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## **BRING TO MEETING**

***REAL PROPERTY, PROBATE & TRUST LAW SECTION***  
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***Executive Council Meeting***

# **AGENDA**

**Ritz-Carlton, Amelia Island**  
**Saturday, January 14, 2006**  
**10:00 a.m. – 12:30 p.m.**

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**AGENDA INDEX**

Real Property, Probate and Trust Law Section  
**EXECUTIVE COUNCIL MEETING**  
Ritz-Carlton, Amelia Island

**Saturday, January 14, 2006**

- I. **Presiding** — Julius J. Zschau, Section Chair
- II. **Attendance** — William F. Belcher, Secretary
- III. **Minutes of Previous Meeting** — William F. Belcher, Secretary
  1. Approval of November 19, 2005 Executive Council Meeting Minutes **pp. 1 - 21**
  2. Copy of the Memorial Resolution for Daniel L. Adams **pp. 22**
- IV. **Chair's Report** — Julius J. Zschau
- V. **Chair-Elect's Report** — Rohan Kelley
  1. RPPTL 2006-2007 Schedule **pp. 23**
- VI. **Liaison with Board of Governors Report** — Gwynne Young
- VII. **Treasurer's Report** — John B. Neukamm
  1. Year-to-Date Summary **pp. 24 - 27**
- VIII. **Circuit Representative's Report** - George Meyer, Director
  1. First Circuit -- Alan B. Bookman; W. Christopher Hart; Colleen Coffield Sachs
  2. Second Circuit —Frederick R. Dudley; Peter Dunbar; Victor L. Huszagh
  3. Third Circuit — Guy W. Norris; Clay A. Schnitker
  4. Fourth Circuit — Bill Blackard, Jr.; Ann Buzby; Michael Fisher; Kevin Flood; Harris L. Bonnette
  5. Fifth Circuit — Johnnye Friedrich; Denise Lyn; Del G. Potter
  6. Sixth Circuit — Robert Altman; Victoria Carter; Robert C. Dickinson, III; Joseph W. Fleece, Jr.; Joseph (Jay) W. Fleece, III; Donald Peyton, Robert H. Willis
  7. Seventh Circuit —Michael Chiumento, Jr; E. Channing Coolidge
  8. Eighth Circuit — John F. Roscow, Richard White, Steven C. Allender
  9. Ninth Circuit — David J. Akins; Russell Divine; Anthony J. Scaletta; Randy J. Schwartz; Charles D. Wilder; Charles G. Wohlust
  10. Tenth Circuit — Gregory R. Deal; J. Ross Macbeth; Craig A. Mundy; Sandra Graham Sheets; Robert S. Swaine
  11. Eleventh Circuit — Carlos Battle; F. Clay Craig; Thomas Karr; Nelson C. Keshen; William P. McCaughan; William T. Muir; Louis Nostro
  12. Twelfth Circuit — Michael Foreman; James M. Nixon; L. Howard Payne; P. Allen Schofield; David Silberstein
  13. Thirteenth Circuit — Lynwood Arnold; William Platt; Melissa Thalji; Gwynne Young; Sandra Porter
  14. Fourteenth Circuit — Brian Leebrick; Henry Alan Thompson
  15. Fifteenth Circuit — David G. Armstrong; John Banister; Glenn Mednick; Paul E. Roman; Robert M. Schwartz, David G. Armstrong
  16. Sixteenth Circuit — Sean Kelley, Thomas D. Wright
  17. Seventeenth Circuit — Daniel L. Adams; Robert B. Judd; Shane Kelley; Barbara Landau; Frank T. Adams
  18. Eighteenth Circuit — Jerry W. Allender; Lawrence W. Carroll, Jr.; Stephen P. Heuston; Robert William Wattwood
  19. Nineteenth Circuit — Thomas Thurlow, Jane L. Cornett
  20. Twentieth Circuit — Charles R. Gehrke; George Lange; Dennis R. White

IX. **Real Property Division**

a. **Action Items**

b. **Information Items**

X. **Probate and Trust Division Action Item**

a. **Action Items**

1. Proposed amendments to §627.404, Fla. Stat., defining insurable interests in life insurance. [Estate & Trust Tax Planning Committee – Guy Emerich, Chair] **pp. 28-31**
2. Proposed amendment to §734.101(4), Fla. Stat., to eliminate conflict with §655.936(2) regarding procedure and timing for turning over tangible personal property to foreign personal representatives. [Probate Law & Procedure Committee – Debra Boje, Chair] **pp. 32-33**
3. Proposed litigation providing that dissolution of marriage revokes death benefits in favor of former spouse as beneficiary of decedent's life insurance, annuity, employee benefit plan, IRA, POD account, or security or other account registered in TOD form. [IRAs & Employee Benefits Committee – Kristen Lynch, Chair] **pp. 34-38**

b. **Information Items**

XI. **General Standing Committee Action Items**

a. **Action Items**

1. Ratification of Executive Committee approval of amendment to the Section's 2005-2006 budget to increase the Liaison with Law Schools Committee budget from \$1,000 to \$4,120 to cover the cost of roundtable breakfasts for four law students at the Amelia Island and Orlando Executive Council Meetings (\$120.00) and receptions at ten law schools (\$4,000.00). [Budget Committee – John Neukamm, Chair] **pp. 39-42**
2. Ratification of Executive Committee approval of an amendment to the Section's existing contract for lobbying services with Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., to allocate the services and compensation to be paid to it as follows: (1) 40% (\$24,000.00) for lobbying before the Legislature; (2) 20% (\$12,000.00) for lobbying before the Executive Branch; and (3) 40% (\$24,000.00) for other non-lobbying services, in order to facilitate the firm's reporting requirements under recently-enacted legislation. [Legislative Review Committee – Brian Felcoski, Chair]. **pp. 41-42**

b. **Information Items**

XII. **Report of General Standing Committees**

Rohan Kelley, Director and Chair-elect

1. **AAArdvark Membership Development** – Steven Hearn; Michael Swain
2. **Actionline** — Dresden Brunner, Chair; Patricia Hancock, Vice-Chair; Keith Kromash, Vice Chair
3. **Amicus Coordination** — Bob Goldman, Co-Chair; John Little, Co-Chair
4. **Budget** — John B. Neukamm, Chair; Pamela O. Price, Vice-Chair
5. **CLE Seminar Coordination** — Lee Weintraub, Chair; Mike Dribin, Co-Vice-Chair; Peggy Rolando, Co-Vice Chair
  - The Florida Bar Master CLE Seminar Calendar **pp. 43-58**
6. **2006 Convention Coordinators** — Robert S. Freedman, Chair; Silvia Rojas, Vice Chair
7. **Florida Bar Journal** — Richard R. Gans, Co-Chair, Probate & Trust Coordinator; Bill Sklar, Co-Chair, Real Property Coordinator
8. **Legislative Review** — Brian Felcoski, Chair; Burt Bruton, Co-Vice-Chair; Charlie Nash, Co-Vice-Chair.
9. **2005 & 2006 Legislative Update Coordinators** — Silvia Rojas, Chair; Sancha Brennan Whynot, Vice-Chair; Deborah Goodall, Vice-Chair
10. **Liaison Committees:**
  - a. **ABA:** Ed Koren; George Meyer; Julius J. Zschau
  - b. **American Resort Development Assoc. (ARDA):** Larry Kinsolving; Jerry Aron
  - c. **CLE Committee:** Lee Weintraub
  - d. **Clerks of the Circuit Court:** Thomas K. Topor
  - e. **Council of Sections:** Julius J. Zschau; Rohan Kelley
  - f. **Department of Revenue:** Burt Bruton; Bill Pearson
  - g. **Florida Bankers:** Stewart Andrew Marshall; Mark T. Middlebrook
  - h. **Judiciary:** Justice Kenneth Bell; Judge George W. Greer; Judge Melvin B. Grossman; Judge Hugh Hayes; Judge Maria Korvick; Judge Celeste Muir; Judge Robert Pleus; Judge Susan G. Sexton; Judge Winifred Sharp; Judge Morris Silberman; Judge Patricia Thomas; Judge James O. Shelfer
  - i. **Law Schools:** Phillip Baumann; Stacy Kalmanson
    - **FSU Real Estate Legal Society Letter** **pp. 59**
  - j. **Out of State:** Mike Stafford; John Fitzgerald, Pam Stuart
11. **Model and Uniform Acts** - Charles Carver, Chair; Vice-Chair; J. Eric "Tate" Taylor, Vice-Chair
12. **Pro Bono** — Andrew O'Malley, Chair; Adele I. Stone, Vice-Chair
13. **Sponsor Coordinators** — Charles Ian Nash, Co-Chair; Laura Sundberg, Co-Chair; Victoria H. Carter, Co-Vice-Chair; Ellie Taft, Co-Vice-Chair; Peggy Rolando, Co-Vice-Chair; Kristen Lynch, Co-Vice Chair
14. **Strategic Planning Meeting** — Tae Kelley Bronner, Chair; Dresden Brunner, Vice-Chair
15. **Member Communications and Information Technology** — Sam W. Boone, Chair; Alfred Colby, Co-Vice-Chair; Keith Kromash, Co-Vice-Chair

XII. **ADJOURN**

**SUPPLEMENT TO AGENDA**

### Real Property Roundtable

Melissa Jay Murphy, Division Director

1. **Affordable Housing** — Jaimie Ross, Chair; Glenn Claytor, Vice-Chair; Christian F. O’Ryan, Vice-Chair
2. **Bankruptcy, Creditor Rights, Real Estate** — Marsha Rydberg, Chair
3. **Condominium and Planned Development** — Michael Gelfand, Chair; Robert S. Freedman, Co-Vice-Chair, Steven Mezer, Co-Vice-Chair
4. **Construction Law** — Michelle Reddin, Chair; William C. Wright, Vice-Chair
5. **Construction Law Certification Review Course** – Michael Sasso, Chair; April Atkins, Vice-Chair
6. **Development and Governmental Regulation of Real Estate** — Charles D. Brecker, Chair; Lee E. Nelson, Vice-Chair
7. **FAR/BAR Committee and Liaison to FAR** — Bill Haley, Chair; Frederick Jones, Vice-Chair
8. **Land Trusts and REITS** — Robert G. Stern, Chair; Susan Frazier, Vice-Chair
9. **Landlord and Tenant** — Arthur Menor, Chair; Lawrence Miller, Vice-Chair
10. **Legal Opinions** — David Brittain, Chair; Roger Larson, Vice-Chair
11. **Liaisons with FLTA** — Alan McCall; Charles Birmingham; John S. Elzeer; John LaJoie
12. **Mobiles Home and RV Parks** — David Eastman, Chair; Jonathan J. Damonte, Vice-Chair
13. **Mortgages and Other Encumbrances** — Jeffrey T. Sauer, Chair; Ralph R. Crabtree, Vice-Chair
14. **Property Rights in Real Property** — Susan Spurgeon, Chair; Alan Fields, Co-Vice-Chair; Denise Lyn, Co-Vice-Chair
  - Committee Report w/ attachments **pp. 60-66**
15. **Real Estate Certification Review Course** — Homer Duval, Chair; Robert Stern, Vice-Chair
16. **Real Property Forms** — Michael Pyle, Chair
17. **Real Property Litigation** — Eugene E. Shucy, Chair; Ted Conner, Vice-Chair
18. **Real Property Problems Study** — Barry Ansbacher, Chair; Richard Taylor, Co-Vice-Chair; Rod Neuman, Co-Vice-Chair
19. **Real Property Professionalism** — James Russick, Chair; Michael S. Smith, Vice-Chair
20. **Title Insurance** — Norwood Gay, Chair; Burt Bruton, Co-Vice-Chair; W. Christopher Hart, Co-Vice-Chair
21. **Title Issues and Standards** — Patricia Jones, Chair; Robert Graham, Vice-Chair; Stephen Reynolds, Vice-Chair

