

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

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

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 17th and November 18th.

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 15th. 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

The Treasurer reported on the revised year-end financials (June 30, 2025) and the

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, 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 clarify¹² 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. Past Chair	RP							
Awerebach, Martin S.	RP		✓					
Ballaga, Raul	RP			✓				
Barlow, Rachel N.		PT	✓					
Baskies, Jeffrey A.		PT	✓					
Beales, III, Walter R. Past Chair	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 Past Chair		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 Past Chair		PT	✓					
Duffey, Patrick J.		PT		✓				
Felcoski, Brian J. Past Chair		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) Past Chair	RP		Z					
Friedman, Bridget	RP							
Friedman, Jesse B.		PT						
Gabel, Alexandra	RP							
Galler, Jonathan A.		PT						
Gasparri, Angelo J.	RP			✓				
Goldman, Robert W. Past Chair		PT		✓				
Goodall, Deborah P. Past Chair		PT	✓					
Graham, Robert M.	RP			✓				
Grimm, Reed	RP			✓				
Grimsley, John G. Past Chair		PT						
Guttmann, III, Louis B Past Chair	RP							
Harvey, Terrance L.	RP		✓					
Hearn, Steven L. Past Chair		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						
Isphording, Roger O. Past Chair		PT						
Jennison, Julia A.	RP		✓					
Johnson-Mount, Shayla	RP							
Jones, Darby		PT		✓				
Kaplan, Seth		PT		✓				
Karr, Thomas M.		PT						
Kayser, Joan B. Past Chair		PT						
Kibert-Basler, Nicole	RP		Z					
Kinsolving, Ruth Barnes Past Chair	RP							
Kirkland, Robert K.		PT		✓				
Koren, Edward F. Past Chair		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 Past Chair		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. Past Chair	RP							
Miller, Erin M.	RP		✓					
Moczynski, Lindsay	RP		✓					
Mora, Jeanette		PT	Z					
Naples, David D., Jr.			✓					
O'Malley, Andrew M. Past Chair	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 Past Chair/Hon. Member	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. Past Chair		PT						
Strock, Gregg	RP							
Swaine, J. Michael Past Chair	RP			✓				
Swaine, Robert S. Past Chair	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 Past Chair	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 9th.

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 13th, 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 22nd, 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	jrussick@oldrepublictitle.com
Platinum	The Fund	Shannon Widman	swidman@thefund.com
Platinum	RealAdvice	Todd Jones	Todd.jones@realadvice.com
APP	WFG National Title Insurance	Joseph J. Tschida	jtschida@wfgnationaltitle.com
Gold	Coral Gables Trust Company	John Harris	jharris@cgtrust.com
Gold	First American Title Insurance Company	Len Prescott	lprescott@firstam.com
Gold	FNF Family of Companies – Florida	Cynthia Manfredi	cynthia.manfredi@fnf.com
Gold	Guardian Trust	Travis Finchum	travis@specialneedslawyers.com
Gold	J.P. Morgan Private Bank	Carlos Batlle	Carlos.a.batlle@jpmorgan.com
Gold	LEAP	John Celmer	John.celmer@leap.us
Gold	Stewart Title Guaranty Company	David Shanks	David.shanks@stewart.com
Gold	Stout	Garry Marshall	gmarshall@stout.com
Gold	Title Resources Group	Lee Offir	Lee.offir@titleresources.com
Gold	Westcor Land Title Insurance Company	Laura Licastro	Laura.licastro@wltlc.com
Silver	Athanassie Capital Partners	Steve Athanassie	steve@teamacpartners.com
Silver	CATIC	Stacey Morey	smorey@catic.com
Silver	Management Planning, Inc.	Roy Meyers	rmeyers@mpival.com
Silver	The Florida Association of Professional Process Servers	Lance Randall	lance110205@gmail.com
Silver	Valuation Services Inc.	Jeff Bae	jeff@valuationservice.com
Silver	WealthCounsel	Rachel Gifford	Rachel.gifford@wealthcounsel.com
Bronze	BNY Wealth	Rafaela Vianna	Rafaela.vianna@bny.com
Bronze	Cumberland Trust	Haley Barba	hbarba@cumberlandtrust.com
Bronze	Grove Bank & Trust	Marta Goldberg	mgoldberg@grovetbankandtrust.com
Bronze	Mercer Capital Management	Nikki McNeel	mcneeln@mercercapital.com
Bronze	PwC	Sasha Klein	sasha.klein@pwc.com

