	Liason
<b>Florida Realtors Liaison</b>	Trey Goldman	Liason

## RPPTL Probate and Trust Committees

Committee	Name	2025-2026
<b>Ad Hoc Guardianship Law Revision</b>	Stacy B. Rubel (9)	Chair
	Nicklaus ("Nick") J. Curley (10)	Co-Vice Chair
	David C. Brennan (14)	Co-Vice Chair
	Sancha K. Brennan (14)	Co-Vice Chair
<b>Asset Protection</b>	Justin M. Savioli	Chair
	Richard ("Rick") R. Gans (10)	Co-Vice Chair
	Patrick J. Lannon (3)	Co-Vice Chair
	Bo Trudeau (new)	Co-Vice Chair
<b>Attorney/Trust Officer Liaison Conference</b>	Eamonn W. Gunther (2)	Chair
	Stacey L. Cole (12)	Co-Vice Chair
	Gail Fagan (9)	Co-Vice Chair
	Michael M. Rubenstein (5)	Co-Vice Chair
	Kim Bald (1)	Co-Vice Chair
	Sean Lebowitz (1)	Co-Vice Chair
	Yoshi Smith (new)	Co-Vice Chair
<b>Charitable Planning and Exempt Organizations</b>	Alyssa R. Wan (4)	Chair
	Carla DeLoach (new)	Co-Vice Chair
	Jeffrey Spina-Jennings (new)	Co-Vice Chair
<b>Elective Share Review</b>	Cristina Papanikos (2)	Chair
	Lauren Y. Detzel (5)	Co-Vice Chair
	Jason P. Van Lenten (3)	Co-Vice Chair
	Jenna Rubin (2)	Co-Vice Chair
<b>Estate &amp; Trust Tax Planning</b>	Andrew H. Thompson (new)	Chair
	Denise Cazobon (new)	Co-Vice Chair
	Joe Percopo (new)	Co-Vice Chair
<b>Guardianship, Power of Attorney &amp; Advance Directives</b>	Elizabeth ("Liz") M. Hughes (1)	Chair
	Jeff Eisel (new)	Co-Vice Chair
	Stephanie L. Cook (4)	Co-Vice Chair
	Marve Ann Alaimo (1)	Co-Vice Chair
<b>IRA, Insurance &amp; Employee Benefits</b>	Charles ("Chad") Callahan (4)	Chair
	Rebecca C. Bell (4)	Co-Vice Chair
	Rachel N. Barlow (7)	Co-Vice Chair

<b>Liaisons with American College of Trust and Estate Counsel (ACTEC)</b>	Elaine M. Bucher (11)	Liaison
	Diana S.C. Zeydel (12)	Liaison
	Charlie I. Nash (7)	Liaison
	Tami F. Conetta (6)	Liaison
	L. Howard Payne (5)	Liaison
	Jerome L. Wolf (3)	Liaison
<b>Liaison with Florida State Guardianship Association (FSGA)</b>	Stephanie Cook (4)	Liaison
<b>Liaisons with Elder Law Section</b>	Travis D. Finchum (7)	Liaison
	Marjorie E. Wolasky (22)	Liaison
<b>Liaisons with Tax Law Section</b>	Brian M. Malec (5)	Liaison
	William R. Lane, Jr. (15)	Liaison
	Brian C. Sparks (21)	Liaison
<b>Liaison with Professional Fiduciary Council</b>	Darby Jones (6)	Liaison
<b>Office of Public and Professional Guardians Delegate (OPPG)</b>	Nicklaus ("Nick") J. Curley (5)	Delegate
<b>Principal and Income</b>	Jolyon D. Acosta (2)	Co-Chair
	Keith B. Braun (2)	Co-Chair
	Susan Kubar (2)	Co-Vice Chair
<b>Probate and Trust Litigation</b>	Robert ("Lee") McElroy, IV (3)	Chair
	Cady L. Huss (4)	Co-Vice Chair
	Darren M. Stotts (3)	Co-Vice Chair
	Barry Spivey (new)	Co-Vice Chair
<b>Jurisdiction and Due Process Committee</b>	Sean W. Kelley (new)	Chair
	Shelly Wald Harris (7)	Co-Vice Chair
	David Akins (new)	Co-Vice Chair
<b>Probate Law &amp; Procedure</b>	Theodore S. Kypreos (4)	Chair
	Benjamin F. Diamond (6)	Co-Vice Chair
	Stacey Prince-Troutman (4)	Co-Vice Chair
	J. Grier Pressly, III (4)	Co-Vice Chair
	Michael Sneeringer (new)	Co-Vice Chair
<b>Trust Law</b>	M. Travis Hayes (new)	Chair
	Jennifer J. Robinson (6)	Co-Vice Chair
	Jolyon Acosta (new)	Co-Vice Chair
	Frederick Ricky Hearn (1)	Co-Vice Chair

<b>Wills, Trusts &amp; Estates Certification Review Course</b>	J. Allison Archbold (2)	Chair
	J. Eric Virgil (5)	Co-Vice Chair
	Alyse Riser Comiter (2)	Co-Vice Chair

**RPPTL 2026-2027**  
**Executive Council Meeting Schedule**  
**Jon Scuderi's Year**

**Limit 1 reservation per registrant, additional rooms will be approved upon special request.**

**NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend. Both virtual attendance and voting will be permitted at the Executive Council meeting.**

<b>Date</b>	<b>Location</b>
<b>July 8, 2026 – July 12, 2026</b>	Executive Council Meeting Alyeska Resort Girdwood, Alaska Room Rate - \$449 (Signature Room)
<b>August 19, 2026 – August 22, 2026</b>	<b>Executive Council Meeting and Legislative and Case Law Update</b> The Breakers Palm Beach, Florida Room Rate - \$330 (Deluxe Room)
<b>November 11, 2026 – November 14, 2026</b>	<b>Executive Council Meeting</b> JW Marriott Marco Island Marco Island, Florida Room Rate - \$377 (Standard Room)
<b>February 3, 2027 – February 6, 2027</b>	<b>Executive Council Meeting</b> Ritz-Carlton Amelia Island Amelia Island, Florida Room Rate - \$399 (Standard Room)
<b>June 2, 2027 – June 5, 2027</b>	<b>Executive Council Meeting &amp; Annual Convention</b> JW Marriott Bonnet Creek Resort & Spa Orlando, Florida Room Rate - \$299 (Standard Room)

**THE FLORIDA BAR**  
**Real Property Probate and Trust Law Section Rollup**  
**For the Six Months Ending December 31, 2025**

	<b>December</b>	<b>YTD 2026</b>	<b>YTD 25-26 Budget</b>	<b>Budget Variance (\$)</b>	<b>FY 25-26 Budget</b>	<b>YTD 2025</b>	<b>YTD/Prior YTD Variance (\$)</b>	<b>FYE Actual 2025</b>
3001-Annual Fees	1,380	676,020	660,000	16,020	660,000	677,280	(1,260)	682,860
3002-Affiliate Fees	60	13,540	3,750	9,790	7,500	11,520	2,020	12,200
<b>Total Fee Revenue</b>	<b>1,440</b>	<b>689,560</b>	<b>663,750</b>	<b>25,810</b>	<b>667,500</b>	<b>688,800</b>	<b>760</b>	<b>695,060</b>
3301-Registration-Live	33,390	1,065,278	651,650	413,628	1,201,650	639,939	425,339	954,652
3321-Registration-Webcast	-	60,150	7,500	52,650	15,000	-	60,150	-
3331-Registration-Ticket	(12)	24,113	24,000	113	34,000	17,410	6,703	30,960
<b>Total Registration Revenue</b>	<b>33,378</b>	<b>1,149,541</b>	<b>683,150</b>	<b>466,391</b>	<b>1,250,650</b>	<b>657,349</b>	<b>492,192</b>	<b>985,612</b>
3341-Exhibit Fees	65,000	152,500	125,000	27,500	260,000	86,500	66,000	88,500
3351-Sponsorships	16,500	517,750	105,000	412,750	578,000	614,450	(96,700)	814,450
3391 Section Profit Split	25,648	245,349	252,000	(6,651)	500,000	296,346	(50,997)	409,060
3392-Section Differential	540	5,340	7,500	(2,160)	15,000	6,540	(1,200)	16,260
<b>Other Event Revenue</b>	<b>107,688</b>	<b>920,939</b>	<b>489,500</b>	<b>431,439</b>	<b>1,353,000</b>	<b>1,003,836</b>	<b>(82,897)</b>	<b>1,328,270</b>
3401-Sales-CD/DVD	2,095	27,000	22,000	5,000	50,000	10,790	16,210	33,910
<b>Sales, Rents &amp; Royalties Revenue</b>	<b>2,095</b>	<b>27,000</b>	<b>22,000</b>	<b>5,000</b>	<b>50,000</b>	<b>10,790</b>	<b>16,210</b>	<b>33,910</b>
3561-Advertising	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
<b>Other Revenue Sources</b>	-	<b>2,160</b>	<b>9,000</b>	<b>(6,840)</b>	<b>18,000</b>	<b>480</b>	<b>1,680</b>	<b>2,280</b>
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
<b>Other Revenue Sources</b>	-	<b>60</b>	<b>-</b>	<b>60</b>	<b>-</b>	<b>60</b>	<b>-</b>	<b>60</b>
<b>Total Revenue</b>	<b>144,602</b>	<b>2,789,260</b>	<b>1,867,400</b>	<b>921,860</b>	<b>3,339,150</b>	<b>2,361,315</b>	<b>427,945</b>	<b>3,045,191</b>
4131-Telephone Expense	232	661	-	661	-	405	256	486
4133-Internet Service	-	-	180	(180)	180	-	-	-
4134-Web Services	1,144	19,030	37,500	(18,470)	75,000	19,947	(917)	43,465
4301-Photocopying	-	-	100	(100)	100	-	-	-
4311-Office Supplies	-	3,986	2,750	1,236	5,150	3,691	295	5,982
<b>Total Staff &amp; Office Expense</b>	<b>1,376</b>	<b>23,677</b>	<b>40,530</b>	<b>(16,853)</b>	<b>80,430</b>	<b>24,043</b>	<b>(366)</b>	<b>49,934</b>
5031-AV Services	2,579	58,227	74,500	(16,273)	152,000	13,150	45,077	102,261
5051-Credit Card Fees	2,409	27,815	31,300	(3,485)	41,300	17,267	10,547	57,580
5101-Consultants	30,000	90,000	60,000	30,000	120,000	71,003	18,997	120,000
5121-Printing-Outside	15,174	49,110	72,000	(22,890)	143,000	21,098	28,012	65,009
5181-Speaker Honorarium	-	-	-	-	5,000	-	-	-
5199-Other Contract Services	14,277	16,470	7,000	9,470	37,000	-	16,470	9,222
<b>Total Contract Services</b>	<b>64,439</b>	<b>241,621</b>	<b>244,800</b>	<b>(3,179)</b>	<b>498,300</b>	<b>122,518</b>	<b>119,103</b>	<b>354,072</b>
5501-Employee Travel	2,934	24,528	28,050	(3,522)	64,250	18,826	5,702	42,707
5531-Board/Off/Memb Travel	-	1,959	20,000	(18,041)	24,000	7,865	(5,906)	7,960
5571-Speaker Travel	1,220	10,660	13,500	(2,840)	23,500	6,834	3,826	19,659
5581-Consultant Travel	-	14,172	10,152	4,020	20,502	-	14,172	16,685
<b>Total Travel</b>	<b>4,155</b>	<b>51,319</b>	<b>71,702</b>	<b>(20,383)</b>	<b>132,252</b>	<b>33,525</b>	<b>17,794</b>	<b>87,010</b>
6001-Post 1st Class/Bulk	806	15,009	32,350	(17,341)	32,350	13,157	1,852	38,603
6021-Post Express Mail	-	-	650	(650)	650	-	-	-
6311-Mtg General Meeting	(62,256)	480,969	608,000	(127,031)	1,282,000	619,676	(138,707)	988,211
6319-Mtg Other Functions	-	10,985	10,000	985	57,000	5,299	5,686	50,834
6321-Mtg Meals	-	124,483	115,000	9,483	502,000	120,087	4,396	568,919
6325-Mtg Hospitality	-	128,346	113,500	14,846	228,500	162,237	(33,891)	355,400
6332-Mtg Room Attrition	-	-	-	-	-	-	-	8,850
6341-Mtg Equip Rental	-	9,736	1,000	8,736	26,000	41,354	(31,619)	116,609
6361-Mtg Entertainment	-	80	-	80	45,000	242	(162)	29,260
6399-Mtg Other	118	213	3,750	(3,537)	7,500	-	213	2,899
6401-Speaker Expense	-	3,510	1,000	2,510	1,000	3,919	(408)	4,279
6451-Committee Expense	-	6,598	35,000	(28,402)	100,000	121,647	(115,049)	147,374
6531-Brd/Off Special Project	-	-	4,500	(4,500)	7,500	-	-	799
6599-Brd/Off Other	-	3,413	6,500	(3,087)	15,000	7,902	(4,489)	22,861
7001-Grant/Award/Donation	-	2,367	9,200	(6,833)	13,000	3,063	(697)	8,423
7003-Div Int Grants	-	-	6,000	(6,000)	12,000	-	-	1,500
7004-Law School Prog.	-	2,253	2,700	(447)	5,500	1,863	389	2,962
7005-RPPPTL Gen - Charitable Donations	-	-	-	-	-	150	(150)	150
7006-Professional Outreach	-	-	1,500	(1,500)	3,000	-	-	-
7011-Scholarship/Fellowship	(444)	8,341	13,500	(5,159)	27,000	14,533	(6,192)	23,987
7999-Other Operating Exp	2,579	4,466	6,600	(2,134)	12,000	5,363	(897)	21,725