### Probate Roundtable

Sandra Diamond, Division Director

1. **Ad Hoc Trust Code Revisions** - Brian F. Felcoski, Co-Chair; Laird A. Lile, Co-Chair
2. **Asset Preservation** – Barry A. Nelson, Chair; Charles Ian Nash, Vice-Chair
3. **Charitable Organizations and Planning** — Barbara Landau, Chair; Michael W. Fisher, Co-Vice-Chair; Jerome Wolf, Co-Vice-Chair
4. **Estate and Trust Tax Planning** — Guy Emerich, Chair; Richard Gans, Co-Vice-Chair; Jerome Wolf, Co-Vice-Chair
5. **Guardianship Law and Procedure** — David Carlisle, Chair; Ed Shipe, Vice-Chair
6. **IRA's and Employee Benefits** — Kristen Lynch, Chair; Linda Griffin, Vice-Chair
7. **Liaison with Corporate Fiduciaries** --- Stuart Altman, Chair; Seth Marmor, Vice-Chair; Elizabeth Fletcher, Corporate Fiduciary Chair
8. **Liaisons with Elder Law Section** — Charles F. Robinson, Chair; Marjorie Wolasky, Vice-Chair
9. **Liaison with Statewide Public Guardianship Office** - Michelle Hollister, Executive Director
10. **Liaisons with Tax Section** — David Pratt; Brian C. Sparks; Donald R. Tescher
11. **Power of Attorney**— Tami Conetta, Chair; Marjorie Wolasky, Vice-Chair
12. **Advance Directive Law & HIPPA** – Rex E. Moule, Chair
13. **Principal and Income Law** — Edward F. Koren, Chair; James Ridley, Co-Vice-Chair; Donald Tescher, Co-Vice-Chair
14. **Probate and Trust Litigation** — Jack A. Falk, Jr., Chair; William Hennessey, Co-Vice-Chair; Hugh Umsted, Co-Vice-Chair
15. **Probate and Trust Professionalism and Ethics** — David M. Garten, Chair; Deborah Goodall, Co-Vice-Chair; Joel Sharp, Co-Vice-Chair
16. **Probate Law and Procedure** — Debra Boje, Chair, Sam Boone, Co-Vice-Chair; Thomas K. Tooper, Co-Vice-Chair
17. **Trust Law** — Barry Spivey, Chair; Christopher Boyette, Co-Vice-Chair; Laura Stephenson, Co-Vice-Chair
18. **Wills, Trusts and Estates Certification Review Course** — James A. Herb, Chair; Marilyn Polson, Vice-Chair

[Approved at the Executive Council meeting on \_\_\_\_\_]

**MINUTES  
of the  
Real Property, Probate and Trust Law Section  
EXECUTIVE COUNCIL MEETING  
November 19, 2005  
The Ritz-Carlton, Sarasota, Florida**

Julius James Zschau, Section Chair, presiding

The Section Chair, Julius James Zschau, called the meeting to order at 10:00 a.m.

**I. Attendance – Wm. Fletcher Belcher, Secretary.**

The attendance roster was circulated by the Secretary to be initialed by Council members in attendance at the meeting. Attendance is shown cumulatively on circulated attendance rosters. It is the responsibility of the Council member to promptly bring any corrections to the attention of the Secretary. The cumulative attendance roster for 2005-2006 to date is attached to these Minutes.

**II. Minutes of Previous Meeting – Wm. Fletcher Belcher, Secretary.**

After correcting the unapproved Minutes of the August 20, 2005, Executive Council meeting included in the agenda package at pages 1-8 by changing the Board of Legal Specialization and Education item from a General Standing Committee action item presented by Rohan Kelley to a Real Property Law Division action item presented by Michael C. Sasso, Chair of the Construction Law Certification Review Course Committee, upon motion duly made, seconded and unanimously carried, the corrected Minutes were approved.

**III. Chair's Report – Julius J. Zschau, Chair.**

In his report, Jay:

1. Thanked our sponsors for this meeting, Fidelity National Title Insurance Co., Chicago Title Insurance Co., Howard Frazier Barker Elliott, AmSouth Bank, Attorneys Title Insurance Fund, Inc., Ashar Group, LLC, First American Title Insurance Co., Old Republic Title Insurance Co., LandAmerica, Stewart Title Insurance Co., and Management Planning, Inc., and expressed the Section's deep appreciation for their significant contributions to our mission.

2. Introduced Frank Angones, who is a candidate for the office of President of The Florida Bar. Frank made brief comments concerning his background and qualifications for that office.

3. Announced that Executive Council member and Past Chair, Laird Lile, is a candidate for Board of Governors of The Florida Bar.

4. Called on Homer Duval to give a report concerning a recent meeting of the Board of Legal Specialization and Education. Homer reported that the Board was studying the creation of a new Section of The Florida Bar for board certified attorneys, and would like to have more interaction and involvement with the RPPTL Section. Homer suggested that the Section appoint a liaison to the BLSE and the Chair indicated that Homer's suggestion would be considered by the Executive Committee.

5. Reported that he and his wife, Leila, had just returned from a successful planning trip to the site of the Executive Council's next out-of-state meeting in Barcelona, Spain.

6. Acknowledged the efforts of Howard Payne, Sandy Brown and Terry Hill in contributing to the planning and success of the Sarasota Executive Council meeting.

7. Welcomed new Executive Council members, Harris L. Bonnette, Jr., Sandra G. Porter and Alexandra V. Rieman, all of whom were present.

8. Called on the Secretary to publish a proposed memorial Resolution honoring Executive Council member, Dan Adams, who passed away on September 21, 2005. Upon motion duly made, seconded and unanimously carried, the attached Resolution was adopted.

#### **IV. Chair Elect's Report – Rohan Kelley, Chair-Elect.**

Rohan reported that:

1. The planned dates and locations for 2006–2007 Executive Council meetings are as follows:

August 10-12, 2006, Breakers, Palm Beach (Legislative and Case Law Update)  
September 28 - October 1, 2006, Gaylord Palms, Kissimmee  
November 30 - December 3, 2006, Gaylord Grand Ole Opry, Nashville  
February 22-25, 2007, Renaissance Vinoy, St. Petersburg  
May 24-27, 2007, St. Regis, Ft. Lauderdale (Section Convention)

2. Contracts have been signed for the Breakers (Palm Beach) and Gaylord Grand Ole Opry (Nashville meeting locations), while the dates and locations for the remaining three meetings are tentative at this time.



**V. Treasurer's Report – John Neukamm, Treasurer.**

John reported that:

1. Nearly all Section membership dues for 2005-2006 have been collected.
2. As reflected in the Financial Summary portion of the Treasurer's Report included in the agenda package as a 4-page Addendum, through September 30, 2005, 2005-2006 revenue was \$443,664 (\$47,500 of which came from sponsors), expenses were \$160,322, net income was \$283,342, and the current balance on hand was \$543,662.
3. The Budget Committee was in the process of finalizing the proposed budget for 2006-2007, and that it would be presented at Executive Council's January 2006 meeting at Amelia Island. John made a special request that committee chairs immediately notify him if they anticipate any unusual or extraordinary budget needs for the 2006-2007 year.

**VI. Circuit Representatives Director's Report – George Meyer, Director.**

George has requested that the minutes reflect that the Circuit Representatives had a well-attended meeting at Sarasota and that the Circuit Representatives continue to discuss and explore ways in which to assist with the Section's membership drive.

**VII. Real Property Law Division – Melissa Jay Murphy, Director.**

**1. Action Items:**

- a. Title Issues and Standards Committee, Patricia P. Jones, Chair. Melissa reported that action on the proposed amendments to Uniform Title Standards Chapter 8 (construction liens) would be deferred until the next Executive Council meeting.
- b. Land Trusts and REITS Committee, Robert Stern, Chair. Melissa reported that the Committee has approved proposed legislation to amend the Florida Land Trust Act (§§689.071-689.0713, Fla. Stat.), in the manner set forth in the proposal included in the agenda package at pages 9-13, subject to the following amendments to that proposal: (1) delete §§689.071(3), 689.0711(5) and 689.0712(8), and renumber remaining subsections as necessary; (2) incorporate language from §689.071(4) of the proposal into §689.0711(4) of the proposal; and (3) convert all references to sections in ch. 736 contained in §689.0713 to appropriate sections of ch. 737, and recommends that the Executive Council adopt a legislative position advocating the proposed legislation. Upon motions duly made, seconded and unanimously carried, a Section legislative position advocating the proposed legislation was adopted, the legislative

position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the proposed legislation was approved.

- c. Real Property Forms Committee, Michael A. Pyle, Chair. Melissa reported that the Committee has prepared the following forms: (1) new landlord and tenant forms; (2) new checklists to assist in searching title and reviewing surveys; and (3) revised construction law forms, and recommends that the Executive Council approve them and authorize them to be forwarded to FLSSI for publication. A list of the forms is included in the agenda package on pages 15 and 16, and each of the forms are available for inspection on the Section's web site. Upon motion duly made, seconded and unanimously carried, the forms were approved and forwarding them to FLSSI for publication was authorized.

## **2. Information Reports:**

- a. Condominium and Planned Development Committee, Michael J. Gelfand, Chair. Michael reported on the current activities of the Committee, including its plans for an upcoming seminar.
- b. Construction Law Committee, Michelle A. Reddin, Chair. Michelle reported on the current activities of the Committee.
- c. Construction Law Certification Review Course Committee, Michael Sasso, Chair. Michael reported on the current activities of the Committee, including its plans for an upcoming construction law certification review course.
- d. FAR/TFB and Liaison to FAR Committee, William J. Haley, Chair. Bill reported on the current activities of the Committee, including its work on a revised real estate contract.
- e. Land Trusts and REITS Committee, Robert G. Stern, Chair. Bob reported on the current activities of the Committee, including its work on the proposed amendments to the Florida Land Trust Act.
- f. Legal Opinions Committee, David Ross Brittain, Chair. David reported on the current activities of the Committee.
- g. Liaison with FLTA Committee, Alan K. McCall, Chair. Charles J. Birmingham, Vice-Chair, reported on the activities of the Committee, and identified several issues that are currently receiving its attention. John T. Lajoie, Vice-Chair, commented on pending issues concerning title insurance premium rates.