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
January 28 – January 31, 2026	Executive Council Meeting Sunseeker Resort Charlotte Harbor, Florida Room Rate (Coastal View): \$339
April 19 – 24, 2026	Executive Council Meeting Out of State Budapest River Cruise
May 27 – May 30, 2026	Executive Council Meeting & Annual Convention 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)

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

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

Meetings Planning	Meetings Planning	Meetings Planning
	George J. Meyer	Chair
	Scott Pence	Co-Vice Chair
	Tae Bonner	Co-Vice Chair
Membership and Outreach	Lawrence ("Larry") J. Miller	Chair
	Shayla M. Johnson-Mount	Co-Vice Chair
	Eryn E. Riconda	Co-Vice Chair
	Michael Sneeringer	Co-Vice Chair
Model and Uniform Acts	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)
Professionalism and Ethics	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
Publications ActionLine	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)
Publications Florida Bar Journal	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)

Sponsor Coordination	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)
Strategic Planning Implementation	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

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

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

RPPTL Probate and Trust Committees

Committee	Name	2025-2026
Ad Hoc Guardianship Law Revision	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
Asset Protection	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
Attorney/Trust Officer Liaison Conference	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
Charitable Planning and Exempt Organizations	Alyssa R. Wan (4)	Chair
	Carla DeLoach (new)	Co-Vice Chair
	Jeffrey Spina-Jennings (new)	Co-Vice Chair
Elective Share Review	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
Estate & Trust Tax Planning	Andrew H. Thompson (new)	Chair
	Denise Cazobon (new)	Co-Vice Chair
	Joe Percopo (new)	Co-Vice Chair
Guardianship, Power of Attorney & Advance Directives	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
IRA, Insurance & Employee Benefits	Charles ("Chad") Callahan (4)	Chair
	Rebecca C. Bell (4)	Co-Vice Chair
	Rachel N. Barlow (7)	Co-Vice Chair

Liaisons with American College of Trust and Estate Counsel (ACTEC)	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
Liaison with Florida State Guardianship Association (FSGA)	Stephanie Cook (4)	Liaison
Liaisons with Elder Law Section	Travis D. Finchum (7)	Liaison
	Marjorie E. Wolasky (22)	Liaison
Liaisons with Tax Law Section	Brian M. Malec (5)	Liaison
	William R. Lane, Jr. (15)	Liaison
	Brian C. Sparks (21)	Liaison
Liaison with Professional Fiduciary Council	Darby Jones (6)	Liaison
Office of Public and Professional Guardians Delegate (OPPG)	Nicklaus ("Nick") J. Curley (5)	Delegate
Principal and Income	Jolyon D. Acosta (2)	Co-Chair
	Keith B. Braun (2)	Co-Chair
	Susan Kubar (2)	Co-Vice Chair
Probate and Trust Litigation	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
Jurisdiction and Due Process Committee	Sean W. Kelley (new)	Chair
	Shelly Wald Harris (7)	Co-Vice Chair
	David Akins (new)	Co-Vice Chair
Probate Law & Procedure	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
Trust Law	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

Wills, Trusts & Estates Certification Review Course	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.