<b>Total Other Expense</b>	<b>(59,197)</b>	<b>800,769</b>	<b>970,750</b>	<b>(169,981)</b>	<b>2,377,000</b>	<b>1,120,493</b>	<b>(319,724)</b>	<b>2,393,643</b>
8011-Administration CLE	-	21,350	37,450	(16,100)	37,450	16,950	4,400	32,900
8021-Section Admin Fee	750	345,180	167,820	177,360	335,640	258,458	86,723	260,910
8101-Printing In-House	-	1,320	3,375	(2,055)	3,375	1,477	(157)	2,000
8131-A/V Services	-	5,770	-	5,770	-	5,810	(40)	11,432
8141-Journal/News Service	425	850	1,000	(150)	1,000	425	425	1,700
8171-Course Approval Fee	55	220	14,300	(14,080)	14,300	55	165	110
8901-Eliminated IntEnt Exp	-	-	-	-	-	1,000	(1,000)	1,000
<b>Total Admin &amp; Internal Expense</b>	<b>1,230</b>	<b>374,690</b>	<b>223,945</b>	<b>150,745</b>	<b>391,765</b>	<b>284,175</b>	<b>90,516</b>	<b>310,053</b>
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500
<b>Total InterFund Transfers Out</b>	<b>-</b>	<b>500</b>	<b>-</b>	<b>500</b>	<b>-</b>	<b>-</b>	<b>500</b>	<b>500</b>
<b>Total Expense</b>	<b>12,003</b>	<b>1,492,576</b>	<b>1,551,727</b>	<b>(59,151)</b>	<b>3,479,747</b>	<b>1,584,754</b>	<b>(92,177)</b>	<b>3,195,212</b>
<b>Operating Income</b>	<b>132,598</b>	<b>1,296,683</b>	<b>315,673</b>	<b>981,010</b>	<b>(140,597)</b>	<b>776,561</b>	<b>520,122</b>	<b>(150,020)</b>
3899-Investment Income (loss)	22,417	259,170	107,471	151,699	107,471	143,329	115,841	370,218
<b>Total Nonoperating Revenue (Expenses)</b>	<b>22,417</b>	<b>259,170</b>	<b>107,471</b>	<b>151,699</b>	<b>107,471</b>	<b>143,329</b>	<b>115,841</b>	<b>370,218</b>
<b>Change in Net Position</b>	<b>155,016</b>	<b>1,555,853</b>	<b>423,144</b>	<b>1,132,709</b>	<b>(33,126)</b>	<b>919,890</b>	<b>635,963</b>	<b>220,198</b>
<b>Net Position</b>								
2001-Beginning of the year, restated (Fund Balance)	-	4,266,559				4,046,362		4,046,362
<b>End of the Year (Current Month)</b>	<b>-</b>	<b>5,822,412</b>				<b>4,966,252</b>		<b>4,266,559</b>

**THE FLORIDA BAR**  
**Real Property, Probate and Trust Law General**  
**For the Six Months Ending December 31, 2025**

							<b>YTD/Prior</b>	
	<b>December</b>	<b>YTD 2026</b>	<b>YTD 25-26 Budget</b>	<b>Budget Variance (\$)</b>	<b>FY 25-26 Budget</b>	<b>YTD 2025</b>	<b>YTD Variance (\$)</b>	<b>FYE Actual 2025</b>
3001-Annual Fees	1,380	676,020	660,000	16,020	660,000	677,280	(1,260)	682,860
3002-Affiliate Fees	60	13,540	3,750	9,790	7,500	11,520	2,020	12,200
<b>Total Fee Revenue</b>	<b>1,440</b>	<b>689,560</b>	<b>663,750</b>	<b>25,810</b>	<b>667,500</b>	<b>688,800</b>	<b>760</b>	<b>695,060</b>
3301-Registration-Live	33,390	157,813	150,000	7,813	150,000	365,314	(207,501)	374,184
<b>Total Registration Revenue</b>	<b>33,390</b>	<b>157,813</b>	<b>150,000</b>	<b>7,813</b>	<b>150,000</b>	<b>365,314</b>	<b>(207,501)</b>	<b>374,184</b>
3351-Sponsorships	-	320,000	-	320,000	315,000	321,500	(1,500)	321,500
3391 Section Profit Split	25,648	245,349	252,000	(6,651)	500,000	296,346	(50,997)	409,060
3392-Section Differential	540	5,340	7,500	(2,160)	15,000	6,540	(1,200)	16,260
<b>Other Event Revenue</b>	<b>26,188</b>	<b>570,689</b>	<b>259,500</b>	<b>311,189</b>	<b>830,000</b>	<b>624,386</b>	<b>(53,697)</b>	<b>746,820</b>
3561-Advertising	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
<b>Other Revenue Sources</b>	<b>-</b>	<b>2,160</b>	<b>9,000</b>	<b>(6,840)</b>	<b>18,000</b>	<b>480</b>	<b>1,680</b>	<b>2,280</b>
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
<b>Other Revenue Sources</b>	<b>-</b>	<b>60</b>	<b>-</b>	<b>60</b>	<b>-</b>	<b>60</b>	<b>-</b>	<b>60</b>
<b>Total Revenue</b>	<b>61,019</b>	<b>1,420,282</b>	<b>1,082,250</b>	<b>338,032</b>	<b>1,665,500</b>	<b>1,679,040</b>	<b>(258,758)</b>	<b>1,818,404</b>
4131-Telephone Expense	232	661	-	661	-	405	256	486
4133-Internet Service	-	-	180	(180)	180	-	-	-
4134-Web Services	1,144	19,030	37,500	(18,470)	75,000	19,947	(917)	43,465
4311-Office Supplies	-	3,543	2,600	943	5,000	3,691	(148)	5,569
<b>Total Staff &amp; Office Expense</b>	<b>1,376</b>	<b>23,234</b>	<b>40,280</b>	<b>(17,046)</b>	<b>80,180</b>	<b>24,043</b>	<b>(809)</b>	<b>49,521</b>
5031-AV Services	-	27,250	37,500	(10,250)	75,000	13,150	14,100	72,281
5051-Credit Card Fees	726	7,645	16,500	(8,855)	16,500	9,597	(1,952)	20,214
5101-Consultants	30,000	90,000	60,000	30,000	120,000	71,003	18,997	120,000
5121-Printing-Outside	15,174	46,183	69,000	(22,817)	140,000	21,098	25,085	65,009
5199-Other Contract Services	14,277	16,470	7,000	9,470	32,000	-	16,470	9,222
<b>Total Contract Services</b>	<b>60,177</b>	<b>187,548</b>	<b>190,000</b>	<b>(2,452)</b>	<b>383,500</b>	<b>114,848</b>	<b>72,700</b>	<b>286,726</b>
5501-Employee Travel	2,872	15,727	23,550	(7,823)	31,000	14,956	771	27,813
5531-Board/Off/Memb Travel	-	1,959	20,000	(18,041)	20,000	7,865	(5,906)	7,960
5581-Consultant Travel	-	14,172	10,152	4,020	20,502	-	14,172	16,685
<b>Total Travel</b>	<b>2,872</b>	<b>31,858</b>	<b>53,702</b>	<b>(21,844)</b>	<b>71,502</b>	<b>22,821</b>	<b>9,037</b>	<b>52,457</b>
6001-Post 1st Class/Bulk	799	13,553	30,000	(16,447)	30,000	12,600	953	37,109
6311-Mtgs General Meeting	(62,256)	480,969	250,000	230,969	700,000	619,676	(138,707)	988,027
6325-Mtgs Hospitality	-	31,262	17,000	14,262	50,000	20,504	10,758	43,562
6332-Mtgs Room Attrition	-	-	-	-	-	-	-	8,850
6399-Mtgs Other	118	213	3,750	(3,537)	7,500	-	213	2,649
6401-Speaker Expense	-	-	-	-	-	930	(930)	1,290
6451-Committee Expense	-	6,598	35,000	(28,402)	100,000	121,647	(115,049)	147,374
6531-Brd/Off Special Project	-	-	4,500	(4,500)	7,500	-	-	799
6599-Brd/Off Other	-	3,413	6,500	(3,087)	15,000	7,902	(4,489)	22,861
7001-Grant/Award/Donation	-	1,597	4,200	(2,603)	8,000	3,063	(1,466)	8,423
7003-Div Int Grants	-	-	6,000	(6,000)	12,000	-	-	1,500
7004-Law School Prog.	-	2,253	2,700	(447)	5,500	1,863	389	2,962
7005-RPPPTL Gen - Charitable Donations	-	-	-	-	-	150	(150)	150
7006-Professional Outreach	-	-	1,500	(1,500)	3,000	-	-	-
7011-Scholarship/Fellowship	(444)	8,341	13,500	(5,159)	27,000	14,533	(6,192)	23,987
7999-Other Operating Exp	-	-	2,600	(2,600)	5,000	542	(542)	4,038
<b>Total Other Expense</b>	<b>(61,783)</b>	<b>548,199</b>	<b>377,250</b>	<b>170,949</b>	<b>970,500</b>	<b>803,411</b>	<b>(255,212)</b>	<b>1,293,580</b>
8021-Section Admin Fee	750	345,180	167,820	177,360	335,640	258,458	86,723	260,910
8101-Printing In-House	-	-	1,300	(1,300)	1,300	526	(526)	536
8901-Eliminated IntEnt Exp	-	-	-	-	-	1,000	(1,000)	1,000
<b>Total Admin &amp; Internal Expense</b>	<b>750</b>	<b>345,180</b>	<b>169,120</b>	<b>176,060</b>	<b>336,940</b>	<b>259,983</b>	<b>85,197</b>	<b>262,446</b>
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500