- h. Mobile Home & RV Parks Committee, David D. Eastman, Chair. David reported on the current activities of the Committee.
- i. Mortgages and Other Encumbrances Committee, Jeffrey Thomas Sauer, Chair. Jeff briefly reported on the current activities of the Committee.
- j. Property Rights in Real Property Committee, Susan K. Spurgeon, Chair. Susan reported on the current activities of the Committee, including the matters considered at its Sarasota meeting on November 18.
- k. Real Property Litigation Committee, Eugene Earl Shuey, Chair. William T. Connor, Vice-Chair, briefly reported on the current activities of the Committee.
- l. Real Property Problems Study Committee, Barry Barnett Ansbacher, Chair. Wayne Sobien briefly reported on the current activities of the Committee.
- m. Title Insurance and Title Insurance Liaison Committee, Robert Norwood Gay, III, Chair. Ed Burt Bruton, Jr., Vice-Chair, reported on the current activities of the Committee, including the matters considered at its recent meeting and a new real property seminar in DVD format.

**VIII. Probate & Trust Law Division – Sandra F. Diamond, Director.**

**1. Action Items:**

- a. Probate & Trust Litigation Committee, Jack A. Falk Jr., Chair. Jack reported that: (1) the Committee has approved proposed legislation creating §90.5021, Fla. Stat., in the form set forth in the agenda package at page 21; (2) the purpose of the proposed legislation is to establish that there is no fiduciary exception to the attorney-client privilege, and that fiduciaries enjoy the same attorney-client privilege as non-fiduciaries, as explained in the white paper included in the agenda package at pages 19-20; and (3) the Committee recommends that the Executive Council adopt a legislative position advocating the proposed legislation. Upon motions duly made, seconded and unanimously carried, a Section legislative position advocating the proposed legislation was adopted, the legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the proposed legislation was approved.

- b. Guardianship Law & Procedure Committee, David Russell Carlisle, Chair. David reported that the Guardianship Task Force has requested the Section to sponsor the proposed legislation set forth in the agenda package at pages 22-64, which makes omnibus amendments to Chapter 744, Fla. Stat. David further reported that the Committee recommends that the Executive Council adopt a legislative position: (1) advocating the proposed legislation except for the following portions: (i) the amendment proposed in the last sentence of §744.441(19), and (ii) the amendments proposed by §§744.474(19) and 744.474(20). The Committee also recommends that the Executive Council adopt a legislative position opposing: (i) the amendment proposed in the last sentence of §744.441(19), and (ii) the amendments proposed by §§744.474(19) and 744.474(20). The portions disfavored by the Committee seek to establish continuing judicial supervision over certain trusts, expand personal jurisdiction over trustees, and create a presumption favoring guardians who are related to the ward. Upon motions duly made, seconded and unanimously carried, Section legislative positions advocating that portion of the proposed legislation recommended by the Committee, and opposing that portion of the proposed legislation as recommended by the Committee, were adopted, those legislative positions were found to be within the purview of the Section, and the expenditure of Section funds to advocate those positions was approved.
- c. Ad Hoc Trust Code Revision Committee, Brian J. Felcoski, Co-Chair, and Laird A. Lile, Co-Chair. Brian reported that: (1) the Executive Council adopted a Section legislative position on August 20, 2005, advocating the enactment of the proposed Florida Trust Code; (2) the Ad Hoc Trust Code Revision Committee recommends that the legislative position be amended to include the amendments to proposed §§736.108, 736.808, 736.8125, 736.814, 736.9022 and 738.104, Fla. Stat. set forth in pages 69-71 of the agenda package; and (3) on August 30, 2005, the Executive Committee adopted a Section legislative position advocating the enactment of those amendments by a vote of 8 to 0. Upon motions duly made, seconded and unanimously carried, the Executive Committee's adoption of that legislative position was ratified, the legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the legislative position was approved.
- d. Ad Hoc Trust Code Revision Committee, Brian J. Felcoski, Co-Chair, and Laird A. Lile, Co-Chair. Brian reported that: (1) the Executive Council adopted a Section legislative position on August 20, 2005, advocating the enactment of the proposed Florida Trust

Code; (2) the Ad Hoc Trust Code Revision Committee recommends that the legislative position be further amended to include the amendments to proposed §§736.107 and 736.108, Fla. Stat. set forth in page 74 of the agenda package; and (3) on October 5, 2005, the Executive Committee adopted a Section legislative position advocating the enactment of those amendments by a vote of 8 to 2. Upon motions duly made, seconded and unanimously carried, the Executive Committee's adoption of that legislative position was ratified, the legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the legislative position was approved.

- e. Ad Hoc Trust Code Revision Committee, Brian J. Felcoski, Co-Chair, and Laird A. Lile, Co-Chair. Brian reported that: (1) on November 8, 2003, the Executive Council approved a Section legislative position opposing the affiliated products and services legislation then being proposed by the Florida Bankers Association; (2) the Ad Hoc Trust Code Revision Committee recommends that the Executive Council modify that Section legislative position so as not to oppose a revised affiliated products and services legislative proposal in the form of the proposed amendments to §§518.117, 660.25(6), 660.417, 736.103(2), 736.802(5) and 736.816(3), Fla. Stat., set forth in pages 74-77 of the agenda package, provided that the Florida Bankers Association fully endorses and supports the passage of the Florida Trust Code in the form proposed by the Section; and (3) on October 5, 2005, the Executive Committee modified the Section's legislative position in accordance with the Ad Hoc Trust Code Revision Committee's recommendation by a vote of 8 to 2. Upon motion duly made and seconded, the Executive Committee's modification the Section's legislative position in accordance with the Ad Hoc Trust Code Revision Committee's recommendation was ratified by a majority, with one vote against the motion. Upon further motion duly made, seconded and unanimously carried, the modified Section legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the legislative position was approved.
- f. Ad Hoc Trust Code Revision Committee, Brian J. Felcoski, Co-Chair, and Laird A. Lile, Co-Chair. Brian reported that: (1) the Ad Hoc Trust Code Revision Committee recommends that the Section extend its contract with Professor David Powell for the continuation of his services as scrivener for the Committee's Florida Trust Code project and to prepare educational materials to be utilized in teaching the Florida Trust Code to the bar and other interested groups; (2) the terms of the recommended extension are contained in the letter included in the agenda package at page 66; and (3) on

September 15, 2005, the Executive Committee approved the recommended extension by a vote of 9 to 0. Upon motion duly made, seconded and unanimously carried, the Executive Committee's approval of the recommended extension was ratified.

- g. Estate & Trust Tax Planning Committee, Guy Storms Emerich, Chair. Guy reported that: (1) pursuant to approval of the Executive Council, the Section previously sent a letter of comment to the Internal Revenue Service concerning Revenue Procedure 2005-24; (2) the Estate & Trust Tax Planning Committee recommends that the Executive Council authorize the Section to send a supplemental letter of comment to the Internal Revenue Service in the form of the draft letter included in the agenda package at pages 84-88; and (3) on September 12, 2005, the Executive Committee approved the recommendation of the Estate & Trust Tax Planning Committee by a vote of 7 to 0. Upon motion duly made, seconded and unanimously carried, the Executive Committee's approval of the recommendation of the Estate & Trust Tax Planning Committee was ratified.
- h. Trust Law Committee, Barry F. Spivey, Chair. Barry reported that: (1) the Committee has approved proposed legislation creating §737.402(5), Fla. Stat., in the form set forth in the agenda package at page 91; (2) the purpose of the proposed legislation is to make it clear that when an intentionally defective grantor trust gives the trustee the discretionary power to reimburse the settlor from the trust assets for the amount of income taxes paid by the settlor on trust income taxable to the settlor under federal income tax law, but not actually received by the settlor, that alone will not cause the allowable reimbursement to be subject to the claims of the settlor's creditors, so that the assets of the trust will not be included in the settlor's gross estate for federal estate tax purposes; and (3) the Committee recommends that the Executive Council adopt a legislative position advocating the proposed legislation. Upon motions duly made, seconded and unanimously carried, a Section legislative position advocating the proposed legislation was adopted, the legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the proposed legislation was approved.
- i. IRA's & Employee Benefits Committee, Kristen M. Lynch, Chair. Kristen reported that: (1) the Committee has approved proposed legislation creating §689.072, Fla. Stat., in the form set forth in the agenda package at pages 94-97, as amended by adding a new subsection 10 providing that "Any references to the term 'custodial property' contained in this section shall mean any interest in

property transferred to a custodian or trustee under this act and the income from and proceeds of that interest in property” and renumbering remaining subsections as necessary; (2) the purpose of the proposed legislation is to authorize custodians of self-directed IRAs to take title to real estate; and (3) the Committee recommends that the Executive Council adopt a legislative position advocating the proposed legislation. Upon motion duly made and seconded, a Section legislative position advocating the proposed legislation was adopted by a majority, with one vote against the motion. Upon further motion duly made, seconded and unanimously carried, the Section legislative position was found to be within the purview of the Section, and the expenditure of Section funds to advocate the legislative position was approved.

**2. Information Reports:**

- a. Liaison with Elder Law Section Committee, Charles F. Robinson, Chair. Charlie reported: (1) that the Elder Law Section has voted to support the proposed Florida Trust Code; (2) on the status of pending changes in Medicaid legislation, including the imposition of an equity limitation on homestead property; (3) on the implementation of Medicare coverage Part D, and the problems that are being encountered.
- b. Liaison with Tax Section Committee. Brian Curtis Sparks, Co-Chair, reported on the importance to all attorneys of being familiar and complying with IRS Circular 230, which regulates tax practice and giving advice on tax matters. Brian stated that if you are commenting in e-mails or other written communications concerning any aspect of tax matters, you are required to comply with Circular 230, and that the sanctions and penalties for failing to do so are significant.
- c. Sandra F. Diamond, Director of the Probate & Trust Law Division. Sandy reported on proposed legislation that would regulate paralegals and expressed her concern that it would have a drastic negative impact on our practices and felt that its progress should be closely monitored.

**IX. General Standing Committees – Rohan Kelley, Chair-Elect.**

**1. Action Item:**

Member Communications and Information Technology Committee, Sam Boone, Chair. Sam reported that: (1) the Member Communications and Information Technology Committee recommends that the Section extend

its contract with The Remington Agency for maintenance of the Section's web site and list serves for a period of one year beginning on September 1, 2005, with automatic annual renewals thereafter unless terminated; (2) the terms of the recommended contract extension are contained in the proposed agreement included in the agenda package at pages 99-103; (3) under the proposed contract extension, The Remington Agency is to actively assist all committee chairs and activities in posting items to the Section's web site and updating list serves; (4) on September 27, 2005, the Executive Committee approved the recommended contract extension by a vote of 6 to 0. Upon motion duly made, seconded and unanimously carried, the Executive Committee's approval of the recommended contract extension was ratified.