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

	December	YTD 2026	YTD 25-26 Budget	Budget Variance (\$)	FY 25-26 Budget	YTD 2025	YTD/Prior YTD Variance (\$)	FYE Actual 2025
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
Total Fee Revenue	1,440	689,560	663,750	25,810	667,500	688,800	760	695,060
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
Total Registration Revenue	33,378	1,149,541	683,150	466,391	1,250,650	657,349	492,192	985,612
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
Other Event Revenue	107,688	920,939	489,500	431,439	1,353,000	1,003,836	(82,897)	1,328,270
3401-Sales-CD/DVD	2,095	27,000	22,000	5,000	50,000	10,790	16,210	33,910
Sales, Rents & Royalties Revenue	2,095	27,000	22,000	5,000	50,000	10,790	16,210	33,910
3561-Advertising	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
Other Revenue Sources	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
Other Revenue Sources	-	60	-	60	-	60	-	60
Total Revenue	144,602	2,789,260	1,867,400	921,860	3,339,150	2,361,315	427,945	3,045,191
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
Total Staff & Office Expense	1,376	23,677	40,530	(16,853)	80,430	24,043	(366)	49,934
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
Total Contract Services	64,439	241,621	244,800	(3,179)	498,300	122,518	119,103	354,072
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
Total Travel	4,155	51,319	71,702	(20,383)	132,252	33,525	17,794	87,010
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-Mtgs General Meeting	(62,256)	480,969	608,000	(127,031)	1,282,000	619,676	(138,707)	988,211
6319-Mtgs Other Functions	-	10,985	10,000	985	57,000	5,299	5,686	50,834
6321-Mtgs Meals	-	124,483	115,000	9,483	502,000	120,087	4,396	568,919
6325-Mtgs Hospitality	-	128,346	113,500	14,846	228,500	162,237	(33,891)	355,400
6332-Mtgs Room Attrition	-	-	-	-	-	-	-	8,850
6341-Mtgs Equip Rental	-	9,736	1,000	8,736	26,000	41,354	(31,619)	116,609
6361-Mtgs Entertainment	-	80	-	80	45,000	242	(162)	29,260
6399-Mtgs 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

Total Other Expense	(59,197)	800,769	970,750	(169,981)	2,377,000	1,120,493	(319,724)	2,393,643
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
Total Admin & Internal Expense	1,230	374,690	223,945	150,745	391,765	284,175	90,516	310,053
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500
Total InterFund Transfers Out	-	500	-	500	-	-	500	500
Total Expense	12,003	1,492,576	1,551,727	(59,151)	3,479,747	1,584,754	(92,177)	3,195,212
Operating Income	132,598	1,296,683	315,673	981,010	(140,597)	776,561	520,122	(150,020)
3899-Investment Income (loss)	22,417	259,170	107,471	151,699	107,471	143,329	115,841	370,218
Total Nonoperating Revenue (Expenses)	22,417	259,170	107,471	151,699	107,471	143,329	115,841	370,218
Change in Net Position	155,016	1,555,853	423,144	1,132,709	(33,126)	919,890	635,963	220,198
Net Position								
2001-Beginning of the year, restated (Fund Balance)	-	4,266,559				4,046,362		4,046,362
End of the Year (Current Month)	-	5,822,412				4,966,252		4,266,559

THE FLORIDA BAR
Real Property, Probate and Trust Law General
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 YTD Variance (\$)	FYE Actual 2025
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
Total Fee Revenue	1,440	689,560	663,750	25,810	667,500	688,800	760	695,060
3301-Registration-Live	33,390	157,813	150,000	7,813	150,000	365,314	(207,501)	374,184
Total Registration Revenue	33,390	157,813	150,000	7,813	150,000	365,314	(207,501)	374,184
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
Other Event Revenue	26,188	570,689	259,500	311,189	830,000	624,386	(53,697)	746,820
3561-Advertising	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
Other Revenue Sources	-	2,160	9,000	(6,840)	18,000	480	1,680	2,280
3901-Eliminated InterFund Revenue	-	60	-	60	-	60	-	60
Other Revenue Sources	-	60	-	60	-	60	-	60
Total Revenue	61,019	1,420,282	1,082,250	338,032	1,665,500	1,679,040	(258,758)	1,818,404
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
Total Staff & Office Expense	1,376	23,234	40,280	(17,046)	80,180	24,043	(809)	49,521
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
Total Contract Services	60,177	187,548	190,000	(2,452)	383,500	114,848	72,700	286,726
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
Total Travel	2,872	31,858	53,702	(21,844)	71,502	22,821	9,037	52,457
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
Total Other Expense	(61,783)	548,199	377,250	170,949	970,500	803,411	(255,212)	1,293,580
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
Total Admin & Internal Expense	750	345,180	169,120	176,060	336,940	259,983	85,197	262,446
9692-Transfer Out-Council of Sections	-	500	-	500	-	-	500	500