<b>Total InterFund Transfers Out</b>	-	<b>500</b>	-	<b>500</b>	-	-	<b>500</b>	<b>500</b>
<b>Total Expense</b>	<b>3,391</b>	<b>1,136,519</b>	<b>830,352</b>	<b>306,167</b>	<b>1,842,622</b>	<b>1,225,106</b>	<b>(88,588)</b>	<b>1,945,230</b>
<b>Operating Income</b>	<b>57,628</b>	<b>283,763</b>	<b>251,898</b>	<b>31,865</b>	<b>(177,122)</b>	<b>453,934</b>	<b>(170,171)</b>	<b>(126,826)</b>
3899-Investment Income (loss)	22,417	259,170	107,471	151,699	107,471	143,329	115,841	370,218
<b>Total Nonoperating Revenue (Expenses)</b>	<b>22,417</b>	<b>259,170</b>	<b>107,471</b>	<b>151,699</b>	<b>107,471</b>	<b>143,329</b>	<b>115,841</b>	<b>370,218</b>
<b>Change in Net Position</b>	<b>80,045</b>	<b>542,933</b>	<b>359,369</b>	<b>183,564</b>	<b>(69,651)</b>	<b>597,263</b>	<b>(54,330)</b>	<b>243,391</b>

**THE FLORIDA BAR**  
**Real Property Out of State Meeting**  
**For the Six Months Ending December 31, 2025**

							<b>YTD/Prior</b>	
	<b>December</b>	<b>YTD 2026</b>	<b>YTD 25-26 Budget</b>	<b>Budget Variance (\$)</b>	<b>FY 25-26 Budget</b>	<b>YTD 2025</b>	<b>YTD Variance (\$)</b>	<b>FYE Actual 2025</b>
3301-Registration-Live	-	591,080	356,650	234,430	596,650	-	591,080	-
3331-Registration-Ticket	-	-	20,000	(20,000)	20,000	-	-	-
<b>Total Registration Revenue</b>	<b>-</b>	<b>591,080</b>	<b>376,650</b>	<b>214,430</b>	<b>616,650</b>	<b>-</b>	<b>591,080</b>	<b>-</b>
3351-Sponsorships	-	-	-	-	10,000	-	-	-
<b>Other Event Revenue</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Revenue</b>	<b>-</b>	<b>591,080</b>	<b>376,650</b>	<b>214,430</b>	<b>626,650</b>	<b>-</b>	<b>591,080</b>	<b>-</b>
5051-Credit Card Fees	363	14,452	-	14,452	-	-	14,452	4,696
5199-Other Contract Services	-	-	-	-	5,000	-	-	-
<b>Total Contract Services</b>	<b>363</b>	<b>14,452</b>	<b>-</b>	<b>14,452</b>	<b>5,000</b>	<b>-</b>	<b>14,452</b>	<b>4,696</b>
5501-Employee Travel	(500)	3,543	-	3,543	20,000	-	3,543	-
5531-Board/Off/Memb Travel	-	-	-	-	4,000	-	-	-
<b>Total Travel</b>	<b>(500)</b>	<b>3,543</b>	<b>-</b>	<b>3,543</b>	<b>24,000</b>	<b>-</b>	<b>3,543</b>	<b>-</b>
6311-Mtg General Meeting	-	-	358,000	(358,000)	582,000	-	-	-
6321-Mtg Meals	-	-	-	-	54,000	-	-	-
6361-Mtg Entertainment	-	-	-	-	5,000	-	-	-
<b>Total Other Expense</b>	<b>-</b>	<b>-</b>	<b>358,000</b>	<b>(358,000)</b>	<b>641,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Expense</b>	<b>(137)</b>	<b>17,995</b>	<b>358,000</b>	<b>(340,005)</b>	<b>670,000</b>	<b>-</b>	<b>17,995</b>	<b>4,696</b>
<b>Operating Income</b>	<b>137</b>	<b>573,085</b>	<b>18,650</b>	<b>554,435</b>	<b>(43,350)</b>	<b>-</b>	<b>573,085</b>	<b>(4,696)</b>

**THE FLORIDA BAR**  
**Real Property Construction Law Institute**  
**For the Six Months Ending December 31, 2025**

	December	YTD/Prior						
		YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	-	1,470	50,000	(48,530)	150,000	15,630	(14,160)	230,858
3331-Registration-Ticket	-	-	1,000	(1,000)	4,000	-	-	13,550
<b>Total Registration Revenue</b>	<b>-</b>	<b>1,470</b>	<b>51,000</b>	<b>(49,530)</b>	<b>154,000</b>	<b>15,630</b>	<b>(14,160)</b>	<b>244,408</b>
3341-Exhibit Fees	65,000	65,000	80,000	(15,000)	145,000	-	65,000	-
3351-Sponsorships	12,500	15,500	55,000	(39,500)	105,000	152,000	(136,500)	301,000
<b>Other Event Revenue</b>	<b>77,500</b>	<b>80,500</b>	<b>135,000</b>	<b>(54,500)</b>	<b>250,000</b>	<b>152,000</b>	<b>(71,500)</b>	<b>301,000</b>
3401-Sales-CD/DVD	725	19,025	5,000	14,025	30,000	2,340	16,685	19,130
<b>Sales, Rents &amp; Royalties Revenue</b>	<b>725</b>	<b>19,025</b>	<b>5,000</b>	<b>14,025</b>	<b>30,000</b>	<b>2,340</b>	<b>16,685</b>	<b>19,130</b>
<b>Total Revenue</b>	<b>78,225</b>	<b>100,995</b>	<b>191,000</b>	<b>(90,005)</b>	<b>434,000</b>	<b>169,970</b>	<b>(68,975)</b>	<b>564,538</b>
5031-AV Services	-	-	-	-	20,000	-	-	-
5051-Credit Card Fees	1,249	1,739	-	1,739	10,000	4,374	(2,636)	14,486
5181-Speaker Honorarium	-	-	-	-	5,000	-	-	-
<b>Total Contract Services</b>	<b>1,249</b>	<b>1,739</b>	<b>-</b>	<b>1,739</b>	<b>35,000</b>	<b>4,374</b>	<b>(2,636)</b>	<b>14,486</b>
5501-Employee Travel	-	-	-	-	2,500	-	-	4,949
5571-Speaker Travel	-	1,626	-	1,626	9,000	1,503	123	14,328
<b>Total Travel</b>	<b>-</b>	<b>1,626</b>	<b>-</b>	<b>1,626</b>	<b>11,500</b>	<b>1,503</b>	<b>123</b>	<b>19,277</b>
6001-Post 1st Class/Bulk	7	402	1,000	(598)	1,000	371	31	1,079
6319-Mtg Other Functions	-	-	-	-	47,000	-	-	45,535
6321-Mtg Meals	-	-	-	-	83,000	-	-	110,476
6325-Mtg Hospitality	-	-	-	-	82,000	-	-	170,105
6341-Mtg Equip Rental	-	-	-	-	25,000	-	-	59,624
7999-Other Operating Exp	2,579	3,779	-	3,779	3,000	-	3,779	11,603
<b>Total Other Expense</b>	<b>2,587</b>	<b>4,182</b>	<b>1,000</b>	<b>3,182</b>	<b>241,000</b>	<b>371</b>	<b>3,811</b>	<b>398,422</b>
8011-Administration CLE	-	-	15,950	(15,950)	15,950	-	-	15,950
8101-Printing In-House	-	-	-	-	-	-	-	513
8131-A/V Services	-	175	-	175	-	210	(35)	5,797
8141-Journal/News Service	-	-	-	-	-	-	-	850
8171-Course Approval Fee	55	55	-	55	-	55	-	55
<b>Total Admin &amp; Internal Expense</b>	<b>55</b>	<b>230</b>	<b>15,950</b>	<b>(15,720)</b>	<b>15,950</b>	<b>265</b>	<b>(35)</b>	<b>23,165</b>
<b>Total Expense</b>	<b>3,891</b>	<b>7,776</b>	<b>16,950</b>	<b>(9,174)</b>	<b>303,450</b>	<b>6,514</b>	<b>1,263</b>	<b>455,350</b>
<b>Operating Income</b>	<b>74,334</b>	<b>93,219</b>	<b>174,050</b>	<b>(80,831)</b>	<b>130,550</b>	<b>163,456</b>	<b>(70,238)</b>	<b>109,188</b>

**THE FLORIDA BAR**  
**Real Property Trust Officer Liaison Conference**  
**For the Six Months Ending December 31, 2025**

	December	YTD/Prior					
		YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD Variance (\$)
3301-Registration-Live	-	304,305	80,000	224,305	240,000	258,995	45,310
3331-Registration-Ticket	(12)	24,113	3,000	21,113	10,000	17,410	6,703
<b>Total Registration Revenue</b>	<b>(12)</b>	<b>328,418</b>	<b>83,000</b>	<b>245,418</b>	<b>250,000</b>	<b>276,405</b>	<b>52,013</b>
3341-Exhibit Fees	-	60,500	30,000	30,500	85,000	60,500	-
3351-Sponsorships	-	154,500	35,000	119,500	100,000	128,950	25,550
<b>Other Event Revenue</b>	<b>-</b>	<b>215,000</b>	<b>65,000</b>	<b>150,000</b>	<b>185,000</b>	<b>189,450</b>	<b>25,550</b>
3401-Sales-CD/DVD	1,370	7,975	2,000	5,975	5,000	8,450	(475)
<b>Sales, Rents &amp; Royalties Revenue</b>	<b>1,370</b>	<b>7,975</b>	<b>2,000</b>	<b>5,975</b>	<b>5,000</b>	<b>8,450</b>	<b>(475)</b>
<b>Total Revenue</b>	<b>1,358</b>	<b>551,393</b>	<b>150,000</b>	<b>401,393</b>	<b>440,000</b>	<b>474,305</b>	<b>77,088</b>
							<b>488,135</b>
5031-AV Services	-	17,794	25,000	(7,206)	25,000	-	17,794
5051-Credit Card Fees	71	1,643	12,000	(10,357)	12,000	3,362	(1,719)
5121-Printing-Outside	-	1,712	2,500	(788)	2,500	-	1,712
<b>Total Contract Services</b>	<b>71</b>	<b>21,149</b>	<b>39,500</b>	<b>(18,351)</b>	<b>39,500</b>	<b>3,362</b>	<b>17,787</b>
5501-Employee Travel	473	4,273	3,000	1,273	3,000	3,870	403
5571-Speaker Travel	1,220	7,624	7,000	624	7,000	3,848	3,776
<b>Total Travel</b>	<b>1,693</b>	<b>11,896</b>	<b>10,000</b>	<b>1,896</b>	<b>10,000</b>	<b>7,718</b>	<b>4,178</b>
6001-Post 1st Class/Bulk	-	1,053	1,000	53	1,000	185	868
6021-Post Express Mail	-	-	150	(150)	150	-	-
6319-Mtg Other Functions	-	10,985	10,000	985	10,000	5,299	5,686
6321-Mtg Meals	-	107,077	85,000	22,077	85,000	105,268	1,810
6325-Mtg Hospitality	-	93,853	90,000	3,853	90,000	111,813	(17,960)
6341-Mtg Equip Rental	-	3,180	-	3,180	-	24,942	(21,762)
6399-Mtg Other	-	-	-	-	-	-	250
6401-Speaker Expense	-	1,395	1,000	395	1,000	2,989	(1,594)
7999-Other Operating Exp	-	587	3,200	(2,613)	3,200	4,138	(3,551)
<b>Total Other Expense</b>	<b>-</b>	<b>218,131</b>	<b>190,350</b>	<b>27,781</b>	<b>190,350</b>	<b>254,634</b>	<b>(36,503)</b>
							<b>257,376</b>
8011-Administration CLE	-	15,950	14,300	1,650	14,300	15,950	-
8101-Printing In-House	-	1,094	1,000	94	1,000	951	143
8131-A/V Services	-	5,595	-	5,595	-	5,530	65
8141-Journal/News Service	-	425	500	(75)	500	425	-
8171-Course Approval Fee	-	-	14,300	(14,300)	14,300	-	850
<b>Total Admin &amp; Internal Expense</b>	<b>-</b>	<b>23,064</b>	<b>30,100</b>	<b>(7,036)</b>	<b>30,100</b>	<b>22,857</b>	<b>208</b>
<b>Total Expense</b>	<b>1,764</b>	<b>274,241</b>	<b>269,950</b>	<b>4,291</b>	<b>269,950</b>	<b>288,571</b>	<b>(14,330)</b>
<b>Operating Income</b>	<b>(406)</b>	<b>277,152</b>	<b>(119,950)</b>	<b>397,102</b>	<b>170,050</b>	<b>185,734</b>	<b>91,418</b>
							<b>184,253</b>