## 2. Information Reports:

- a. CLE Seminar Coordination Committee, Lee Alan Weintraub, Chair. Lee reported briefly on the activities of the Committee.
- b. Actionline Committee, Dresden Brunner, Chair. Dresden reported that: (1) Actionline is still accepting articles for the Winter issue; (2) Actionline will be getting somewhat of a facelift by implementing suggestions given after a recent review of its format by a magazine editor (also, at Sandy Diamond's suggestion, conversion of Actionline to a glossy publication is being considered); (4) Alan Fields has arranged for distribution of electronic and some hard copies of Actionline to the Real Estate Law Society at FSU Law School, and will attempt to do the same thing for the Real Property Society at Stetson; and (5) Actionline is receiving inquiries from potential new advertisers as a result of the efforts of new advertising coordinator, Diane Preston Moore, an attorney practicing in Naples.
- c. Amicus Coordination Committee, Robert W. Goldman, Co-Chair (Probate), and John W. Little, Co-Chair (Real Property). Rohan reported for Bob that the Florida Supreme Court had issued an opinion in the *Warburton* homestead case that was consistent with the position taken by the Section in its Amicus Brief, although a motion for rehearing was pending in the case.
- d. 2006 Convention Coordination Committee, Robert Scott Freedman, Co-Chair (Probate), and Silvia B. Rojas, Co-Chair (Real Property). Bob briefly reported on the planning and status of the Section's 2006 Annual Convention scheduled for May 25-27, 2006, in Orlando.



- e. Florida Bar Journal Committee, Richard R. Gans, Co-Chair (Probate), and William Paul Sklar, Co-Chair (Real Property). Rick briefly reported great success in securing the publication of trust and estate articles in The Florida Bar Journal.
- f. Legislative Review Committee, Brian J. Felcoski, Chair. Brian requested that all committee chairs with approved legislation promptly submit their legislative request/white paper forms to him in Word or WordPerfect so that editing changes can easily be made when necessary. Pete Dunbar reported on the status of pending legislation supported by the Section, including sponsor assignments, and noted that there will be a special session of the Florida Legislature in December.
- g. Liaison with ABA Committee, Edward F. Koren, Co-Chair, George Joseph Meyer, Co-Chair, and Julius James Zschau, Co-Chair. Ed briefly reported on current activities and issues with which the RPPTL Section of the ABA is involved.
- h. Sponsor Coordinators Committee, Charlie Nash, Co-Chair, and Laura Kristen Sundberg, Co-Chair. Laura reported that good progress has been made in securing sponsors for next year's meetings, and that all slots have been filled except for one of the two needed sponsors for Saturday night events.
- i. Strategic Planning Meeting 2006 Committee, Tae Kelley Bronner, Chair. Tae briefly reported on the changes that have been implemented as a result of the last strategic planning meeting at Howey-in-the-Hills, and that efforts were underway to plan the next meeting.
- j. Membership Development and Committee Participation Committee, Steven L. Hearn, Co-Chair (Probate), and Jack Michael Swaine, Co-Chair (Real Property). Mike reported that: (1) the Committee believes that the circuit representatives are the key to membership development; (2) the Committee was actively working with the circuit representatives to use them as a vehicle to recruit additional members from their respective circuits; and (2) the Committee was evaluating the possibility of establishing a program using existing CLE materials and other resources generated by the Section to produce mini-seminars with local bar associations in order to obtain additional recognition and promote membership for the Section.

There being no further business, the meeting was adjourned at approximately 12:15 p.m.

Respectfully Submitted,

Wm. Fletcher Belcher  
Secretary

(ATTACHMENT TO MINUTES)

## ATTENDANCE ROSTER

### REAL PROPERTY PROBATE & TRUST LAW SECTION EXECUTIVE COUNCIL MEETINGS 2005 - 2006

Executive Committee	August 20 Palm Beach	November 19 Sarasota	January 14 Amelia Island	April 22 Spain	May 27 Orlando
Zschau, Julius James, Chair	X	X			
Lile, Laird A., Immediate Past Chair	X	X			
Kelley, Rohan, Chair-Elect	X	X			
Murphy, Melissa Jay, Real Property Law Div. Dir.	X	X			
Diamond, Sandra F. , Prob. & Trust Law Div. Dir.	X	X			
Meyer, George, Director of Circuit Rep.	X				
Belcher, William F., Secretary	X	X			
Neukamm, John, Treasurer	X	X			
Felcoski, Brian J., Legislation Chair	X	X			
Weintraub, Lee A., Seminar Coordinator	X	X			

Adams, Frank T.					
Adcock, Jr., Louie N.					
Akins, David James	X	X			
Allender, Jerry W.		X			
Altman, James J.					
Altman, Robert Nicholas					
Altman, Stuart H.	X				
Ansbacher, Barry Barnett	X				
Armstrong, David Gillelan	X				
Arnold, G. Robert					

Adams, Frank T.					
Arnold, Jr. , Lynwood F.	X	X			
Aron, Jerry E.	X				
	<b>August 20 Palm Beach</b>	<b>November 19 Sarasota</b>	<b>January 14 Amelia Island</b>	<b>April 22 Spain</b>	<b>May 27 Orlando</b>
Atkins, April	X				
Banister, John Robert	X	X			
Battle, Carlos Alberto		X			
Baumann, Phillip A.	X	X			
Beales III, Walter Randolph					
Bell, Honorable Kenneth					
Birmingham, Charles	X	X			
Blackard, Jr., William Raymond	X	X			
Boje, Debra Lynn	X	X			
Bonnette, Jr., Harris L.		X			
Bookman, Alan Bart	X				
Boone, Jr., Sam Wood	X	X			
Boyett, Christopher William	X				
Brecker, Charles D.	X				
Brennan, David Clark	X				
Brittain, David Ross	X	X			
Bronner, Tae Kelley	X	X			
Brundage, Kristy Parker		X			
Brunner, S. Dresden	X	X			
Bruton, Jr., Ed Burt	X	X			
Buzby, Anne	X	X			
Carlisle, David Russell	X	X			
Carroll, Jr., Lawrence W.	X				
Carter, Victoria Hunt	X				
Carver, Charles Hartwell					
Chimento, Jr., Michael D.					

Adams, Frank T.					
Christiansen, Patrick T.		X			
Claytor, Glenn A.					
Cohen, Bruce					
Colby, Alfred	X	X			
Conetta, Tami Foley	X	X			
Conner, William Theodore	X	X			
Coolidge, Jr., Edwin Channing	X				
Crabtree, Ralph R.					
Craig, Jr., Frederick Claiborne					
Damonte, Jonathan James					
Deal, Gregory R.		X			
Dickinson III, Robert C.	X				
Divine, Russell W.		X			
Dribin, Michael Allen					
Dudley, Frederick Raymond	X				
Dunbar, Peter M.	X	X			
Duvall III, Homer	X	X			
Eastman, David Deane	X	X			
Elzeer, John S.	X				
Emerich, Guy Storms	X	X			
Falk, Jr., Jack Arnold	X	X			
Fields, Alan Beaumont	X	X			
Fisher, Michael W.	X	X			
Fitzgerald, Jr., John Edward	X	X			
Fleece III, Joseph W.		X			
Fleece, Jr., Joseph W.	X	X			
Fletcher, Elizabeth					
Flood, Kevin Patrick					
Foreman, Michael Loren	X	X			
Frazier, Susan Katherine	X	X			

Adams, Frank T.					
Freedman, Robert Scott	X	X			
Friedrich, Johnnye Ladine					
Gans, Richard Roy		X			
Garten, David Michael	X	X			
Gay III, Robert Norwood	X				
Gehrke, Charles R.					
Gelfand, Michael J.	X	X			
George, Joseph P.		X			
Goldman, Robert W.	X				
Goodall, Deborah	X				
Graham, Robert Manuel					
Greer, Honorable George W.					
Griffin, Linda S.	X	X			
Grimsley, John Gall					
Grossman, Honorable Melvin B.					
Guttmann III, Louis B.	X				
Haley, William James		X			
Hancock, Patricia J.	X				
Hart, W. Christopher	X				
Hayes, Honorable Hugh D.		X			
Hearn, Steven Lee		X			
Henderson, III, Thomas N.					
Hennessey III, William Thomas		X			
Herb, James Allan	X				
Heuston, Stephen Paul		X			
Hollister, Michelle Rachel		X			
Huszagh, Victor Lee	X				
Isphording, Roger O.		X			
Jones, Frederick Wayne	X	X			
Jones, John Arthur	X	X			

Adams, Frank T.					
Jones, Patricia P. Hendricks	X	X			
Judd, Robert Brian	X				
Karr, Thomas M.	X	X			
Kalmanson, Stacy O.					
Kayser, Joan Bradbury	X	X			
Kelley, Sean	X	X			
Kelley, Shane	X	X			
Keshen, Nelson Clive	X				
Kinsolving, Laurence E.	X				
Kinsolving, Ruth Barnes	X				
Koren, Edward F.	X	X			
Korvick, Honorable Maria Marinello	X				
Kromash, Keith Stuart	X	X			
Lajoie, John Thomas		X			
Landau, Barbara	X				
Lange, Jr., George W.	X	X			
Larson, Roger Allen	X				
Leebrick, Brian	X				
Little III, John Wesley	X				
Lyn, Denise A.	X				
Lynch, Kristen M.	X	X			
Macbeth, J. Ross					
Marger, Bruce	X	X			
Marmor, Seth	X				
Marshall III, Stewart Andrew	X	X			
McCall, Alan K.					
McCaughan, William Power					
Mednick, Glenn Myles					
Menor, Arthur James	X				
Mezer, Steven H.	X	X			

Adams, Frank T.					
Middlebrook, Mark Thomas	X	X			
Miller, Lawrence Jay	X	X			
Moule, Jr., Rex Everet	X	X			
Muir, Honorable Celeste	X	X			
Muir, William T.		X			
Mundy, Craig A.	X	X			
Nash, Charles Ian	X	X			
Nelson, Barry A.	X	X			
Nelson, Lee Edward		X			
Neuman, Rod	X				
Nixon II, James M.					
Norris, Guy W.	X	X			
Norris, John E.					
Nostro, Jr., Louis	X				
O'Malley, Andrew Marvel		X			
O'Ryan, Christian Felix					
Payne, L. Howard	X	X			
Pearson, William Michael	X				
Peyton, Donald Ray	X	X			
Platt, William R.	X	X			
Pleus, Jr., Honorable Robert James					
Polson, Marilyn Mewha		X			
Porter, Sandra G.		X			
Potter, Del G.		X			
Pratt, David					
Price, Pamela O.	X	X			
Pyle, Michael A.	X	X			
Reddin, Michelle A.		X			
Reynolds, Stephen H.	X	X			
Ridley, James Iverson	X				



Adams, Frank T.					
Rieman, Alexandra V.		X			
Robinson, Charles F.		X			
Rojas, Silvia B.	X	X			
Rolando, Margaret Ann	X	X			
Roman, Paul Edward	X				
Roscow IV, John Frederick	X	X			
Ross, Jaimie A.	X				
Russick, James C.	X				
Rydberg, Marsha G.	X				
Sachs, Colleen Coffield	X				
Sasso, Michael Cornelius		X			
Sauer, Jeffrey Thomas		X			
Scaletta, Anthony J.	X				
Schnitker, Clay Alan		X			
Schofield, Percy Allen	X	X			
Schwartz, Randy James	X	X			
Schwartz, Robert M.	X	X			
Sexton, Honorable Susan G.					
Sharp, Jr., Joel Herbert	X	X			
Sharp, Honorable Winifred J.	X	X			
Sheets, Sandra Graham	X				
Sherman, William E.	X				
Shipe, Edward A.		X			
Shuey, Eugene Earl	X				
Silberman, Honorable Morris		X			
Silberstein, David Mark	X	X			
Sklar, William Paul					
Smith, G. Thomas	X				
Smith, Michael S.		X			
Smith, Wilson	X				

