

September 2026

Message from the Chair



Dear RPPTL Members,

Welcome to the second edition of the Dirt and Death Digest. We hope you're enjoying it, and we'd love to hear what you think. Send us any feedback, ideas, or suggestions—your input may help shape what comes next.

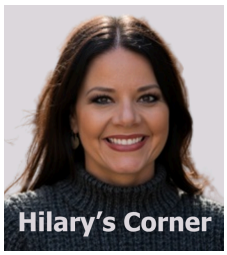
The RPPTL Section is upgrading its website. The new version will be cleaner, quicker, and more useful. We're aiming for a rollout by the end of this month so be on the lookout for that. We've also refreshed our committee listservs. If you serve on a committee, you should see the benefits right away.

My continuing thanks to Mike Hargett and Laura Sundberg, along with the entire Communications Committee, for their excellent work on this newsletter.

Our next Executive Council meeting is coming up on Marco Island, Florida in November. Committee meetings are open to anyone, so feel free to drop in on the ones that interest you. Many are also available by Zoom.

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

Jon Scuderi
Chair



Looking for information about upcoming Section meetings, CLE programs, or other Section activities? Our Section Administrator, Hilary Stephens, keeps our FAQs updated on the website in real time with the latest



Executive Council Meeting
November 11, 2026 – November 14, 2026

information. Please check here first—you may find just what you need without having to call or email.

FAQ's

Executive Council Meeting
JW Marriott Marco Island
Marco Island, Florida

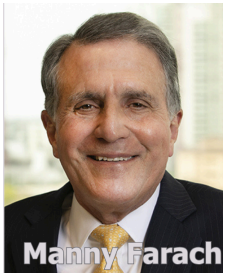
Executive Council Meeting
February 3 - 6, 2027
Ritz-Carlton Amelia Island

Calendar

Key Appellate Decisions



Reid v. Amerifund Equity Group, **2026 WL 2416033** (Fla. 4th DCA 2026) Decedent died intestate with five siblings as the intestate heirs. Three of the siblings executed disclaimers of their interest in the Estate. The sole asset was a condominium owned by Decedent; after foreclosure of the condo there was a surplus amount paid to the Estate. Appellant argued that the surplus should be split only among the non-disclaiming heirs. The trial court found that the disclaimers did not comply with Fla. Stat. § 45.033(3) (Assignment of rights in Surplus Funds) and the proceeds should be split five ways. The 4th DCA reversed holding that the surplus was owed to the Estate and that the disclaimers were in compliance with Fla. Stat. § 739.104(3). The requirements of § 45.033 do not override the requirements of a valid probate disclaimer.



Key Haven Associated Enterprises, Inc. v. Florida Department of Environmental Protection, **Case No. 1D2025-0660** (Fla. 1st DCA 2026). An inverse-condemnation claim alleging a categorical regulatory taking accrues when governmental action definitively prohibits the proposed development, even if the landowner later submits a permit application for the same development.

This ruling directly shapes the statute of limitations analysis for regulatory takings claims statewide, a recurring and high-stakes issue for developers, municipalities, and environmental regulators alike whenever land-use restrictions effectively block a project.

ActionLine Highlights



Trump Accounts: What Estate Planning Attorneys Need To Know (Part I)
By Denise B. Cazobon, Esq., Dunwody White & Landon, P.A., Naples, Florida
Read more

Assisted Reproduction, Intestacy, and the Legal Status of Donor-Conceived Siblings Under Florida Law
By Richard Ehrlich, Esq., Law Office of Richard Ehrlich
and Associates, Boynton Beach, Florida
Read more

Read the latest ActionLine

Legislation of Interest

Political Overview



2026 Election

Florida's November 3, 2026, general election will include races for Governor and the Cabinet, a U.S. Senate seat, all 120 seats in the Florida House of Representatives, and the 20 even-numbered districts in the 40-member Florida Senate.

Statewide Elections

- **Governor**: Byron Donalds (R) and David Jolly (D) are the major-party nominees. Scott Jewett is the nominee for the Libertarian Party of Florida. Additionally, six individuals qualified for the ballot with no party affiliation, and two individuals qualified as write-in candidates for Governor.
- **Attorney General:** Incumbent James Uthmeier (R – appointed by Governor DeSantis) faces former-Senator José Javier Rodríguez (D)
- **Chief Financial Officer**: Incumbent Blaise Ingoglia (R – appointed by Governor DeSantis) faces former-Senator Annette Taddeo (D)
- **Agriculture Commissioner:** Incumbent Wilton Simpson (R) faces Joey Mendoza Atkins (D)
- **U.S. Senate**: Incumbent Ashley Moody (R – appointed by Governor DeSantis) faces former- Representative Angie Nixon (D)

State Legislative Elections

Thirty legislative seats have already been decided without a November contest. In the House, 28 of the 120 seats have been decided, either because a candidate was unopposed at qualifying or because the August primary determined the winner and no general-election opponent remains. In the Senate, Sen. Clay Yarborough (R) was reelected without opposition in Senate District 4, while Fentrice Driskell (D) won the Senate District 16 primary and has no general-election opponent. Accordingly, 92 House seats and the remaining contested Senate seats will be decided in the November 3 general election.