**THE FLORIDA BAR**  
**Real Property Convention**  
**For the Six Months Ending December 31, 2025**

	December	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior FYE Actual	
							YTD Variance (\$)	2025
3301-Registration-Live	-	-	-	-	50,000	-	-	90,615
<b>Total Registration Revenue</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>50,000</b>	<b>-</b>	<b>-</b>	<b>90,615</b>
3341-Exhibit Fees	-	4,800	-	4,800	-	(3,000)	7,800	(3,000)
3351-Sponsorships	4,000	11,500	-	11,500	30,000	-	11,500	42,500
<b>Other Event Revenue</b>	<b>4,000</b>	<b>16,300</b>	<b>-</b>	<b>16,300</b>	<b>30,000</b>	<b>(3,000)</b>	<b>19,300</b>	<b>39,500</b>
<b>Total Revenue</b>	<b>4,000</b>	<b>16,300</b>	<b>-</b>	<b>16,300</b>	<b>80,000</b>	<b>(3,000)</b>	<b>19,300</b>	<b>130,115</b>
4311-Office Supplies	-	-	-	-	-	-	-	413
<b>Total Staff &amp; Office Expense</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>413</b>
5031-AV Services	2,579	3,779	-	3,779	20,000	-	3,779	29,980
5051-Credit Card Fees	-	169	1,500	(1,331)	1,500	(66)	235	2,052
<b>Total Contract Services</b>	<b>2,579</b>	<b>3,948</b>	<b>1,500</b>	<b>2,448</b>	<b>21,500</b>	<b>(66)</b>	<b>4,014</b>	<b>32,032</b>
5501-Employee Travel	-	-	-	-	5,000	-	-	6,075
<b>Total Travel</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>-</b>	<b>6,075</b>
6311-Mtg General Meeting	-	-	-	-	-	-	-	184
6321-Mtg Meals	-	-	-	-	250,000	-	-	337,356
6341-Mtg Equip Rental	-	-	-	-	-	5,525	(5,525)	21,156
6361-Mtg Entertainment	-	80	-	80	40,000	242	(162)	29,260
<b>Total Other Expense</b>	<b>-</b>	<b>80</b>	<b>-</b>	<b>80</b>	<b>290,000</b>	<b>5,767</b>	<b>(5,687)</b>	<b>387,955</b>
<b>Total Expense</b>	<b>2,579</b>	<b>4,028</b>	<b>1,500</b>	<b>2,528</b>	<b>316,500</b>	<b>5,701</b>	<b>(1,673)</b>	<b>426,476</b>
<b>Operating Income</b>	<b>1,421</b>	<b>12,272</b>	<b>(1,500)</b>	<b>13,772</b>	<b>(236,500)</b>	<b>(8,701)</b>	<b>20,973</b>	<b>(296,361)</b>

**THE FLORIDA BAR**  
**Real Property Trust Attorney Bankers Conference**  
**For the Six Months Ending December 31, 2025**

	December	YTD/Prior					
		YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD Variance (\$)
3301-Registration-Live	-	11,060	15,000	(3,940)	15,000	-	11,060
<b>Total Registration Revenue</b>	<b>-</b>	<b>11,060</b>	<b>15,000</b>	<b>(3,940)</b>	<b>15,000</b>	<b>-</b>	<b>11,060</b>
3351-Sponsorships	-	6,750	12,000	(5,250)	12,000	-	6,750
<b>Other Event Revenue</b>	<b>-</b>	<b>6,750</b>	<b>12,000</b>	<b>(5,250)</b>	<b>12,000</b>	<b>-</b>	<b>6,750</b>
<b>Total Revenue</b>	<b>-</b>	<b>17,810</b>	<b>27,000</b>	<b>(9,190)</b>	<b>27,000</b>	<b>-</b>	<b>17,810</b>
5051-Credit Card Fees	-	395	-	395	-	-	395
<b>Total Contract Services</b>	<b>-</b>	<b>395</b>	<b>-</b>	<b>395</b>	<b>-</b>	<b>-</b>	<b>395</b>
5501-Employee Travel	-	837	-	837	1,250	-	837
5571-Speaker Travel	-	-	-	-	1,000	-	-
<b>Total Travel</b>	<b>-</b>	<b>837</b>	<b>-</b>	<b>837</b>	<b>2,250</b>	<b>-</b>	<b>837</b>
6321-Mtg Meals	-	4,131	6,000	(1,869)	6,000	-	4,131
6325-Mtg Hospitality	-	2,446	5,000	(2,554)	5,000	-	2,446
6341-Mtg Equip Rental	-	618	1,000	(382)	1,000	-	618
7999-Other Operating Exp	-	-	300	(300)	300	-	-
<b>Total Other Expense</b>	<b>-</b>	<b>7,195</b>	<b>12,300</b>	<b>(5,105)</b>	<b>12,300</b>	<b>-</b>	<b>7,195</b>
8011-Administration CLE	-	4,400	7,200	(2,800)	7,200	-	4,400
8101-Printing In-House	-	-	75	(75)	75	-	-
8141-Journal/News Service	425	425	500	(75)	500	-	425
8171-Course Approval Fee	-	55	-	55	-	-	55
<b>Total Admin &amp; Internal Expense</b>	<b>425</b>	<b>4,880</b>	<b>7,775</b>	<b>(2,895)</b>	<b>7,775</b>	<b>-</b>	<b>4,880</b>
<b>Total Expense</b>	<b>425</b>	<b>13,307</b>	<b>20,075</b>	<b>(6,768)</b>	<b>22,325</b>	<b>-</b>	<b>13,307</b>
<b>Operating Income</b>	<b>(425)</b>	<b>4,503</b>	<b>6,925</b>	<b>(2,422)</b>	<b>4,675</b>	<b>-</b>	<b>4,503</b>
							<b>(103)</b>

Date of Presentation	Crs. #	Title	Location
1/22/26 – 1/23/26	9470	Advanced Condominium & Planned Development Law Certification Review Course	Miami
1/29/26	9458	Estate Planning (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
2/4/26	9471	MRTA: Mechanics and Myth Busting	Webcast
2/11/26	9519	Rules of Construction	Webcast
2/18/26	9472	MRTA: Mineral Rights	Webcast
2/18/24	9611	Series LLCs in Estate Planning: A Horizontal Shield or a Trap for the Unwary?	Webcast
2/20/26	9520	Real Estate Certification Academy: Part 1	Webcast
2/27/26	9521	Real Estate Certification Academy: Part 2	Webcast
3/1/26	9518	RP Problem Studies Webcast (land meets water)	Webcast
3/4/26	9473	MRTA: Notices to Preserve	Webcast
3/5/26 – 3/7/36	9339	Advanced Construction Law Certification Review Course	Orlando
3/5/26	9340	Florida Coverage College	Orlando
3/6/26 – 3/7/26	9338	Construction Law Institute	Orlando
3/19/26	TBD	Spousal Rights (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
3/20/26 – 3/21/26	9427	Advanced Real Estate Certification Review Course	Orlando
3/20/26 – 3/21/26	9426	Advanced Wills, Trusts & Estates Certification Review Course	Orlando
3/26/26	9522	Litigation and Trust Law Symposium	Tampa
April	9523	Annual Guardianship Seminar	TBD
5/15/26	9524	Probate Law	Fort Lauderdale
5/21/26	TBD	Trust Law (Part of the RPPTL: One Step at a Time 101's Series)	Pre-recorded Webcast
5/29/26	9526	RPPTL Annual Convention Seminar – Artificial Intelligence	Pone Vedra
6/8/26	9525	Economic Loss Rule	Webcast



# The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

Joshua E. Doyle  
Executive Director

(850) 561-5600  
[www.FLORIDABAR.org](http://www.FLORIDABAR.org)

## REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
  - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
  - If comments have been received from another interested group, the comments must be included.
  - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
  - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
  - The proposal will then need to be presented at the Division Round Table.
  - Then, published as an Information Item to the Executive Council.
  - Then, published as an Action Item to the Executive Council.

## General Information

**Submitted by:** (name of Section Committee) The Trust Law Committee of the Real Property, Probate and Trust Law Section of the Florida Bar.

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**Contact:** (Name of Committee Chair(s), address and phone number)  
Travis Hayes, Gunster, 5551 Ridgewood Dr, Suite 501, Naples, FL 34108-2719,  
(239)-514-1000

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(Name of Sub-committee Chair, if any, address and phone number, if any)  
Jeffrey S. Goethe, Barnes Walker, Goethe, Perron, Shea & Johnson, PLLC, 3119  
Manatee Avenue West, Bradenton, FL 34205, (941) 827-2210 (direct line) and (941) 741-8224 (main office line).

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## Proposed Advocacy

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

### 1. Proposed Wording of Legislative Position for Official Publication

Support legislation to extend protections for children born after a parent makes a will as currently available under the Probate Code to protections for a child born after the parent creates or updates a revocable trust.

### 2. Political Proposal

N/A

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### 3. Reasons For Proposed Advocacy

a. Per SBP 9.50(a), does the proposal meet all three of the following requirements?  
(select one)   X   Yes        No

- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
- It is beyond the scope of the Section/Bar's permissible legislative or political activity, or within the Section/Bar's permissible scope of legislative or political activity and consistent with an official Section/Bar position on that issue; and
- It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.

b. Additional Information: 

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## Referrals to Other Committees, Divisions & Sections/Voluntary Bar Groups

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List all Bar committees, divisions, sections and voluntary bar groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose.

The proposal has been shared with the Probate Law and Procedure Committee during meetings in July 2023, November 2023, February 2024, May 2024, July 2024, February 6, 2025, August 21, 2025, and prior meetings of the Real Property, Probate and Trust Law Section. Once approved, the committee will provide copies of the position materials to the legislative liaisons with the Elder Law Section, the Business Law Section, and the Family Law Section.