Adams, Frank T.					
Sparks, Brian Curtis	X	X			
Spivey, Barry F.	X	X			
Spurgeon, Susan K.	X	X			
Stafford, Michael P.	X	X			
Stephenson, Laura Paine	X	X			
Stern, Robert Gary	X	X			
Stone, Adele Ilene	X				
Stone, Bruce Michael	X				
Stuart, Pamela Bruce	X				
Sundberg, Laura Kristin	X	X			
Sutherland, John Holt					
Swaine, Jack Michael	X	X			
Swaine, Robert S.	X	X			
Taft, Eleanor W.	X	X			
Taylor, George Eric		X			
Taylor, Richard Walter	X				
Tescher, Donald Robert	X				
Thalji, Melissa Miller					
Thomas, Honorable Patricia Vitter		X			
Thompson, Henry Alan					
Thurlow III, Thomas Henry	X				
Topor, Thomas Karl					
Umsted, Hugh Charles	X	X			
Waller, Roland D.	X	X			
Wattwood, Robert William	X	X			
White, Dennis R.	X	X			
White, Jr., Richard J.					
Whynot, Sancha Brennan	X				
Wilder, Charles D.		X			
Williamson, Julie Ann Stulce	X				

Adams, Frank T.					
Willis, Robert H.	X				
Wohlust, G. Charles	X				
Wolasky, Marjorie Ellen	X	X			
Wolf, Jerome Lee					
Wright, Thomas Dickinson	X				
Wright, William C.	X	X			
Young, Gwynne Alice	X				
Zeydel, Diana S.C.					

## RESOLUTION

**The Executive Council of the Real Property, Probate & Trust Law Section  
of  
The Florida Bar  
Recognizing the Service and Contributions of**

**DANIEL L. ADAMS**

**Whereas**, Daniel L. Adams, a respected and deeply loved member of the Real Property, Probate & Trust Law Section of The Florida Bar, died at the age of 68 on September 21, 2005, following a courageous battle with cancer; and

**Whereas**, Dan is survived by his devoted and loving wife, Judith, and their daughters, Meghan and Cristin; and

**Whereas**, Dan had a long history of dedicated involvement with his church and community, which included serving as a Eucharistic Minister and as a director on the boards of numerous community organizations; and

**Whereas**, Dan, after receiving both his undergraduate and law degrees from The Ohio State University, had a long and distinguished career as a real estate attorney, which included private practice, extensive involvement with Attorneys' Title Insurance Fund ("The Fund"), serving on the Marketable Records Act Study Commission, and dedicated service to the Real Property, Probate & Trust Law Section of The Florida Bar; and

**Whereas**, Dan's extensive involvement with The Fund began in 1960 when he joined Attorneys' Title Services of Broward County, which was ultimately merged into the Fund, and culminated in 2004 when he served as Vice President of Examination Standards for The Fund. He also served as a Staff Attorney for The Fund, as a member of The Fund's Board of Trustees for a period of nearly 20 years, and as Chairman of that Board; and

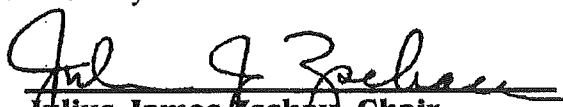
**Whereas**, in the late 1960's Dan joined the Ft. Lauderdale law firm of English, McCaughan & O'Bryan, where he specialized in real estate law with an emphasis on representation of financial institutions, and established himself as a prominent real estate attorney; and

**Whereas**, Dan also rendered long-standing and dedicated service to the Real Property, Probate & Trust Law Section, which included his membership and participation on its Executive Council, and serving in leadership positions, including Chair of the Title Standards Committee and Co-Chair of Liaison with Title Insurers Committee; and

**Whereas**, the Executive Council of the Real Property, Probate & Trust Law Section recognizes the extraordinary dedication and service that Dan has provided to his family, his church, his community, and The Florida Bar, particularly its Real Property, Probate & Trust Law Section, during his lifetime, and acknowledges that he will be sorely missed.

**Now, Therefore, be it resolved by the Executive Council of the Real Property, Probate & Trust Law Section of the Florida Bar, that the loss of Daniel L. Adams is mourned, and that his distinguished service and rich contributions to the practice of law, particularly to the practice of real estate law, are respected, appreciated and acknowledged, and will be remembered forever.**

**Unanimously Adopted** by the Executive Council of the Real Property, Probate & Trust Law Section of The Florida Bar at Sarasota, Florida, this 19<sup>th</sup> day of November, 2005.

  
**Julius James Zschau, Chair  
Real Property, Probate & Trust Law Section,  
The Florida Bar**

**Rohan Kelley**  
**RPPTL 2006-2007**  
**Executive Council Meeting Schedule**

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<b>Date</b>	<b>Location</b>
August 10 – August 13, 2006	The Breakers, Palm Beach Executive Council Mtg & Leg Update
September 28 – October 1, 2006	Gaylord Palms, Kissimmee Executive Council Mtg
November 30 – December 3, 2006	Gaylord Grand Ole Opy, Nashville Out-of-State Executive Council Mtg
February 22 – February 25, 2007	St. Petersburg Executive Council Mtg
May 24 – May 27, 2007	Fort Lauderdale Section Convention & Exec Council Mtg

# RPPTL FINANCIAL SUMMARY

2005-2006 [through November 30, 2005]

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*Revenue:* \$510,622\*

*Expenses:* \$274,950

<i>Net:</i>	\$235,672
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*Beginning Balance:* \$260,325

*Current Balance:* \$494,099

\* \$70,500 of this figure represents revenue from corporate sponsors.

	November 2005 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Total Real Prop Probate & Trust =====				
31431 Section Dues	900	436,450	425,000	102.69
31432 Affilliate Dues	100	900	750	120.00
31433 Admin Fee to TFB	-265	-109,654	-106,438	103.02
-----				
Total Dues Income-Net	735	327,696	319,312	102.63
-----				
32001 Registrations	0	-300	100,000	-0.30
32191 CLE Courses	2,875	3,475	38,789	8.96
32204 Audio Tape-Section S	4,415	53,941	53,000	101.78
32292 Videotapes	363	1,201	4,200	28.60
32395 Mat Sales-Sect Shr	0	0	800	0.00
34001 Book Sales	300	4,792	5,100	93.96
34702 Actionline Subscript	0	0	300	0.00
35008 Spouse Program	0	0	10,000	0.00
35101 Exhibit Fees	0	4,500	9,000	50.00
35201 Sponsorships	4,500	70,500	160,000	44.06
35722 Meals	0	0	10,000	0.00
35901 Misc Seminars	0	0	10,000	0.00
35991 Allowances	-18	-27	-200	13.50
35998 Credit Card Fees	-324	-794	0	*
38499 Investment Allocatio	0	5,299	7,051	75.15
39201 Reimb Member Mtg Tra	18,329	40,119	62,000	64.71
39202 Reimb Council Recrea	0	220	4,500	4.89
-----				
Other Income	30,440	182,926	474,540	38.55
-----				
Total Revenues	31,175	510,622	793,852	64.32
-----				
51101 Employee Travel	0	1,460	15,205	9.60
61201 Equipment Rental	0	9,028	12,200	74.00
62202 Meeting Room Rental	0	0	8,000	0.00
75102 1st Class & Misc Mai	7	26	300	8.67
75401 Express Mail	126	375	0	*
81411 Promotional Printing	0	210	1,420	14.79
81412 Promotional Mailing	0	3,433	13,500	25.43
84001 Postage	900	3,654	11,500	31.77
84002 Printing	53	256	3,210	7.98
84003 Officers Office Expe	0	0	300	0.00
84006 Newsletter	-3,048	6,735	25,000	26.94
84009 Supplies	0	19	850	2.24
84010 Photocopying	32	229	500	45.80
84015 Officers Conference	0	110	1,200	9.17
84016 Scrivener	5,000	5,000	7,000	71.43
84052 Meeting Travel Expen	74,184	150,056	140,000	107.18
84054 CLE Speaker Expense	0	333	3,000	11.10
84061 Reception	0	0	50,000	0.00
84062 Luncheons	0	17,280	49,000	35.27

	November 2005 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Total Real Prop Probate & Trust =====				
84064 Golf Tourn Expenses	0	0	6,500	0.00
84101 Committee Expenses	1,249	6,674	32,000	20.86
84102 Public Info & Websit	0	0	2,500	0.00
84106 Realtor Relations	0	1,000	4,000	25.00
84109 Spouse Program	0	0	3,000	0.00
84110 Exhibitor Fees	0	0	500	0.00
84115 Entertainment	925	925	6,000	15.42
84201 Board Or Council Mee	0	165	38,000	0.43
84216 Strategic Planning M	0	0	5,000	0.00
84238 Council Mtg Recreati	0	6,600	20,000	33.00
84239 Hospitality Suite	3,030	4,840	20,000	24.20
84241 Spouse Functions	933	3,822	10,000	38.22
84253 Sleeping Rooms	0	173	2,000	8.65
84254 Speaker Gifts	0	1,659	1,300	127.62
84270 Misc Seminars	0	0	10,000	0.00
84279 Council Members Hand	0	3,120	2,000	156.00
84301 Awards	10	649	4,000	16.23
84310 Law School Liaison	0	0	1,000	0.00
84419 Binders	0	0	1,750	0.00
84422 Website	2,601	10,001	50,000	20.00
84501 Legislative Consulta	0	15,000	65,000	23.08
84503 Legislative Travel	0	0	9,000	0.00
84506 Legis Coord	0	0	1,200	0.00
84524 Memorial Tributes	0	0	500	0.00
84701 Council Of Sections	300	300	300	100.00
84998 Operating Reserve	0	0	45,848	0.00
84999 Miscellaneous	0	0	500	0.00
88211 Steering Committee	0	0	1,200	0.00
88230 Speakers Expense	125	6,579	12,500	52.63
88233 Speakers Hotel	184	184	0	*
88241 Outline Prt-Inhouse	135	1,807	5,200	34.75
88252 Course Credit Fee	0	0	450	0.00
88262 Meeting Meals	0	0	45,000	0.00
88265 Refreshment Breaks	0	3,008	13,000	23.14
88269 Breakfast	0	10,240	37,000	27.68
<b>Total Operating Expenses</b>	<b>86,746</b>	<b>274,950</b>	<b>798,433</b>	<b>34.44</b>
83431 Time CLE Courses	0	1,863	0	*
83701 Time-RPPTL	3,408	16,272	61,000	26.68
83702 Time-Trust Off	0	50	8,000	0.63
83703 Time-Est Plan	0	121	0	*
83704 Time-Real Estate	0	121	0	*
83722 Time-RP Leg Update	0	3,019	11,500	26.25
83723 Time-RP Convention	0	168	8,000	2.10
83744 Mailing Overhead	6	496	2,600	19.08
86431 Meetings Administrat	677	1,474	9,786	15.06
86532 Advertising News	0	990	4,218	23.47



	November 2005 Actuals	YTD 05-06 Actuals	Budget	Percent Budget Spent
Total Real Prop Probate & Trust =====				
86542 Printing	364	6,921	15,250	45.38
86543 Graphics & Art	110	4,555	12,168	37.43
86998 Refund Of Cost Alloc	-2,673	-34,152	-132,522	25.77
Total General Fund Support	1,892	1,898	0	*
Total Expenses	88,638	276,848	798,433	34.67
Net Operations	-57,463	233,774	-4,581	-5,103.12
21001 Fund Balance	0	260,325	100,728	258.44
Total Current Fund Balance	-57,463	494,099	96,147	513.90

## **Explanation**

### **Proposed amendments to §627.404, Fla. Stat., defining insurable interests in life insurance.**

The proposed legislation would substantially revise the Florida insurable interest statute, F.S. Section 627.404. The revised statute will provide guidance and clarity on several matters, not currently addressed in the Florida statutes or cases, that arise in an increasingly sophisticated life insurance planning environment.