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

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

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

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

		YTD	YTD 25-26	Budget	FY 25-26	YTD	YTD/Prior	FYE Actual
	December	2026	Budget	Variance (\$)	Budget	2025	YTD Variance (\$)	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
Total Registration Revenue	-	1,470	51,000	(49,530)	154,000	15,630	(14,160)	244,408
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
Other Event Revenue	77,500	80,500	135,000	(54,500)	250,000	152,000	(71,500)	301,000
3401-Sales-CD/DVD	725	19,025	5,000	14,025	30,000	2,340	16,685	19,130
Sales, Rents & Royalties Revenue	725	19,025	5,000	14,025	30,000	2,340	16,685	19,130
Total Revenue	78,225	100,995	191,000	(90,005)	434,000	169,970	(68,975)	564,538
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	-	-	-
Total Contract Services	1,249	1,739	-	1,739	35,000	4,374	(2,636)	14,486
5501-Employee Travel	-	-	-	-	2,500	-	-	4,949
5571-Speaker Travel	-	1,626	-	1,626	9,000	1,503	123	14,328
Total Travel	-	1,626	-	1,626	11,500	1,503	123	19,277
6001-Post 1st Class/Bulk	7	402	1,000	(598)	1,000	371	31	1,079
6319-Mtgs Other Functions	-	-	-	-	47,000	-	-	45,535
6321-Mtgs Meals	-	-	-	-	83,000	-	-	110,476
6325-Mtgs Hospitality	-	-	-	-	82,000	-	-	170,105
6341-Mtgs Equip Rental	-	-	-	-	25,000	-	-	59,624
7999-Other Operating Exp	2,579	3,779	-	3,779	3,000	-	3,779	11,603
Total Other Expense	2,587	4,182	1,000	3,182	241,000	371	3,811	398,422
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
Total Admin & Internal Expense	55	230	15,950	(15,720)	15,950	265	(35)	23,165
Total Expense	3,891	7,776	16,950	(9,174)	303,450	6,514	1,263	455,350
Operating Income	74,334	93,219	174,050	(80,831)	130,550	163,456	(70,238)	109,188