### Contacts

#### **Legislation Committee Appearance** (*list name, address and phone #*)

Sancha K. Brennan, Legislation Committee Co-Chair, 545 Delaney Avenue, Hovey Court, Bldg. 1, Orlando, FL 32801, Telephone: (407) 893-7888

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Lee Weintraub, Legislation Committee Co-Chair, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, FL 3301-1876, Telephone: (954) 985-4147

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#### **Appearances before Legislators** (*list name and phone # of those having direct contact before House/Senate committees*)

Martha J. Edenfield, Martha J. Edenfield, P.A., 1700 North Monroe Street, Suite 11-174, Tallahassee, FL 32303-0501, Telephone 850-556-8611; and H. French Brown, Jones Walker, LLP, 106 East College Ave., Suite 1200, Tallahassee, FL 32301-7741, Telephone 850-214-5075

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#### **Meetings with Legislators/staff** (*list name and phone # of those having direct contact with legislators*)

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A bill to be entitled

An act relating to estates; providing a short title; amending s. 732.302; providing for the extension of a pretermitted child's rights to assets transferred at death by the parent's will and trust; amending s. 736.0201; providing that a child's pretermitted share of assets subject to the deceased parent's revocable trust may be determined in a probate proceeding.

**Be It Enacted by the Legislature of the State of Florida:**

Section \_\_\_\_\_. Section 732.302, Florida Statutes, is hereby amended to read:

### 732.302 Pretermitted children.—

(1) When a testator omits to provide by will for any of his or her children born or adopted after making the will and the child has not received a part of the testator's property equivalent to a child's part by way of advancement, decedent does not devise any portion of his or her pretermitted estate to a child of the decedent born or adopted after the decedent executed a testamentary instrument, the child shall receive a share of the decedent's pretermitted estate equal in value to that which the share the child would have received if the decedent had died intestate as to the decedent's entire pretermitted estate, unless:

(1) It appears from the will that the omission was intentional; or

(2) The testator had one or more children when the will was executed and devised substantially all of the estate to the other parent of the pretermitted child and that other parent survived the testator and is entitled to take under the will.

(a) The child has received a part of the decedent's property equal to or greater than a pretermitted share by way of advancement;

(b) It appears from the decedent's testamentary instrument that the omission was intentional; or

(c) The decedent had one or more children when the testamentary instrument was executed and devised substantially all the pretermitted estate to the other parent of the pretermitted child and that other parent survived the decedent and is entitled to take under the testamentary instrument.

(2) For purposes of this section, the pretermitted estate includes consists of assets subject to the testamentary instrument, including assets subject to the testamentary instrument as a result of the decedent's death.

(3) As used in this section, the term "testamentary instrument" means any will or trust instrument, read together as if all beneficiaries were taking under a common governing instrument.

(4) As used in this section, the term "trust instrument" is limited to a trust instrument that contains the terms of a trust described in s. 733.707(3).

(5) The pretermitted status of the child shall be determined based on the date the decedent executed the most recent testamentary instrument.

(6) The share of the pretermitted estate that is credited to the pretermitted child shall be determined in accordance with s. 733.805.

(7) In determining the satisfaction of the pretermitted share and contribution required under s. 733.607(2), subsection (2) of this section and s. 736.05053(2) shall be applied as if the beneficiaries under the

54 testamentary instrument, other than the estate or revocable trust itself,  
55 were taking under a common instrument.

56 (8) Unless a petition to determine pretermitted share was filed in  
57 the probate proceeding within two years of the decedent's death, the  
58 decedent's estate, the assets devised by the trust instrument, the personal  
59 representative or trustee of the trust, and the beneficiaries of the  
60 decedent's probate estate or trust shall not be liable for any claim or cause  
61 of action brought under this section. Unless a petition to determine  
62 pretermitted share was filed in the probate proceeding within two years of  
63 the decedent's death, any claim or cause of action brought under this  
64 section is barred.

65 Section \_\_. Section 736.0201, Florida Statutes, is hereby amended  
66 to read:

67 736.0201 Role of court in trust proceedings.—

68 (1) Except as provided in subsections (5), (6), and (7), and (8)  
69 and s. 736.0206, judicial proceedings concerning trusts shall be  
70 commenced by filing a complaint and shall be governed by the Florida  
71 Rules of Civil Procedure.

72 (2) The court may intervene in the administration of a trust to the  
73 extent the court's jurisdiction is invoked by an interested person or as  
74 provided by law.

75 (3) A trust is not subject to continuing judicial supervision unless  
76 ordered by the court.

77 (4) A judicial proceeding involving a trust may relate to the  
78 validity, administration, or distribution of a trust, including proceedings to:

79 (a) Determine the validity of all or part of a trust;  
80 (b) Appoint or remove a trustee;

- (c) Review trustees' fees;
- (d) Review and settle interim or final accounts;
- (e) Ascertain beneficiaries; determine any question arising in the administration or distribution of any trust, including questions of construction of trust instruments; instruct trustees; and determine the existence or nonexistence of any immunity, power, privilege, duty, or right;
- (f) Obtain a declaration of rights; or
- (g) Determine any other matters involving trustees and beneficiaries.

(5) A proceeding for the construction of a testamentary trust may be filed in the probate proceeding for the testator's estate. The proceeding shall be governed by the Florida Probate Rules.

(6) Rule 1.525, Florida Rules of Civil Procedure, shall apply to judicial proceedings concerning trusts, except that the following do not constitute taxation of costs or attorney fees even if the payment is for services rendered or costs incurred in a judicial proceeding:

(a) A trustee's payment of compensation or reimbursement of costs to persons employed by the trustee from assets of the trust.

(b) A determination by the court directing from what part of the trust fees or costs shall be paid, unless the determination is made under s. 736.1004 in an action for breach of fiduciary duty or challenging the exercise of, or failure to exercise, a trustee's powers.

(7) A proceeding to determine the homestead status of real property owned subject to a trust instrument may be filed in the probate proceeding for the settlor's estate if the settlor was treated as the owner of the interest held subject to the trust under s. 732.4015. The proceeding shall be governed by the Florida Probate Rules.

(8) A proceeding to determine a child's pretermitted share, including a determination that

(a) the assets subject to the decedent's trust instrument are included in the calculation of the pretermitted share, and

(b) the trust assets are necessary to satisfy the pretermitted share.

shall be filed in the probate proceeding. The proceeding shall be governed by the Florida Probate Rules. As used in this section, the term "trust" is limited to a trust instrument described in s. 733.707(3), including any amendment to the trust instrument.

## WHITE PAPER

### AMENDMENTS TO S. 732.202 AND S. 736.0201, FLA. STAT. CONCERNING PRETERMITTED CHILDREN

#### I. SUMMARY

This legislation concerns the rights of pretermitted children under the Florida Probate Code and extends those rights to the assets passing under a deceased parent's revocable trust. A pretermitted child is a child who is born after the parent makes a last will and testament. The bill does not have a fiscal impact on state funds, but may indirectly benefit the state by protecting a minor child born after a parent makes a will or trust and ensuring that such children have inheritance rights.

#### II. SECTION BY SECTION ANALYSIS

##### A. Section 732.302

###### 1. Current Situation

Section 732.302, Fla. Stat., currently provides a share of a deceased parent's estate for a child who was born or adopted after the parent made a will. The birth or adoption of a child after the parent executes a will does not revoke the prior will.<sup>1</sup> The protection is limited to assets passing under the decedent's will. It does not include assets passing under the parent's revocable trust.

###### 2. Effect of Proposed Changes

The proposed amendment to § 732.302 would add the assets subject to the decedent's revocable trust to the calculation of a child's pretermitted share. It would also resolve the inconsistency that occurs when a decedent dies intestate, because he or she did not have a will, but had a revocable trust that included a gift for the child.

###### a. Description of the Person Executing a Testamentary Instrument.

A testator is a person who makes a will. The terms "grantor," "settlor," and "trustor" describe a person who creates a trust.<sup>2</sup> Since trusts are included in the proposed legislation the term "decedent" is used because the pretermitted child's rights are considered after the parent's death.

**b. Testamentary Instruments.** A last will and testament is not the only testamentary instrument that should be considered in determining the pretermitted status of a child born or adopted after the execution of an instrument taking effect at the parent's death. The text of the proposed legislation would address wills and trusts: "When a decedent does not devise any portion of his or her pretermitted estate...[under] a testamentary instrument that controls the disposition of the decedent's pretermitted estate at death...."

<sup>1</sup> §732.507(1), Fla. Stat.

<sup>2</sup> § 731.201(19), Fla. Stat.

**c. Timing Issues.** The current law addresses situations where the deceased parent failed to update his or her will after the birth or adoption of a child and, therefore, did not include the child in the will.

- The phrase “testamentary instrument that controls the disposition of the decedent’s pretermitted estate at death” recognizes that the decedent’s will and trust instrument, including codicils and amendments, should be read together as a whole to determine whether the decedent provided for a child born after the execution of the last testamentary instrument.
- If prior wills, codicils, trusts, or amendments provided for the child, but an amendment removed the devise to the child, then the child would not be considered a pretermitted child. The decedent considered the child at one point during the planning process, but then decided to exclude the child.<sup>3</sup>

**d. “Provide for” and “Devise.”** The term “devise” includes a gift under a will or trust.<sup>4</sup> The current statute uses the phrase “provide by will.” Whether the child received a devise is a more appropriate test for determining pretermitted status when the decedent’s revocable trust is included.

**e. Pretermitted Estate.** The term “pretermitted estate” is used to recognize that both the decedent’s probate estate (assets subject to the decedent’s will and assets passing by intestacy) and the decedent’s trust estate (assets subject to the decedent’s revocable trust instrument) should be considered in determining the child’s pretermitted share.

**f. Advancements.** The current text of §732.302 addresses advancements as applied to wills in subsection (1). Since advancements can be applied to satisfy a pretermitted share, the proposed legislation would move the text concerning advancements to subsection (1)(a). The Florida Probate Code defines advancements in §733.806.

## **B. Section 736.0201**

### **1. Current Situation**

Proceedings involving the administration of a decedent’s estate, whether testate or intestate, are generally governed by the Florida Probate Rules.<sup>5</sup> In some instances, such as elective share

<sup>3</sup> The best practice is to identify the children of a person making a will or trust and to specific if there is an intention to exclude a child. This satisfies the exception in §732.302(1), Fla. Stat.

<sup>4</sup> § 731.201(11), Fla. Stat.

<sup>5</sup> §§ 731.011, 731.104, 731.110, 731.201 (subsections (18) and (22)), 731.301, 732.107, 732.2151, 732.805, 733.212(3), 733.6171, and 733.705, Fla. Stat.

proceedings,<sup>6</sup> determination of homestead rights,<sup>7</sup> estate tax apportionment,<sup>8</sup> and the payment of creditor claims,<sup>9</sup> assets outside the probate estate, including assets passing subject to the decedent's revocable trust instrument, are considered in the determination of the rights of heirs, family members, and creditors. These proceedings are all subject to the Florida Probate Rules.

Trust proceedings, on the other hand, are subject to the Rules of Civil Procedure.<sup>10</sup> Section 736.0201 provides a few limited exceptions. Because the current provisions for a child's pretermitted share are located only in the Florida Probate Code, it is practical to determine a child's pretermitted share within a probate proceeding, subject to the Florida Probate Rules, even when assets subject to the decedent's trust instrument may be involved. In proceedings to determine a surviving spouse's elective share rights, creditor claims, administration expenses, and the rights of beneficiaries under the decedent's will and revocable trust affect the amount and satisfaction of the elective share. If the child's pretermitted share will now include assets held subject to the decedent's revocable trust, then the Trust Code should be amended to allow those proceedings to be incorporated into the probate administration, subject to the Florida Probate Rules, instead of requiring a separate action under the Florida Trust Code and the Rules of Civil Procedure.

## **2. Effect of Proposed Changes**

The proposed amendment to § 736.0201(8), Fla. Stat. would require that proceedings to determine a child's pretermitted share be handled in conjunction with the administration of the decedent's probate estate.

## **III. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS**

This proposal will not have a fiscal impact on state or local governments. The proposal could indirectly have a positive impact on state and local government by ensuring that a child is not accidentally disinherited under a will or trust made before the child's birth or adoption, which could reduce instances where a minor child or the minor child's surviving parent or caretaker is dependent upon state resources for support.