627.404 Insurable interest; personal insurance

(1) Any individual of legal capacity may procure or effect an insurance contract on his or her own life or body for the benefit of any person, but no person shall procure or cause to be procured or effected an insurance contract on the life or body of another individual unless the benefits under such contract are payable to the individual insured or his or her personal representatives or to the trustee or trustees of a trust established by the individual insured and defined in s. 733.707(3), or to a person having, at the time when such contract was made, an insurable interest in the individual insured. The insurable interest need not exist at the time the loss occurs.

(2) An "insurable interest" as to personal insurance includes only the following interests:

(a) An individual has an insurable interest in his or her own life, body and health.

(b) An individual has an insurable interest in the life, body and health of another person to whom the individual is related by blood or by law and in whom the individual has a substantial interest engendered by love and affection.

(c) An individual has an insurable interest in the life, body and health of another person if such individual has an expectation of pecuniary advantage through the continued life, health and safety of that person and consequent loss by reason of the person's death or disability.

(d) An individual party to a contract for the purchase or sale of an interest in any business entity has insurable interest in the life of each other party to such contract for the purpose of such contract only; provided, however, that any such insurable interest shall

be in addition to any insurable interest which may otherwise exist as to the life of such individual. For purposes of this section, the term "business entity" includes, but is not limited to, partnerships, corporations, limited liability companies and business trusts.

(e) A trust, or the trustee of a trust, established by an individual has an insurable interest in the life of that individual.

(f) A guardian, trustee or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life such person has an insurable interest.

(g) A charitable organization meeting the requirements of s. 501(c)(3) of the Internal Revenue Code of 1986 has an insurable interest in the life of any person who consents to the organization's ownership or purchase of that insurance. A person's consent for purposes of this subsection will be deemed given by the person's submitting to a medical exam required by the proposed insurer.

(h) A trustee or custodian of assets held in any plan governed by the Employment Retirement Security Income Act of 1974 (29 USC s. 1001 et seq.), or in any other retirement plan, has an insurable interest in the life of any participant in the plan.

(i) A business entity has an insurable interest in the life, body and health of any of the directors, officers, partners, managers, or key employees of the business entity or any subsidiary of the business entity.

(j) An employer providing life, health, disability, retirement or other similar benefits to some or all of its employees or the employees of its affiliates or subsidiaries, or the

dependents and beneficiaries of such employees, has an insurable interest in the lives of its employees or the employees of its affiliates or subsidiaries. The trustee of a trust established by an employer to provide such benefits has the same insurable interest as does the employer.

(3) An insurer shall be entitled to rely upon all statements, declarations and representations made by an applicant for insurance relative to the insurable interest which such applicant has in the insured; and no insurer shall incur any legal liability, except as set forth in the policy, by virtue of any untrue statements, declarations or representations so relied upon in good faith by the insurer.

(4) This section applies to every life insurance policy issued, or issued for delivery, in the State of Florida, regardless of the date of issue.

## Foreign Personal Representative

### 655.936(2) v 734.101(4)

The timing and procedural requirements under Section 655.936(2) are contrary to the procedure and timing in Section 734.101(4) for turning over other tangible personal property to foreign personal representatives. This can be corrected by amending 734.101(4) as follows:

#### **734.101 Foreign personal representative.--**

(1) Personal representatives who produce authenticated copies of probated wills or letters of administration duly obtained in any state or territory of the United States may maintain actions in the courts of this state.

(2) Personal representatives appointed in any state or country may be sued in this state concerning property in this state and may defend actions or proceedings brought in this state.

(3) Debtors who have not received a written demand for payment from a personal representative or curator appointed in this state within 60 days after appointment of a personal representative in any other state or country, and whose property in Florida is subject to a mortgage or other lien securing the debt held by the foreign personal representative, may pay the foreign personal representative after the expiration of 60 days from the date of appointment of the foreign personal representative. Thereafter, a satisfaction of the mortgage or lien executed by the foreign personal representative, with an authenticated copy of the letters or other evidence of authority attached, may be recorded in the public records. The satisfaction shall be an effective discharge of the mortgage or lien, irrespective of whether the debtor making payment had received a written demand before paying the debt.

(4) Except as provided in s. 655.936, All persons indebted to the estate of a decedent, or having possession of personal property belonging to the estate, who have received no written demand from a personal representative or curator appointed in this state for payment of the debt or the delivery of the property are authorized to pay the debt or to deliver the personal property to the foreign personal representative after the expiration of 60 days from the date of appointment of the foreign personal representative.

#### **655.936. Delivery of safe-deposit box contents or property held in safekeeping to personal representative**

(1) Subject to the provisions of subsection (3), the lessor shall immediately deliver to a resident personal representative, upon presentation of a certified copy of his or her letters of authority, all property deposited with it by the decedent for safekeeping, and shall grant the resident personal representative access to any safe-deposit box in the decedent's name and permit him or her to remove from such box any part or all of the contents thereof.

(2) If a foreign personal representative of a deceased lessee has been appointed by a court of any other state, a lessor may, at its discretion, after 3 months from the issuance to such foreign personal representative of his or her letters of authority, deliver to such foreign personal representative all properties deposited with it for safekeeping and the contents of

any safe-deposit box in the name of the decedent if at such time the lessor has not received written notice of the appointment of a personal representative in this state, and such delivery is a valid discharge of the lessor for all property or contents so delivered. Such foreign personal representative shall furnish the lessor with an affidavit setting forth facts showing the domicile of the deceased lessee to be other than this state and stating that there are no unpaid creditors of the deceased lessee in this state, together with a certified copy of his or her letters of authority. A lessor making delivery pursuant to this subsection shall maintain in its files a receipt executed by such foreign personal representative which itemizes in detail all property so delivered.

(3) Notwithstanding the provisions of subsection (1), after the death of a lessee of a safe-deposit box, the lessor shall permit the initial opening of the safe-deposit box and the removal of the contents of the safe-deposit box in accordance with s. 733.6065.

(4) A lessor is not liable for damages or penalty by reason of any delivery made pursuant to this section.

## WORKING DRAFT AS OF DECEMBER 17, 2005

F. S. 732.xxx

### Effect of Dissolution or Invalidity of Marriage on Disposition of Certain Assets at Death

(1) If the decedent's marriage was dissolved or invalidated prior to the decedent's death, a provision made by or on behalf of the decedent prior to that time relating to the payment or transfer at death of an interest to or for the benefit of the decedent's former spouse in any asset described in subsection (2) is revoked. The decedent's interest in any such asset shall pass as if the former spouse failed to survive the decedent and died at the time of entry of the decree of dissolution or declaration of invalidity. Nothing in this section applies to any asset subject at the decedent's death to the decedent's will or to any trust established by the decedent during his or her lifetime.

(2) The assets to which the revocation of a former spouse's interest under subsection (1) applies are the following assets held at the time of entry by a circuit court of this state of a decree of dissolution of marriage or a declaration of invalidity:

(a) A life insurance policy, annuity or other similar contract;

(b) An employee benefit plan, which, for purposes of this section, is any funded or unfunded plan, program or fund established to provide an employee's beneficiaries with benefits that may be payable on the employee's death;

(c) An individual retirement account described in Section 408 or 408A of the Internal Revenue Code of 1986;

(d) A payable-on-death account;

(e) A security or other account registered in transfer-on-death form;



(f) Any other right to death benefits arising under a contract; or

(g) Any other asset (other than an interest in real property) that would otherwise pass to the decedent's former spouse by reason of the decedent's having designated the former spouse as a beneficiary to receive the asset at the decedent's death.

(3) Subsection (2) does not apply to the extent that:

(a) Controlling federal law so provides;

(b) The contract or other instrument governing disposition of the asset expressly provides that benefits will be payable to the decedent's former spouse notwithstanding the dissolution or invalidity of the decedent's marriage;

(c) The decree of dissolution, or declaration of invalidity, requires that the decedent maintain the asset for the benefit of a former spouse or children of the marriage, payable on the decedent's death either outright or in trust, and other assets of the decedent fulfilling such a requirement for the benefit of the former spouse or children of the marriage do not exist at the decedent's death; or

(d) If, under the terms of the decree of dissolution or declaration of invalidity, the decedent could not have unilaterally terminated or modified the ownership of, or the disposition at the decedent's death under, the affected asset.

(4) Any asset owned by the decedent and his or her former spouse at the time of the decedent's death as joint tenants with rights of survivorship shall be severed as of the decedent's death, whereupon:

**Deleted:** account [need definition or better term?]

(a) An asset that was severable by either the decedent or his or her former spouse during the decedent's lifetime shall be owned by the personal representative of the decedent's estate and the decedent's former spouse as tenants in common in proportion to the amounts contributed to acquire or augment the asset by the decedent and the decedent's former spouse, determined as of the time of contribution.

**Deleted:** account

**Deleted:** account

(b) Any other asset shall be owned by the personal representative of the decedent's estate and the decedent's former spouse as equal tenants in common.

**Deleted:** account

**Deleted:** (c) See s. 689.15 for severance of property owned as tenants by the entireties upon dissolution of marriage.

(5) Subsections (3) and (4) shall not apply if the decedent remarries the person whose interest would otherwise have been revoked under subsection (3), or whose interest would otherwise be severed under subsection (4), and if the decedent and that person are married to one another at the decedent's death.

(6) A payor or other third party in possession or control of any interest in an asset to which subsection (3) or (4) applies at the time of the decedent's death is not liable for making a payment or transferring an interest in the asset to a decedent's former spouse whose interest in the asset is revoked under this section, or whose interest has been severed under this section, or for taking another action in reliance on the validity of the instrument governing disposition of the asset at the decedent's death unless, before payment is made, such payor or third party has knowledge of the existence of a dispute between the former spouse and other persons concerning rights in the asset as a result of the application of this section. A payor or third party in possession or control of an asset subject to this section who has knowledge of a dispute between the former spouse and other persons concerning rights in the asset as a result

of the application of this section may condition the payment or transfer of an interest in the asset on the execution, in such form and amount, and with such security, acceptable to the payor or other third party, of a bond in an amount satisfactory to it, or of a similar instrument to provide security to the payor or other third party, indemnifying the payor or other third party for any liability, loss, damage, costs, and expenses for and on account of payment or transfer of the nonprobate asset, or may refuse to make payment or transfer until the same is authorized by a court having jurisdiction over the nonprobate asset. The payor or third party in possession shall have no liability under this section to any person for the imposition of any penalty on an individual retirement account or employee benefit plan because of a failure to make payment of amounts required by law or contract to be made after the decedent's death.