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

		YTD	YTD 25-26	Budget	FY 25-26	YTD	YTD/Prior	FYE Actual
	December	2026	Budget	Variance (\$)	Budget	2025	Variance (\$)	2025
3301-Registration-Live	-	304,305	80,000	224,305	240,000	258,995	45,310	258,995
3331-Registration-Ticket	(12)	24,113	3,000	21,113	10,000	17,410	6,703	17,410
Total Registration Revenue	(12)	328,418	83,000	245,418	250,000	276,405	52,013	276,405
3341-Exhibit Fees	-	60,500	30,000	30,500	85,000	60,500	-	59,500
3351-Sponsorships	-	154,500	35,000	119,500	100,000	128,950	25,550	137,450
Other Event Revenue	-	215,000	65,000	150,000	185,000	189,450	25,550	196,950
3401-Sales-CD/DVD	1,370	7,975	2,000	5,975	5,000	8,450	(475)	14,780
Sales, Rents & Royalties Revenue	1,370	7,975	2,000	5,975	5,000	8,450	(475)	14,780
Total Revenue	1,358	551,393	150,000	401,393	440,000	474,305	77,088	488,135
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)	15,416
5121-Printing-Outside	-	1,712	2,500	(788)	2,500	-	1,712	-
Total Contract Services	71	21,149	39,500	(18,351)	39,500	3,362	17,787	15,416
5501-Employee Travel	473	4,273	3,000	1,273	3,000	3,870	403	3,870
5571-Speaker Travel	1,220	7,624	7,000	624	7,000	3,848	3,776	3,848
Total Travel	1,693	11,896	10,000	1,896	10,000	7,718	4,178	7,718
6001-Post 1st Class/Bulk	-	1,053	1,000	53	1,000	185	868	415
6021-Post Express Mail	-	-	150	(150)	150	-	-	-
6319-Mtgs Other Functions	-	10,985	10,000	985	10,000	5,299	5,686	5,299
6321-Mtgs Meals	-	107,077	85,000	22,077	85,000	105,268	1,810	106,268
6325-Mtgs Hospitality	-	93,853	90,000	3,853	90,000	111,813	(17,960)	111,813
6341-Mtgs Equip Rental	-	3,180	-	3,180	-	24,942	(21,762)	24,942
6399-Mtgs Other	-	-	-	-	-	-	-	250
6401-Speaker Expense	-	1,395	1,000	395	1,000	2,989	(1,594)	2,989
7999-Other Operating Exp	-	587	3,200	(2,613)	3,200	4,138	(3,551)	5,401
Total Other Expense	-	218,131	190,350	27,781	190,350	254,634	(36,503)	257,376
8011-Administration CLE	-	15,950	14,300	1,650	14,300	15,950	-	15,950
8101-Printing In-House	-	1,094	1,000	94	1,000	951	143	951
8131-A/V Services	-	5,595	-	5,595	-	5,530	65	5,565
8141-Journal/News Service	-	425	500	(75)	500	425	-	850
8171-Course Approval Fee	-	-	14,300	(14,300)	14,300	-	-	55
Total Admin & Internal Expense	-	23,064	30,100	(7,036)	30,100	22,857	208	23,372
Total Expense	1,764	274,241	269,950	4,291	269,950	288,571	(14,330)	303,882
Operating Income	(406)	277,152	(119,950)	397,102	170,050	185,734	91,418	184,253

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 YTD Variance (\$)	FYE Actual 2025
3301-Registration-Live	-	-	-	-	50,000	-	-	90,615
Total Registration Revenue	-	-	-	-	50,000	-	-	90,615
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
Other Event Revenue	4,000	16,300	-	16,300	30,000	(3,000)	19,300	39,500
Total Revenue	4,000	16,300	-	16,300	80,000	(3,000)	19,300	130,115
4311-Office Supplies	-	-	-	-	-	-	-	413
Total Staff & Office Expense	-	-	-	-	-	-	-	413
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
Total Contract Services	2,579	3,948	1,500	2,448	21,500	(66)	4,014	32,032
5501-Employee Travel	-	-	-	-	5,000	-	-	6,075
Total Travel	-	-	-	-	5,000	-	-	6,075
6311-Mtgs General Meeting	-	-	-	-	-	-	-	184
6321-Mtgs Meals	-	-	-	-	250,000	-	-	337,356
6341-Mtgs Equip Rental	-	-	-	-	-	5,525	(5,525)	21,156
6361-Mtgs Entertainment	-	80	-	80	40,000	242	(162)	29,260
Total Other Expense	-	80	-	80	290,000	5,767	(5,687)	387,955
Total Expense	2,579	4,028	1,500	2,528	316,500	5,701	(1,673)	426,476
Operating Income	1,421	12,272	(1,500)	13,772	(236,500)	(8,701)	20,973	(296,361)