## **IV. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR**

This proposal will not have an economic impact on members of the private sector.

## **V. CONSTITUTIONAL ISSUES**

This proposal does not have any impact on constitutional issues. Article I, section 2, of the Florida Constitution has been interpreted to recognize the right of Floridians to determine the

<sup>6</sup> § 732.2035, Fla. Stat.

<sup>7</sup> § 736.0201(7), Fla. Stat.

<sup>8</sup> § 733.817(3)(e), Fla. Stat.

<sup>9</sup> § 733.707(3), Fla. Stat.; 736.05053(1), Fla. Stat.

<sup>10</sup> § 736.0201(1), Fla. Stat.

distribution of their property upon death, but the states interest in protecting families permits reasonable limits of the right of testamentary freedom.<sup>11</sup>

## **V. OTHER INTERESTED PARTIES**

The Elder Law Section of the Florida Bar

The Business Law Section of the Florida Bar

The Family Law Section of the Florida Bar

<sup>11</sup> *Shriners Hosp. for Crippled Children v. Zrillic*, 563 So. 2d 64 (Fla. 1990); *Via v. Putnam*, 656 So. 2d 460 (Fla. 1995); *Magee v. Magee* 988 So. 2d 1 (Fla. 2007).



# The Florida Bar

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## REAL PROPERTY, PROBATE AND TRUST LAW SECTION LEGISLATIVE OR POLITICAL ACTIVITY REQUEST FORM

- This form is for Section Committees to seek approval for Section legislative or political activities.
- Legislative or political activity is defined in the Standing Board Policies of The Florida Bar (SBP 9.11) as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- Requests for legislative and political activity must be made on this form and submitted to the RPPTL Legislation Committee, with your Committee’s white paper.
- Pursuant to SBP 9.50(d), the Section must advise The Florida Bar of proposed legislative or political activity AND circulate the proposal to all Bar divisions, sections and committees that might be interested in the issue.
  - Committees must check with other interested Bar divisions, sections and committees to see if there are comments or issues.
  - If comments have been received from another interested group, the comments must be included.
  - If comments have not yet been received, the proposal may still be submitted to the Legislation Committee, with a list of the interested groups that have been notified and the dates and methods of notification.
  - If a decision needs to be expedited, the proposal must explain the need for an expedited decision and request a specific deadline for a decision by the Bar.
- The Legislation Committee will review the proposal.
  - The proposal will then need to be presented at the Division Round Table.
  - Then, published as an Information Item to the Executive Council.
  - Then, published as an Action Item to the Executive Council.

## General Information

**Submitted by:** (name of Section Committee): RPPTL Trust Law Committee

**Contact:** (Name of Committee Chair(s), address and phone number: M. Travis Hayes, c/o Gunster, 5551 Ridgewood Drive, Suite 501, Naples, FL 34108 (239-514-1000)

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(Name of Sub-committee Chair, if any, address and phone number): Robert H. Trudeau, c/o Purcell, Flanagan & Hay, 1548 Lancaster Terrace, Jacksonville, FL 32204 (904-355-0355)

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## Proposed Advocacy

Complete #1 below if the issue is legislative OR #2 if the issue is political; AND #3 must be completed.

### 1. Proposed Wording of Legislative Position for Official Publication

Support revision to Section 736.0502, Florida Statutes, to clarify that a spendthrift provision is not invalid solely because a beneficiary, as trustee or otherwise, has discretion to make distributions to himself or herself based upon an ascertainable standard.

### 2. Political Proposal

N/A.

### 3. Reasons For Proposed Advocacy

a. Per SBP 9.50(a), does the proposal meet all three of the following requirements?

(select one)  Yes  No

- It is within the group's subject matter jurisdiction as described in the Section's Bylaws;
- It is beyond the scope of the Section/Bar's permissible legislative or political activity, or within the Section/Bar's permissible scope of legislative or political activity and consistent with an official Section/Bar position on that issue; and
- It does not have the potential for deep philosophical or emotional division among a substantial segment of the Bar's membership.

b. Additional Information: N/A

## Referrals to Other Committees, Divisions & Sections/Voluntary Bar Groups

Pursuant to SBP 9.50(d), the Section must provide copies of its proposed legislative or political actions to all Bar committees, divisions, sections and voluntary bar groups that may be interested in the issue. **List all Bar committees, divisions, sections and voluntary bar groups that this proposal has been shared with** pursuant to this requirement, **the date the proposal was shared**, and **provide all comments** received from such groups as part of your

submission. The Section may submit its proposal before receiving comments, but only after the proposal has been provided to other bar divisions, sections or committees. A form for sharing proposals is available for this purpose. The subcommittee has not identified any Bar committees, divisions, sections or voluntary bar groups which would be interested in this proposal.

### **Contacts**

**Legislation Committee Appearance** (*list name, address and phone #*)

S. Dresden Brunner, c/o Harrison, LLP, American Momentum Bank Building  
8625 Tamiami Trail North, Suite 202 Naples, FL 34108 (239-580-8104)

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**Appearances before Legislators** (*list name and phone # of those having direct contact before House/Senate committees*)

Peter M. Dunbar, Martha J. Edenfield, and H. French Brown, IV  
c/o Jones Walker, 106 E. College Avenue, Suite 1200, Tallahassee, FL 32301-7741  
(850-214-5100)

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**Meetings with Legislators/staff** (*list name and phone # of those having direct contact with legislators*)

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1 An act relating to trusts; amending s. 736.0502;  
2 affirming that spendthrift provisions are not  
3 invalid because a beneficiary has discretion over  
4 distributions based upon an ascertainable  
5 standard to or for the benefit of the  
6 beneficiary.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Subsection (5) is added to section 736.0502, Florida  
11 Statutes, to read:

12 (5) A spendthrift provision is not invalid solely because the  
13 beneficiary, as trustee or otherwise, has discretion to distribute  
14 trust property based upon an ascertainable standard to or for the  
15 benefit of the beneficiary.

16

17 Section 2. The amendment made by this act to s. 736.0502,  
18 Florida Statues, is remedial and applies to trusts created before,  
19 on, or after the effective date of this act that are governed by  
20 the laws of this state or that have a principal place of  
21 administration within this state.

22

23 Section 3. This act shall take effect upon becoming law.

24

**TRUST LAW COMMITTEE  
REAL PROPERTY, PROBATE AND TRUST LAW SECTION OF THE FLORIDA BAR**

**WHITE PAPER ON PROPOSED ADDITION TO FLORIDA STATUTE SECTION 736.0502**

**I. SUMMARY**

The proposed legislation originates from the Trust Law Committee (the "Committee") of the Real Property, Probate and Trust Law Section of The Florida Bar. The Committee has identified a tangible risk whereby a spendthrift provision could be invalidated if a beneficiary of a Florida irrevocable trust serves as a trustee. This creates a further risk that a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift trust and a discretionary trust when a beneficiary serves as trustee. This latent risk appears to be unique to Florida (at least among those states that have adopted a version of the Uniform Trust Code) and contradicts the common understanding of Florida law among practitioners. Since this risk could subject a Florida irrevocable trust to the claims of a beneficiary's general creditors to some extent, this issue could also arguably trigger a general power of appointment under Internal Revenue Code ("IRC") §2041, thereby causing estate tax inclusion of the trust assets in the beneficiary's estate (which would defeat the grantor's original intent with respect to the trust).

The proposed legislation clarifies Florida law and eliminates this risk by adding a new subsection (5) to F.S. §736.0502 to ensure a spendthrift provision is not rendered invalid solely because the beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary. The proposed legislation does not impact the rights of those commonly referred to as "exception creditors," which includes former spouses and children with support orders. Specifically, the proposed legislation has no impact on the holding in *Berlinger v. Casselberry*, 133 So. 3d 961 (2d DCA 2013).

**II. CURRENT SITUATION**

Statutory Analysis

*General Rule Regarding Creditor Claims* – F.S. §736.0501 provides the general rule that a "court may authorize a creditor or assignee of the beneficiary to reach the beneficiary's interest by attachment of present or future distributions to or for the benefit of the beneficiary or by other means..." As a starting point, the Florida Trust Code ("FTC") provides creditors, via court authorization, with general authority to reach a beneficiary's interest in a trust, including by garnishment (i.e., "by attachment of present or future distributions"). However, this general rule is then limited by the protections set forth in F.S. §736.0502 (spendthrift protection) and F.S. §736.0504 (discretionary trust protection).

*Spendthrift Trusts* – The first exception to general creditor access to trust assets is spendthrift protection. If a trust is subject to a valid spendthrift provision, F.S. §736.0502 provides that a creditor generally may not: (1) reach the beneficiary's interest in the trust; or (2) reach a trust distribution before receipt by the beneficiary. Under F.S. §736.0102(22), the term "spendthrift provision" is defined to include any "term of a trust that restrains both voluntary and involuntary transfer of a beneficiary's interest."

*Exception Creditors* – F.S. §736.0503 provides that spendthrift provisions are not enforceable against certain protected categories of creditors, most notably former spouses and children with support orders. As noted above, these preferred classes of creditors to whom spendthrift provisions do not apply are commonly referred to as "exception creditors."

*Discretionary Trusts* – The second exception to general creditor access to trust assets is discretionary trust protection. A discretionary trust is simply a trust that empowers the trustee to make distributions in the trustee's discretion. If a beneficiary's right to distributions is subject to the discretion of the trustee, F.S. §736.0504(2) states that a creditor may not: (1) compel a distribution; or (2) attach or reach the beneficiary's interest in the trust. The protection of F.S. §736.0504 extends even to the claims of exception creditors. Further, F.S. §736.0504(3) continues to apply when the beneficiary is serving as trustee, provided the exercise of discretion is limited by an "ascertainable standard" (as defined in IRC §2041(b)(1)(A) and §2514(c)(1)). Thus, a creditor of a beneficiary who is also serving as trustee may not reach or compel a distribution except to the extent that the interest would be subject to the claim if the beneficiary were not acting as trustee (provided the discretionary authority to distribute to himself or herself is limited by an ascertainable standard).

A plain reading of the above statutes has led many Florida practitioners to provide counsel to Florida residents to adopt planning strategies that should reasonably be expected to protect against garnishment from general creditors provided: (1) the trust contains a valid spendthrift provision; and (2) the discretionary authority to distribute funds to oneself is limited by an ascertainable standard. In particular, many Florida practitioners frequently counsel Florida residents that the beneficiary of a trust may serve as trustee without subjecting such trust to the claims of the beneficiary's creditors or to estate tax liability (provided that a spendthrift provision is included in the trust agreement, and the beneficiary/trustee's discretion to distribute trust assets is limited by an ascertainable standard). However, when analyzed in conjunction with the Florida case law discussed below, that confidence may be misplaced.

#### Application of Caselaw

In *Croom v. Ocala Plumbing & Electric Co.*, 57 So. 243 (Fla. 1911), the beneficiaries were permitted an unrestricted right to demand distribution of trust property. The Florida Supreme Court determined that this gave the beneficiaries effective dominion and control over the trust assets, which invalidated the spendthrift provision.

*Dollinger v. Bottom (In re Bottom)*, 176 B.R. 950 (Bankr. N.D. Fla. Dec. 14, 1994), held that spendthrift protection cannot exist when a beneficiary serves as trustee. The Bankruptcy Court quoted *Croom* for what is now often-cited language: "[a] spendthrift trust is defined to be those trusts that are created with a view of providing a fund for the maintenance of another, and at the same time securing it against his own improvidence or incapacity for self-protection." The Bankruptcy Court further stated that because "Wayne Bottom is named as the sole Trustee of his own trust, the only one that can guard Bottom from his own improvidence is Bottom himself. It is for this reason that the trustee and the sole beneficiary cannot be one in the same under Florida law."