(7) A person who purchases an interest in any asset to which this section applies from a former spouse or other person, for value and without knowledge, or who receives from a former spouse or other person payment or transfer of an interest in an asset to which this section applies, without knowledge and in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, property, or benefit nor is liable under this section for the amount of the payment or the value of the interest.

(8) Subject to subsection (9), a person has knowledge of a fact if the person:

- (a) Has actual knowledge of it;
- (b) Has received a notice or notification of it; or
- (c) From all the facts and circumstances known to the person at the time in question, has reason to know it.

(9) An organization that conducts activities through employees has notice or knowledge of a fact only from the time the information was received by an employee having responsibility to act on matters pertaining to that fact, or which would have been brought to the employee's attention if the organization had exercised reasonable diligence. An organization exercises reasonable diligence if it maintains reasonable routines for communicating significant information to the employee having responsibility to act on matters pertaining to the fact at issue, and there is reasonable compliance with the routines. Reasonable diligence does not require an employee of an organization to communicate information unless the communication is part of the individual's regular duties or the individual knows a matter involving the fact at issue would be materially affected by the information.

(10) This section shall be effective for deaths occurring after \_\_\_\_\_.

330466



"John Neukamm"  
<jbn@floridalandlaw.com>

12/21/2005 10:31 AM

To "Phillip A. Baumann" <pab@EstateLawFlorida.com>

cc "Stacy Kalmanson" <skalmanson@landam.com>, "Fred  
Dudley" <FDudley@Akerman.com>, "Alan Fields"  
<abfields@mindspring.com>, <excom@lists.flabarrppl.org>,  
bcc

Subject RPPTL - Law School Liaison Budget Request

Phil,

This morning, the RPPTL Section's Executive Committee approved your Committee's proposed budget amendment. Of course, the approval is subject to ratification of the Executive Council at the Amelia Island meeting. By cc of this email to Terry, I'm asking him to include the proposed budget amendment request in the Amelia Island agenda package. If he wishes, he may include a copy of this email in that package as "back up" for your request.

Merry Christmas,  
John

John B. Neukamm  
Mechanik Nuccio Hearne & Wester, P.A.  
305 S. Boulevard  
Tampa, Florida 33606

Telephone No.: (813) 276-1920  
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-----Original Message-----

From: Phillip A. Baumann [mailto:pab@EstateLawFlorida.com]  
Sent: Monday, December 05, 2005 5:40 PM  
To: John Neukamm  
Cc: Stacy Kalmanson; Fred Dudley; Alan Fields  
Subject: Law School Liaison Budget Request

John:

The Law School Liaison Committee requests an emergency amendment to the current budget to pay for the committee's activities for the 2005-2006 year. Our current budget is \$1,000.00 carried over from years past. We request the current budget for this year be increased to \$4,120.00 to cover the following items:

Roundtable breakfasts for four students at Amelia Island and at Orlando 4 each meeting X 2 meetings at \$ 15.00 each = \$120.00 Receptions at 10 law schools at \$400.00 each = \$4,000.00 Total 2005-2006 budget \$4,120.00.

Please also accept this as our committee's budget request for the 2006-2007 budget, to be adjusted to the extent necessary to adjust for any change next year for the cost of the roundtable breakfasts. Assuming there is no change

next year in the charge for he roundtable breakfasts, our budget request for 2006-2007 is as follows:

Roundtable breakfasts for four students at all in-state meetings 4 each meeting X 4 meetings at \$ 15.00 each =\$240.00. Receptions at 10 law schools at \$400.00 each = \$4,000.00. Total 2006-2007 budget \$240.00.

I understand that Fred Dudley and Alan Fields are seeking sponsorships to cover any other costs that might be incurred by law students attending our meetings. To the extent they are successful, we will include the students in the meetings. Otherwise, we will just plan to allow them to attend our committee meetings, the roundtable breakfasts and the executive council meeting. Additionally, I would like to have permission to allow them to sit in on any CLE that may be scheduled in connection with the meeting (such as at the convention). I don't think they would add anything to the cost of the CLE, other than the cost of providing them with course materials. How can I get permission for them to do that?

Phil Baumann

**MINUTES OF ACTION TAKEN**  
by  
**RPPTL SECTION EXECUTIVE COMMITTEE**

DATE: December 21, 2005

TIME: 10:00 a.m.

EVENT: Telephone conference

Committee Member	Participate	Committee Member	Participate
Julius J. Zschau	X*	Laird A. Lile	X
Rohan Kelley	X	Wm. Fletcher Belcher	X
Sandra F. Diamond	X	John B. Neukamm	X
Melissa J. Murphy	X	Brian J. Felcoski	X
George J. Meyer	X	Lee A. Weintraub	X

\* Presiding

ALSO PARTICIPATING: Terry Hill

**ACTION:**

1. John Neukamm, Treasurer and Chair of the Budget Committee, reported that the Liaison with Law Schools Committee, through its Chair, Phillip A. Baumann, has requested an amendment to the Section's 2005-2006 budget to increase that Committee's budget from \$1,000.00 to \$4,120.00 to cover the cost of roundtable breakfasts for four law students at the Amelia Island and Orlando Executive Council meetings (\$120.00), and receptions at ten law schools (\$4,000.00). The request was unanimously approved.
2. Brian Felcoski reported that the Legislative Review Committee, of which he is Chair, recommends that the Executive Committee approve an amendment to the Section's existing contract for lobbying services with Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., to allocate the services and compensation to be paid to it as follows: (1) 40% (\$24,000.00) for lobbying before the Legislature; (2) 20% (\$12,000.00) for lobbying before the Executive Branch; and (3) 40% (\$24,000.00) for other non-lobbying services, in order to facilitate the firm's reporting requirements under recently-enacted legislation. The recommendation was unanimously approved.
3. It was unanimously agreed that the following action items will be placed on the agenda for the January 14, 2006, Executive Council meeting in Amelia Island:

- A. Probate & Trust Law Division – Sandra F. Diamond, Director.
- (1) Proposed amendments to §627.404, Fla. Stat., defining insurable interests in life insurance.  
(Estate & Trust Tax Planning Committee – Guy Storms Emerich, Chair)
  - (2) Proposed amendment to §734.101(4), Fla. Stat., to eliminate conflict with §655.936(2) regarding procedure and timing for turning over tangible personal property to foreign personal representatives.  
(Probate Law & Procedure Committee – Debra Lynn Boje, Chair)
  - (3) Proposed legislation providing that dissolution of marriage revokes death benefits in favor of former spouse as beneficiary of decedent's life insurance, annuity, employee benefit plan, IRA, POD account, or security or other account registered in TOD form.  
(IRA's & Employee Benefits Committee – Kristen M. Lynch, Chair)
- B. General Standing Committees – Rohan Kelley, Chair-Elect.
- (1) Ratification of Executive Committee approval of amendment to the Section's 2005-2006 budget to increase the Liaison with Law Schools Committee's budget from \$1,000.00 to \$4,120.00 to cover the cost of roundtable breakfasts for four law students at the Amelia Island and Orlando Executive Council meetings (\$120.00), and receptions at ten law schools (\$4,000.00).  
(Budget Committee – John B. Neukamm, Chair)
  - (2) Ratification of Executive Committee approval of an amendment to the Section's existing contract for lobbying services with Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., to allocate the services and compensation to be paid to it as follows: (1) 40% (\$24,000.00) for lobbying before the Legislature; (2) 20% (\$12,000.00) for lobbying before the Executive Branch; and (3) 40% (\$24,000.00) for other non-lobbying services, in order to facilitate the firm's reporting requirements under recently-enacted legislation. (Legislative Review Committee – Brian J. Felcoski, Chair)

Wm. Fletcher Belcher  
Secretary

Copies (by e-mail) to:  
RPPTL Section Executive Committee  
Terry Hill, RPPTL Program Administrator (for filing with the permanent records of the  
Section at The Florida Bar headquarters in Tallahassee)



**THE FLORIDA BAR  
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AS OF DECEMBER 13, 2005**

**SCHEDULE OF 2005-2006 COURSES**  
**Cut-off for changes are due by the 20th**  
**of each month.**

**SUBJECT TO CHANGE**  
**\*\*\*\*Satellite Session**  
**\*\*\* Live Session**  
**\*\*Videotaping Session**  
**\*Video Replay**  
**@Section Sponsored Course**  
**+Added Location**  
**++Changed Date/Location**

Basic Evidence - Video Replay (MAM) (0361)

July 14                    Miami\* (Hyatt Regency Downtown #024) 47  
July 21                    Tampa\* (Marriott Waterside #021) 49

Basic Real Estate - Video Replay (MAM) (0364)

July 14                    Miami\* (Hyatt Regency Downtown #024) 47  
July 21                    Tampa\* (Marriott Waterside #021) 42

Family Law Telephonic Seminar (DEB) (0293)

July 15                    To be determined

Basic Federal Practice (MAM) (0362)

July 15                    Miami\* (Hyatt Regency Downtown #024) 26  
July 22                    Tampa\* (Marriott Waterside #021) 31

Basic Personal Injury (MAM) (0363)

July 15                    Miami\* (Hyatt Regency Downtown #024) 36  
July 22                    Tampa\* (Marriott Waterside #021) 48

2005 Public Finance in Florida (CJK) (0255)

July 29-30                West Palm Beach\*\*\*\* (Ritz Carlton #013) 55

Family Law Trial Advocacy (DEB) (0256)

August 04-07            Tampa\*\*\* (Airport Marriott #049) 78

Practicing with Professionalism (MAM) (0344-0345)

August 05 Miami\*\*\* (Hyatt Regency Downtown #024) 279  
August 18++ Tampa\*\*\* (Marriott Waterside #021) 235  
September 29++ Orlando\*\*\* (Hyatt Regency Int'l Airport #234) 246  
October 07++ Fort Lauderdale\*\*\* (Marriott Harbor Beach #091)  
November 18 Jacksonville\*\*\* (Omni Hotel #154)  
December 01++ Deerfield Beach\*\*\* (Hilton #116)

Preservation of Error (MAM) (0366)

August 12 Tampa\*\*\* (Renaissance Hotel Int'l Plaza #270) 33

Florida Law Update (CJK) (0238)

August 18 Jacksonville\* (Omni Hotel #154) 10  
August 18 Tampa\* (The Florida Bar Room C #089) 13  
August 25 Fort Lauderdale\* (Broward County Bar Association #122) 9  
August 25 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 8  
August 25 St. Petersburg\* (Bar Association #263) 2  
August 26+ Miami\* (Hyatt Regency Downtown #024) (CANCELLED 8/26/05)  
August 26 Tallahassee\* (The Florida Bar Annex Room 114 #054) 5