2027 Regular Legislative Session

After the November election, the legislature will convene an Organizational Session November 17- 19, 2026. Additionally, interim committee meetings have been scheduled for the weeks of November 30 – December 3, 2026; January 4 – 7, 2027; January 11 – 14, 2027; February 1 – 4, 2027; February 8 – 11, 2027; and February 15 – 18, 2027. The 2027 Regular Session will begin March 2, 2027, and is scheduled to conclude April 30, 2027.

From The Florida Bar Journal

A Summary of Buyer Claims in Florida Real Estate: Misrepresentation, Mistake, and Statutory Theories

By Manuel Farach

Read On



Counsel to Counsel Mentoring Program

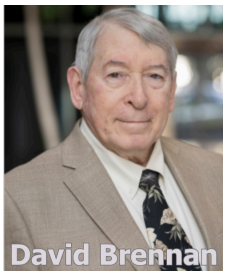
Registration is now open for Counsel to Counsel, The Florida Bar's free, app-based mentoring program that pairs newer lawyers with experienced practitioners, with organizers hoping to build on the program's rapid growth and top 800 participants this year.

Registration remains open through October 2, and mentor-mentee matches will be announced in mid-October.

Read more



Historian's Corner



This little corner of time is brought to you by History Committee Chairs, Burt Bruton, Michael Stafford, and Historian David Brennan. We shall, from time to time, be filling your consciousness with reports of old-time drama, epic deeds, and the affairs of the usual section suspects. We are gatekeepers of seventy-three years of Section history, all coming at you from our modest little place of time. What a long, strange trip it has been.

For a baseline, let's find out what you already know with a Section Leaders Quiz.

The following questions should be answered by you to the best of your ability. "Your" means without the benefit of artificial intelligence, consultation with a Cylon, or sneaking a look at the section's executive council directory.

So, let's begin!

Please supply the name of the RPPTL Section Chair to whom the following statement applies:
Name the Section Chair who:

1. Was known as "The Ayatollah".
2. Has hunted pythons in the Everglades.
3. Was the first president of Florida Legal Education Association.
4. Was the first woman Chair of the Section.
5. Served two terms as Section Chair.
6. Was a U.S. Army captain.
7. Was a member of the FSU Flying High Circus.
8. Conducted an out-of-state Section meeting in Ireland.
9. Was a U.S. Navy aviator.
10. Has a "thing" for crispy bacon.

How did you do? Answers in the next edition!

Meanwhile, remember that history is what is written, nostalgia is what is remembered, and the facts are somewhere in between.

Invitation from Elder Law Section

The Elder Law Section of the Florida Bar invites RPPTL members to it's 2026 Retreat on October 15-18, 2026 at World Equestrian Center in Ocala. More information and registration can be found **here**.


World Equestrian Center

Set Yourself Apart with Board Certification

Board certification recognizes attorneys' special knowledge, skills and proficiency in various areas of law and professionalism and ethics in practice. Established in 1982 by the Florida Supreme Court, board certification helps consumers identify specialists in various areas of law.

Click **here** to find a summary of requirements for board certification; application and re-certification information; exam specifications (including format and scoring); committee information, and much more.



Continuing Legal Education

Featured Program



Welcome to the ALL NEW innovative CLE seminar series focused on the Fundamentals of Estate Planning, Trust and Guardianship Practice. The series will consist of six sessions, varying in length from half-day to full-day. Practitioners may purchase individual sessions (at a price of $300 each) or obtain the full series at a discounted rate of $1,200.00. NOTE: The "RPPTL Presents: Fundamentals of..." seminars are pre-recorded and then made available . Not all parts of the series will have been recorded at the time of purchase. If you purchase a topic that hasn't been recorded yet, you will be notified as soon as the recording is available. Your 90 day access period will not start until the recording has been made available to you.

Just released! Episode 3, **Fundamentals of Trust Law**

On-Demand Bundle | Audio Download Bundle

New Releases

Weather the Storm: Asset Protection Strategies
September 23, 2026
Effective asset protection begins long before a lawsuit or creditor claim arises. This practical CLE explores proactive wealth preservation strategies that attorneys can incorporate into everyday estate, business, and succession planning. Learn how trusts, LLCs, Florida exemptions, insurance, strategic asset titling, and other planning techniques can work together to help clients preserve wealth, reduce risk, and prepare for life's unexpected challenges while avoiding common legal and ethical pitfalls. Whether you represent individuals, families, or business owners, you'll leave with practical strategies and actionable insights to help your clients protect their assets, preserve their wealth, and confidently navigate future risks.
Register here

Advising Clients on Smart Giving: Maximizing QCD's for Tax Savings And Other IRA Charitable Giving Issues
October 21, 2026
A qualified charitable distribution (QCD) allows IRA owners aged 70½ or older to transfer IRA funds directly to a charity tax-free. This webinar will provide you the rules, tax benefits, and reporting requirements to advise clients on QCDs and other charitable giving strategies.
Register here

On-Demand

Annual Guardianship Seminar 2026

Don't miss the 2026 Annual Guardianship Seminar! This CLE addresses issues for both new and experienced guardianship practitioners. This CLE will include presentations on jurisdictional issues, what professional guardians and fiduciaries want from their attorneys, a legislative and case law update, and a presentation on mediator and litigator tactics in Guardianship. The program also includes presentations on issues surrounding attorney fees, Medicaid Planning and Special Needs Trust in existing Guardianships, the intersection of Trusts and Guardianship, and insights into the best practices in Guardianship cases.
Order now

Save the Date



CLE Calendar

Member Resources

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

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

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

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