The holding of *In re Bottom* that spendthrift protection is lost simply because a beneficiary serves as trustee is inconsistent with Florida law, particularly after the enactment of the FTC.

*Croom* did not deal with a beneficiary serving as trustee, but rather, a beneficiary who had a right not subject to an ascertainable standard to direct the trustee to distribute trust property. In fact, in the Florida Trust Code Scrivener's Summary, the drafters of the FTC noted specifically in footnote 202 that the "rationale of [Croom] would not appear to apply to powers subject to an ascertainable standard." Therefore, *In re Bottom* inappropriately extended the logic of *Croom* to invalidate a spendthrift provision in any circumstance when a beneficiary serves as trustee, without consideration of the standard for distributions. While *In re Bottom* preceded the FTC, it has been cited after FTC enactment for the proposition that a spendthrift provision can be invalidated if a trust provides a beneficiary with too great of control. *See, e.g. Miller v. Kresser*, 34 So. 3d 172 (Fla. 4th DCA 2010); *In re Givans*, 631 B.R. 930 (Bankr. M.D. Fla. May 28, 2021).

If a trust's spendthrift provision is invalidated because the beneficiary serves as trustee, the beneficiary's interest in the trust should still enjoy discretionary trust protections under F.S. §736.0504. However, this protection is not absolute. In *Berlinger v. Casselberry*, 133 So. 3d 961 (2d DCA 2013), the court held that writs of garnishment could be issued against discretionary trusts created under Florida law to enforce a former spouse's support order for unpaid alimony. The court further held that F.S. §736.0504 does not prohibit a former spouse with a valid support order from garnishing a trust.

Based on the analysis above, it appears even a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift and discretionary trust if the beneficiary serves as trustee. This is because: (a) F.S. §736.0501 generally authorizes creditors to garnish a beneficiary's interest in a trust; (b) pursuant to *In re Bottom*, spendthrift protection under F.S. §736.0502 is invalidated when a beneficiary serves as trustee; and (c) pursuant to the logic of *Berlinger*, discretionary trust protection under F.S. §736.0504 may not apply with respect to garnishment. Since this risk subjects a Florida irrevocable trust to the claims of a beneficiary's general creditors to some extent, this issue could also arguably trigger a general power of appointment under IRC §2041, thereby causing estate tax inclusion of the trust assets in the beneficiary's estate.

### **III. EFFECT OF PROPOSED CHANGES**

#### **A. Generally**

The effect of the proposed legislation is to eliminate the risk that a spendthrift provision could be invalidated if a beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary. This further eliminates the risk that a general creditor could obtain a writ of garnishment against a Florida irrevocable trust that is properly designed as a spendthrift and discretionary trust solely based on the beneficiary's service as trustee. Since a spendthrift provision is not enforceable against exception creditors under F.S. §736.0503, this legislation in no way impacts the rights of former spouses and children with support orders (et. al.). Specifically, this legislation has no impact on the *Berlinger* holding.

## **B. Specific Legislation**

This legislation adds a new subsection (5) to F.S. §736.0502, to read as follows:

"(5) A spendthrift provision is not invalid solely because the beneficiary, as trustee or otherwise, has discretion to distribute trust property based upon an ascertainable standard to or for the benefit of the beneficiary."

## **IV. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS**

Adoption of the proposed legislation by the Florida Legislature should not have a fiscal impact on state and local governments. It should be revenue neutral.

## **V. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR**

The added certainty and predictability that the proposed legislation will lend to the operation of trusts will benefit the private sector.

## **VI. CONSTITUTIONAL ISSUES**

Adoption of the proposed legislation raises no known constitutional issues.

## **V. OTHER INTERESTED PARTIES**

Other groups that may have an interest in the legislative proposal include the Tax Law Section, Family Law Section, and Business Law Section of the Florida Bar.

## Comprehensive Rider to the Residential Contract For Sale And Purchase

THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR

If initialed by all parties, the clauses below will be incorporated into the Florida Realtors®/Florida Bar Residential Contract For Sale And Purchase between \_\_\_\_\_ (SELLER) and \_\_\_\_\_ (BUYER)

concerning the Property described as \_\_\_\_\_  
\_\_\_\_\_

*Buyer's Initials* \_\_\_\_\_

*Seller's Initials* \_\_\_\_\_

### EE. QUALIFYING IMPROVEMENTS DISCLOSURE

Qualifying improvements programs provide financing to property owners for improvements to their real property for various permanent improvements. Repayment of the debt is through annual non-ad valorem assessments on the Property, which are disclosed on the annual property tax bill. Section 163.081(8), Florida Statutes, states that the Seller shall give the Buyer a written disclosure statement, in the form set forth below, at or before the time Seller executes a contract to purchase property for which a non-ad valorem assessment has been levied and has an unpaid balance due pursuant to section 163.081, Florida Statutes. A list of "Qualifying Improvements" to residential property may be found at section 163.08(4)(a), Florida Statutes.

STATUTORY DISCLOSURE:

**QUALIFYING IMPROVEMENTS.** — The property being purchased is subject to an assessment on the property pursuant to s. 163.081, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of property. You are encouraged to contact the property appraiser's office to learn more about this and other assessments that may be provided by law.

*In the event Buyer is obtaining Financing to purchase the Property, mortgage broker or lender may require the Seller to satisfy the qualifying improvements lien for the qualifying improvements prior to Closing.*

## **I. CLOSING LOCATION; DOCUMENTS; AND PROCEDURE:**

(i) **LOCATION:** Closing will be conducted by the attorney or other closing agent ("Closing Agent") designated by the party paying for the owner's policy of title insurance and will take place in the county where the Real Property is located at the office of the Closing Agent, or at such other location agreed to by the parties. If there is no title insurance, Seller will designate Closing Agent. Closing may be conducted by mail, overnight courier, or electronic means.

(ii) **CLOSING DOCUMENTS:** Seller shall at or prior to Closing, execute and deliver, as applicable, deed, bill of sale, certificate(s) of title or other documents necessary to transfer title to the Property, construction lien affidavit(s), owner's possession and no lien affidavit(s), and assignment(s) of leases. Seller shall provide Buyer with paid receipts for all work done on the Property pursuant to this Contract. Buyer shall furnish and pay for, as applicable, the survey, flood elevation certification, and documents required by Buyer's lender.

(iii) **FinCEN GTO-REAL ESTATE REPORTING OBLIGATION.** Section 1010.821 of Chapter 31 of the Code of Federal Regulations ("CFR") requires that certain residential real estate transactions without institutional lender financing, where at least one buyer/transferee is a legal entity, limited liability company, corporation, partnership, trust, trustee or other non-natural person, must be reported (to "FinCEN Report") to the U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") beginning March 1, 2026 (a "FinCEN Report"). If Closing Agent this transaction is required to complete of a FinCEN Report to comply with a U.S. Treasury Department's Financial Crimes Enforcement Network ("FinCEN") Geographic Targeting Order ("GTO"), then Seller and Buyer shall, no later than the day prior to Closing, provide Closing Agent with essential all information and documentation necessary to enable Closing Agent to complete the FinCEN report. related to Buyer and its Beneficial Owners, including photo identification, and related to the transaction contemplated by this Contract which are required to complete mandatory reporting, including the Currency Transaction Report. Such information and documentation includes, without limitation, full legal names, dates of birth, residential street addresses, and the IRS taxpayer identification number of the beneficial owners of the parties, as further defined and described in the Code. ; and Buyer Each party agrees to promptly provide and consents to Closing Agent's collection and report of said information to IRS FinCEN. Buyer shall pay all costs and fees charged by Closing Agent to prepare and file the FinCEN Report.

(iv) **PROCEDURE:** The deed shall be recorded upon Collection of all closing funds. If the Title Commitment provides insurance against adverse matters pursuant to Section 627.7841, F.S., as amended, the escrow closing procedure required by STANDARD J shall be waived, and Closing Agent shall, **subject to Collection of all closing funds**, disburse at Closing the brokerage fees to Broker and the net sale proceeds to Seller.

**REAL PROPERTY, PROBATE & TRUST LAW SECTION  
OF THE FLORIDA BAR**

**WHITE PAPER**

**PROPOSAL OPPOSING LEGISLATIVE MANDATE OF  
UNIVERSAL “KAUFMAN LANGUAGE” FOR COMMUNITY  
ASSOCIATIONS SUBJECT TO CHAPTERS 718, 719 AND  
720**

**DRAFT OF AUGUST 22, 2025**

**1. SUMMARY**

The legislative position opposes the Florida Legislature impressing on any community association that is subject to Chapters 718, 719, or 720 that it is subject to mandatory, universal “Kaufman Language”.<sup>1</sup> It would leave in place the current law that a governing document by a community can only be amended by the process set forth in either the applicable statute or governing document and the Florida Legislature can only impose obligations on community associations that affect substantive contractual rights upon meeting the balancing test set forth by the Florida Supreme Court.<sup>2</sup>

The legislative position does not oppose the retroactive application of certain portions of Chapters 718, 719, and 720, provided a proper showing is made by the Legislature in accordance with existing case law. This would require the Legislature to meet the requirements in Fla. Ins. Guar. Ass'n, Inc. v. Devon Neighborhood Ass'n, Inc., 67 So.3d 187 (Fla. 2011) and Metro. Dade County v. Chase Fed. Hous. Corp., 737 So.2d 494 (Fla. 1999). These cases set out a two-part test for retroactive application of a statutory amendment. First, did the Legislature indicate a clear intent for the law to apply retroactively and only then, is retroactive application constitutionally permissible. Determination of whether retroactive application is constitutionally permissible would be

<sup>1</sup> See Kaufman v. Shere, 347 So.2d 627, 628 (Fla. 3d DCA 1977). “The contested clause unequivocally states that provisions of the Condominium Act are adopted “*as it may be amended from time to time.*” (Emphasis added). We perceive no ambiguity in this language, and thus find that it was the express intention of all parties concerned that the provisions of the Condominium Act were to become a part of the controlling document of Fifth Moorings whenever they were enacted.”

<sup>2</sup> See Pomponio v The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979). The factors to be considered in a balancing test to determine if legislation impairing contractual rights is constitutional are:

- “(a) Was the law enacted to deal with a broad, generalized economic or social problem?
- “(b) Does the law operate in an area which was already subject to state regulation at the time the parties' contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?
- “(c) Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively.”

done under the balancing test articulated by the Florida Supreme Court in Pomponio v. The Claridge of Pompano Condo, Inc., 378 So.2d 774, 779 (Fla. 1979).

## 2. CURRENT SITUATION

Since *Kaufman* was decided in 1977, it has impacted on a wide range of legal issues in community associations.<sup>3</sup> These decisions have shown that having “Kaufman Language” in a declaration or other controlling document places both the community association and unit owners subject to the will of the Florida Legislature and any amendments to the applicable statutes will govern the contractual relationship of the parties going forward. Most community association attorneys, both association and developer counsel, refrain from placing universal “Kaufman Language” in their declarations. The addition of universal “Kaufman Language” in a declaration may rise to the level of professional malpractice due to the unknown future liabilities, obligations, and vested rights that may be modified or divested by a legislative enactment.<sup>4</sup> To the extent that attorneys add “Kaufman Language” to their documents, it is often done in a targeted fashion so as to only have future legislative enactments that would be beneficial apply.