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

		YTD	YTD 25-26	Budget	FY 25-26	YTD	YTD/Prior	FYE Actual
	December	2026	Budget	Variance (\$)	Budget	2025	YTD Variance (\$)	2025
3301-Registration-Live	-	11,060	15,000	(3,940)	15,000	-	11,060	-
Total Registration Revenue	-	11,060	15,000	(3,940)	15,000	-	11,060	-
3351-Sponsorships	-	6,750	12,000	(5,250)	12,000	-	6,750	-
Other Event Revenue	-	6,750	12,000	(5,250)	12,000	-	6,750	-
Total Revenue	-	17,810	27,000	(9,190)	27,000	-	17,810	-
5051-Credit Card Fees	-	395	-	395	-	-	395	103
Total Contract Services	-	395	-	395	-	-	395	103
5501-Employee Travel	-	837	-	837	1,250	-	837	-
5571-Speaker Travel	-	-	-	-	1,000	-	-	-
Total Travel	-	837	-	837	2,250	-	837	-
6321-Mtgs Meals	-	4,131	6,000	(1,869)	6,000	-	4,131	-
6325-Mtgs Hospitality	-	2,446	5,000	(2,554)	5,000	-	2,446	-
6341-Mtgs Equip Rental	-	618	1,000	(382)	1,000	-	618	-
7999-Other Operating Exp	-	-	300	(300)	300	-	-	-
Total Other Expense	-	7,195	12,300	(5,105)	12,300	-	7,195	-
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	-
Total Admin & Internal Expense	425	4,880	7,775	(2,895)	7,775	-	4,880	-
Total Expense	425	13,307	20,075	(6,768)	22,325	-	13,307	103
Operating Income	(425)	4,503	6,925	(2,422)	4,675	-	4,503	(103)

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

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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)* The Trust Law Committee of the Real Property, Probate and Trust Law Section of the Florida Bar.

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

(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).

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

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: _____

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

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

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

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

1 A bill to be entitled

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

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

10 Section _____. Section 732.302, Florida Statutes, is hereby amended to
11 read:

12 732.302 Pretermitted children.—

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

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

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

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

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

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

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

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

43 (4) As used in this section, the term "trust instrument" is limited to
44 a trust instrument that contains the terms of a trust described in s.
45 733.707(3).

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

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

51 (7) In determining the satisfaction of the pretermitted share and
52 contribution required under s. 733.607(2), subsection (2) of this section
53 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;

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

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

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

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

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

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

108 (8) A proceeding to determine a child's pretermitted share,
109 including a determination that
110 (a) the assets subject to the decedent's trust instrument
111 are included in the calculation of the pretermitted share, and
112 (b) the trust assets are necessary to satisfy the
113 pretermitted share.
114 shall be filed in the probate proceeding. The proceeding shall be
115 governed by the Florida Probate Rules. As used in this section, the term
116 "trust" is limited to a trust instrument described in s. 733.707(3), including
117 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.¹ 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.² 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...."

¹ §732.507(1), Fla. Stat.

² § 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.³

d. “Provide for” and “Devise.” The term “devise” includes a gift under a will or trust.⁴ 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.⁵ In some instances, such as elective share

³ 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.

⁴ § 731.201(11), Fla. Stat.

⁵ §§ 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,⁶ determination of homestead rights,⁷ estate tax apportionment,⁸ and the payment of creditor claims,⁹ 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.¹⁰ 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

⁶ § 732.2035, Fla. Stat.

⁷ § 736.0201(7), Fla. Stat.

⁸ § 733.817(3)(e), Fla. Stat.

⁹ § 733.707(3), Fla. Stat.; 736.05053(1), Fla. Stat.

¹⁰ § 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.¹¹

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

¹¹ *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).



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

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- 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.
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 - 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)

(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)

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) 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: 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)

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)

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

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 Statutes, 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 (a "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 completion of a FinCEN Report 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”.¹ 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.²

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

¹ 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.”

² 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.³ 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.⁴ 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.

³ *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)

⁴ 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:⁵

- 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

⁵ 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 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.