## 3. EFFECT OF PROPOSED CHANGE

The proposal opposes the impressing of mandatory, universal “Kaufman Language” by the Florida Legislature on any community association that is subject to Chapters 718, 719, or 720. This position leaves changes in the hands of the individual owners in a community association unless the Florida Legislature implements a specific change that satisfies the Pomponio balancing test.

The proposal will decrease the costs to community associations by providing a level of certainty to the applicable laws that govern and not having to incur potentially major expenses adjusting to the changes made each legislative session. It will also allow community associations to implement long-term decisions.

<sup>3</sup> In re Adam, 646 B.R. 846 (SDFL 2022)(lack of “Kaufman” language meant claim of lien had to be recorded for a secured claim in bankruptcy); Beacon Hill Homeowners Ass’n, Inc. v. Colfin Ah-Florida 7, LLC, 221 So.3d 710 (Fla. 3d DCA 2017) (lack of “Kaufman” language in a declaration prevented a third-party purchaser from being jointly and severally liable with the prior owner for unpaid assessments after a mortgage foreclosure sale); Tropicana Condo. Ass’n, Inc. v. Tropical Condo., LLC, 208 So.3d 755 (Fla. 3d DCA 2016)(s. 718.117(2007) could not be applied retroactively to condominium declaration absent “Kaufman” language); Cohn v. Grand Condo. Ass’n, Inc., 62 So.3d 1120 (Fla. 2011)(lack of “Kaufman” language prevented s. 718.404(2) from being applied retroactively to alter voting rights); De Soleil South Beach Residential Condo. Ass’n, Inc. v. De Soleil South Beach Ass’n, Inc., 322 So.3d 1189 (Fla. 3d DCA 2021)(lack of “Kaufman” language prevented association from suspending voting rights of members for non-payment of assessments); Angora Enterprises, Inc. v. Cole, 439 So.2d 832 (Fla. 1983)( Where declaration of condominium expressly incorporated Condominium Act and any amendments, such language encompassed amendment declaring escalation clauses in recreation or land leases void and unenforceable)

<sup>4</sup> See Rules Regulating The Florida Bar, Rule 4-1.; Clayton v. City of Cape Canaveral, 354 So.2d 147 (Fla. 4th DCA 1978); The Florida Bar v. Kinney, 606 So.2d 367 (Fla. 1992)

#### 4. ANALYSIS

The change being proposed is to leave the law as it currently exists. “Kaufman Language” would only be added either at the time of the creation of the community association’s governing documents or through the community association’s amendatory process. The Florida Legislature would be able to adopt legislation that applies to all community associations by ensuring that it satisfies constitutional requirements

#### 5. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS

The proposal does not have a direct fiscal impact on state and local governments. There may be an unknown long-term impact if community associations are subject to all changes made by the Florida Legislature to Chapters 718, 719, and 720 each legislative session.

#### 6. DIRECT IMPACT ON PRIVATE SECTOR

Implementation of mandatory, universal “Kaufman Language” will impact private, individual owners on all aspects of community association living. The retroactive application of the substantial portions of proposal to existing community associations is in derogation of vested constitutional property rights of individual condominium unit owners. Such a proposal would remove and endanger consumer protections provided to property owners in community associations in Chapters 718, 719, and 720. This proposal ensures community associations can adhere to self-determination and that the Florida Legislature can only override the covenants of a community association by meeting the constitutional standards and balancing tests that have been in existence for 40 years.

Examples of the impact of universal “Kaufman Language” on community associations may be summarized as follows:<sup>5</sup>

- May limit protections of owners where legislature provides for lower protections than declaration (i.e. approval requirements for certain actions)
- Language that could apply to MRTA preservation and revitalization rights may impair existing title insurance policies by bringing in new provisions to revived declaration and increase likelihood of title insurance claims
- Universal application of “Kaufman Language” is a constitutional impairment of contract as it applies to existing declarations and other governing documents

<sup>5</sup> This list is not intended to be exhaustive and comprehensive, but is used to highlight the myriad of rights and obligations that can be affected when a declaration or other governing document has “Kaufman Language.

- Language violates s. 720.302(2) and mandatory statutory provision of Chapter 720 not impairing existing contracts and the legislative finding that HOA's do not need extensive governmental oversight and regulation
- Serves to bar development and redevelopment by providing unknown and contingent liabilities for developers
- May violate Article 1, Section 9 of the Florida Constitution by denying due process where an association declaration requires certain notice requirements that the statute does not
- Unknown liabilities for associations where future changes in the law may impair prior actions taken
- Abridges vested voting rights of owners by mandating provisions that have to be in declaration for a community
- Imposes additional costs on every association as each as to account for all statutory changes and ensure compliance, even the smaller associations that are not otherwise exempt, associations will have to spend more on professionals and compliance, increasing costs for all citizens in Florida in a community association
- Removes safeguards and prohibitions on fines becoming liens in some HOA

## 7. CONSTITUTIONAL ISSUES

**Impairment of contract-** To the extent that a court may find that a covenant or restriction may be considered a contract between the parties, the changes made by the adopting of mandatory, universal “Kaufman Language” may affect such current contract rights and obligations. Article I, s. 10 of the United States Constitution, and Art. I, s. 10 of the Florida Constitution both prohibit the Legislature from enacting any law impairing the obligation of contracts. Although written in terms of an absolute prohibition, the courts have long interpreted the constitutional provisions to prohibit enactment of any unreasonable impairment of contractual rights existing at the time that the law is enacted. The Florida Supreme Court in *Pomponio v. Claridge of Pompano Condominium, Inc.*, 378 So.2d 774 (Fla. 1979) set forth the following test:

- Was the law enacted to deal with a broad, generalized economic or social problem?
- Does the law operate in an area which was already subject to state regulation at the time the parties' contractual obligations were originally undertaken, or does it invade an area never before subject to regulation by the state?

- Does the law effect a temporary alteration of the contractual relationships of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively?

**Access to courts-** To the extent that mandatory, universal “Kaufman Language” may limit the rights and remedies of community associations and owners. Article I, s.21 of the Florida Constitution provides that the courts of Florida shall be open to every person for redress of any injury and justice shall be administered without sale, denial or delay. Although written in terms of a right, the courts have long interpreted the constitutional provisions to allow for the enactment of alternative remedies for the access to courts for redress of injury. The Florida Supreme Court in *Kluger v. White* 281 So.2d 1 (Fla. 1973) set forth the following exceptions for a statute restricting access to courts:

- The law must provide a reasonable alternative remedy or commensurate benefit; or
- There must be a legislative showing of overpowering public necessity for the abolishment of the right of access to the courts and no alternative method of meeting such public necessity.

**Due process-** To the extent that mandatory, universal “Kaufman Language” would limit the right of a community association, owner, or developer to file any type of legal action against a party for violations of the applicable statute in these types of developments, the proposal may violate constitutional due process protections for these individual condominium unit owners. Article I, s.9 of the Florida Constitution provides that no person shall be deprived of property without due process of law. The courts have long allowed for a flexible standard of due process. Florida courts have provided the following general rules when considering whether a statute impairs due process:

- In order to determine whether a statute violates substantive due process, a determination must be made as to whether it bears a reasonable relationship to a legitimate legislative objective and is not discriminatory, arbitrary or oppressive; *Ilkanic v. City of Ft. Lauderdale*, 691 So.2d 1080 (Fla. 1997).
- When no fundamental right is at stake, the standard for evaluating a substantive due process challenge is the same as the rational basis test used for evaluating equal protection challenges. *United Yacht Brokers, Inc. v. Gillespie*, 377 So.2d 688 (Fla. 1979).
- See *Chicago Title Ins. Co. v. Butler*, 770 So.2d 1210 (Fla. 2000): Historically, the Florida Supreme Court has carefully reviewed laws that curtail the economic bargaining power of the public. The Florida Supreme Court has found that such legislation is not within the scope of the state's police power noting that constitutional law

never sanctions the granting of sovereign power to one group of citizens to be exercised against another unless the *general welfare* is served.

□ See *Alliance of Auto. Mfrs., Inc. v. Jones*, 897 F. Supp. 2d 1241 (N.D. Fla. 2012). The state has the police power to enact laws reasonably construed as expedient for protections of the public health, safety, welfare, or morals,” which power “embraces regulations designed to promote the public convenience or the general prosperity or the public welfare as well as those designed to promote the public safety or public health. The due process clause does not override the power of the state or its political subdivisions to establish laws that are reasonably necessary to secure the health, safety, good order, comfort, or general welfare of the community. A statute will be upheld under Florida's substantive Due Process Clause if it “bears a rational relation to a legitimate legislative purpose in safeguarding the public health, safety, or general welfare and is not discriminatory, arbitrary, or oppressive.” The narrow question before the court is simply whether the Act is rationally or reasonably related to furthering a legitimate State objective.

**Nondelegation Doctrine** - To the extent that mandatory, universal “Kaufman Language” would lead to the Legislature divesting certain powers from the judiciary and transferring them to the Florida Department of Business and Professional Regulation, Florida Division of Condominiums, may be unconstitutional. Article I, s.18 of the Florida Constitution expressly prohibits delegation of powers from members of one branch to the members of the other branches of government. “No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.” Article II, s.3 declares a strict separation of the three branches of government and that: “No person belonging to one branch shall exercise any powers appertaining to either of the other two branches....”:

□ Under the non-delegation doctrine fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program; *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978)

□ At the very least, all challenged delegations in the criminal context must expressly or tacitly rest on a *legislatively determined* fundamental policy; and the delegations also must expressly articulate reasonably definite standards of implementation that do not merely grant open-ended authority, but that impose an actual limit—both minimum and maximum—on what the agency may do. *B.H. v. State*, 645 So.2d 987 (Fla. 1994)

- See *State v. Scharlepp*, 292 So.3d 872 (Fla. 1st DCA 2020): A nondelegation violation should be found only when legislation is so lacking in guidelines that neither the agency nor the courts can determine whether the agency is carrying out the intent of the legislature in its conduct. Additionally, the specificity of the guidelines will depend on the complexity of the subject and the degree of difficulty involved in articulating finite standards for a nondelegation doctrine violation.

**Disenfranchisement of owners-** The Legislature's adoption of mandatory, universal "Kaufman Language" abridges the fundamental right of an owner to vote on matters affecting their community and their right of self-determination ("disenfranchise"). Article VI of the Florida Constitution has not been held to apply to an owner's right to approve or reject certain changes to the provisions governing their community. Although Section 1 is written in terms of an absolute right to have elections be by direct and secret vote, no case law has extended this constitutional right to community associations. Current case law interpreting procedural changes to the election process has held these types of changes do not burden or disenfranchise the voter.

- Disenfranchise is defined as "To deprive (a person) of the right to exercise a franchise or privilege, esp. to vote." Disenfranchise, Black's Law Dictionary (10th ed. 2014)

- Enforcing the rules on voting does not disenfranchise any owner where those rules establish specific conditions for one to exercise their vote. See Democratic Senatorial Campaign Committee v. Detzner, 347 F.Supp.3d 1033 (N.D. Fla. Nov. 15, 2018):

"Undoubtedly, the state can promulgate rules on how voters should fill out their ballots—form not content—so the ballots can be counted. Indeed, without such rules, it would be impossible to determine the result of an election. If a voter fails to follow reasonable rules—and having to fill in an oval is reasonable—the state has not burdened the right to vote. Similarly, when the state applies a neutral, reasonable, standard practice—like the consistency and magic words rules—to try to determine the intent of a voter, when the voter has not followed instructions, the state has not burdened the right to vote."

## 8. OTHER INTERESTED PARTIES

The Florida Association of Realtors, Florida Home Builders Association, Florida Land Title Association, Florida Banker's Association, Business Law Section, Public Interest Law Section, CAI, CEOMC, Associated Builders and Contractors of Florida.