Basic Commercial Litigation (AHN) (0325)

August 18 Miami\*\*\* (Hyatt Regency Downtown #024) 120  
August 19 Tampa\*\* (Marriott Waterside #021) 90  
September 02 Fort Lauderdale\* (Marriott Marina #223) 62  
September 02 Jacksonville\* (Omni Hotel #154) 52  
September 02 St. Petersburg\* (Bar Association #263) 12  
September 15 Tallahassee\* (The Florida Bar Annex Room 114 #054) 17  
September 22 Fort Myers\* (Quality Hotel #271) 20  
September 22 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 7  
September 22 West Palm Beach\* (Palm Beach County Bar Association #232) 57  
September 28+ Sarasota\* (Hyatt Hotel #042) 12  
October 05 Miami\* (JW Marriott #190) 86  
October 14 Orlando\* (Ivanhoe Plaza Downtown #071) 80  
October 18 Tampa\* (Marriott Waterside #281) 44

How to MAXIMIZE Revenues From Your Time, Talents & Team (CJK) (0306)

August 19++ Tampa\*\*\* (Stetson University #278) 56

RPPTL Annual Legislative Update (TLH) (0257) (@)

August 19-21 West Palm Beach\*\*\* (Ritz Carlton #013) 440

Environmental Affiliate Workshop (JMW) (0260) (@)

August 25 Amelia Island\*\*\* (Amelia Island Plantation #060) 45

Environmental and Land Use Law Section Annual Update (JMW) (0261-L/0262-A)

August 26-27 Amelia Island\*\*\* (Amelia Island Plantation #060) 181

Labor & Employment Law Litigation Seminar/Lunch (ABF) (0297)

September 08-09++ Hollywood\*\*\* (Seminole Hardrock Hotel & Casino #283) 65

Health Law I (DLB) (0273)

September 09 Tampa\*\* (CANCELLED 6/8/05)  
September 23 Jacksonville\* (Omni Hotel #154) (CANCELLED 6/8/05)  
September 23 Orlando\* (Radisson Hotel Downtown #071) (CANCELLED 6/8/05)  
September 23 Pensacola\* (Escambia/Santa Rosa Bar Assoc. #040) (CANCELLED 6/8/05)  
September 29 Tallahassee\* (The Florida Bar Annex Room 114 #054) (CANCELLED 6/8/05)  
September 29 West Palm Beach\* (Palm Beach County Bar Association #232) (CANCELLED 6/8/05)

Powers of Attorney, Living Wills & More/Luncheon (TLH) (0320)

September 15 Miami\*\*\* (Hyatt Regency Downtown #024) 88  
September 16 Tampa\*\* (Airport Marriott #049) 127  
September 30 Jacksonville\* (Omni Hotel #154) 16  
September 30 Orlando\* (Ivanhoe Plaza Downtown #071) 19  
September 30 St. Petersburg\* (Bar Association #263) 9  
October 06 West Palm Beach\* (Palm Beach County Bar Association #232) 39  
October 07 Fort Myers\* (Quality Hotel #271) 15  
October 07++ Tallahassee\* (The Florida Bar Annex Room 114 #054) 13  
October 14 Sarasota\* (Hyatt Hotel #042) 17  
October 26 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 17

Basic Probate & Guardianship (MAM) (0326)

September 15 Tampa\*\* (Hyatt Regency Downtown #048) 97  
September 16 Miami\*\*\* (Hyatt Regency Downtown #024) 96  
September 30 Fort Lauderdale\* (Marriott Marina #223) 47  
September 30 Fort Myers\* (Quality Hotel #271) 22  
October 06 Jacksonville\* (Omni Hotel #154) 56  
October 06 Orlando\* (Ivanhoe Plaza Downtown #071) 61  
October 14 St. Petersburg\* (Bar Association #263) 15  
October 18 West Palm Beach\* (Palm Beach County Bar Association #232) 52  
October 20 Tallahassee\* (The Florida Bar Annex Room 114 #054) 25  
November 03 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 24  
November 17+ Sarasota\* (Hyatt Hotel #042) 26  
November 18++ Tampa\* (Marriott Waterside #021) 49  
December 15++ Miami\* (JW Marriott #190) 54

2005 Elder Law Section Retreat (AJC) (0258) (@)

September 15-17 Naples\*\*\* (The Registry Resort #167) 75

Family Law-Equitable Distribution (DEB) (0294)

September 22 Miami Lakes\*\*\* (Don Shula's #256) 68  
September 23 Tampa\*\* (Airport Marriott #049) 86  
October 07 Jacksonville\* (Omni Hotel #154) 29  
October 19 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 11  
October 27+ West Palm Beach\* (Palm Beach County Bar #232) (CANCELLED  
10/24/05 due to Hurricane Wilma) 20

Estate Planners - Asset Protection (TLH) (0360)

September 23 Orlando\*\*\* (Rozen Plaza #259) 105

PILS Attorney's Fees (AHN) (0277)

September 29 Miami\*\*\* (CANCELLED 7/18/05)  
September 30 Tampa\*\* (Airport Marriott #049) (CANCELLED 7/18/05)  
October 21+ Jacksonville\* (Omni Hotel #154) (CANCELLED 7/18/05)  
October 27 Pensacola\* (Escambia/Santa Rosa Bar Association #040) (CANCELLED  
7/18/05)

Doing Business in Latin America/Luncheon (ABF) (0300)

October 06 Miami\*\*\* (CANCELLED 7/20/05)

Inside the 11th Circuit (MAM) (0334)

October 06++ Atlanta\*\*\* (POSTPONED 9/1/05)

Code Enforcement (JMW) (0234)

October 07 Orlando\*\*\* (Hyatt Regency Airport #234) (CANCELLED 9/1/05)

International Law - 3rd International Arbitration Update (ABF) (0301)

October 07 Miami\*\*\* (POSTPONED)

Ethics for New Lawyers (CJK) (0310)

October 07 Ft. Lauderdale\*\*\* (CANCELLED 6/30/05)

Environmental Law (JMW) (0314)

October 07 Tampa\*\*\* (CANCELLED 9/1/05)

Planning for the Almost Dead and the Newly Dead: Immediate Pre and Post Mortem Estate Planning (DLB) (0282)

October 14 Orlando\*\*\* (Gaylord Palms #266) 42

International Income Tax and Estate Planning (ABF) (0368)

October 14+ Miami (Hyatt Regency Downtown #024) 35

Bankruptcy/UCC: View from Bench (AHN) (0285)

October 20 Tampa\*\*\* (Stetson University #278) 170

October 21 Miami\*\*\* (Hyatt Regency Downtown #024) 182

Bold New Concepts in Real Estate (TLH) (0321)

October 20 Miami\*\*\* (Hyatt Regency Downtown #024) (CANCELLED 9/28/05)

October 21 Tampa\*\* (Airport Marriott #049) (CANCELLED 9/28/05)

November 04 Jacksonville\* (Omni Hotel #154) (CANCELLED 9/28/05)

November 04 Orlando\* (Ivanhoe Plaza Downtown #071) (CANCELLED 9/28/05)

November 04++ Tallahassee\* (The Florida Bar Annex Room 114 #054) (CANCELLED 9/28/05)

November 09++ St. Petersburg\* (Bar Association #263) (CANCELLED 9/28/05)

November 10 Fort Myers\* (Quality Hotel #271) (CANCELLED 9/28/05)

November 10++ West Palm Beach\* (Palm Beach County Bar Association #232) (CANCELLED 9/28/05)

November 16 Pensacola\* (Escambia/Santa Rosa Bar Association #040) (CANCELLED 9/28/05)

November 16++ Sarasota\* (Hyatt Hotel #042) (CANCELLED 9/28/05)

Medical Malpractice (CVS) (0356)

October 20 Tampa\*\*\* (Airport Marriott #049) 55  
October 21 Miami\*\*\* (Hyatt Regency Downtown #024) (CANCELLED 12/02/05)  
January 21++ Miami\*\*\* (Hyatt Regency Downtown #024) (CANCELLED 12/02/05))

Administrative Law I (JMW) (0317)

October 21 Tallahassee\*\*\* (CANCELLED 9/1/05)

Lunch and Learn: Timely Topics for Tax Attorneys (DLB) (0374)

October 25 Telephonic Seminar  
November 29 Telephonic Seminar  
December 20 Telephonic Seminar  
January 17 Telephonic Seminar

Basic Labor & Employment (MAM) (0327)

October 27 Miami\*\*\* (Hyatt Regency Downtown #024) (CANCELLED 10/24/05  
due to Hurricane Wilma)  
October 28 Tampa\*\* (Hilton Airport Westshore #172) 38  
November 17 Fort Myers\* (Quality Hotel #271) 12  
November 17 Orlando\* (Ivanhoe Plaza Downtown #071) 58  
November 18++ Fort Lauderdale\* (Marriott Marina #223) 60  
December 01 Jacksonville\* (Omni Hotel #154) 61  
December 01 St. Petersburg\* (Bar Association #263) 8  
December 07 West Palm Beach\* (Palm Beach County Bar Association #232) 55  
December 08++ Miami\* (JW Marriott #190) 97  
December 08 Sarasota\* (Hyatt Hotel #042) 16  
December 08 Tallahassee\* (The Florida Bar Annex Room 114 #054) 30  
December 08++ Tampa\* (Marriott Waterside #021) 28  
December 14 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 11

Criminal Law Section - Advanced Evidence (CVS) (0350)

October 27 Tampa\*\* (Airport Marriott #049) (CANCELLED 9/21/05)  
November 10 Jacksonville\* (Omni Hotel #154) (CANCELLED 9/21/05)  
November 17 Tallahassee\* (The Florida Bar Annex Room 114 #054) (CANCELLED  
9/21/05)  
December 01 Miami\* (Hyatt Regency Downtown #024) (CANCELLED 9/21/05)

31st Annual Public Employment Law Relations Forum (ABF) (0267)

October 27-28 Orlando\*\*\* (Rosen Centre #018) 67

How to Draft Trusts in 2005: Yes, You Still Have A Job (TLH) (0323)

November 03 Tampa\*\* (Airport Marriott #049)  
November 04 Miami\*\*\* (Hyatt Regency Downtown #024) (CANCELLED 10/22/05  
due to Hurricane Wilma)  
November 17 Jacksonville\* (Omni Hotel #154) 27  
November 18 Orlando\* (Ivanhoe Plaza Downtown #071) 26  
November 18 St. Petersburg\* (Bar Association #263) 14  
December 01 Fort Myers\* (Quality Hotel #271) 21  
December 01 West Palm Beach\* (Palm Beach County Bar Association #232) 61  
December 02 Sarasota\* (Hyatt Hotel #042) 34  
December 02++ Tallahassee\* (The Florida Bar Annex Room 114 #054) 6  
December 08 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 5

Workers' Compensation Vital Signs (DEB) (0289)

November 04 Orlando\*\*\* (Hyatt Regency Int'l Airport #234) (CANCELLED 10/5/05)

South Florida Law Schools Conference (JMW) (0358) (@)

November 04 Fort Lauderdale\*\*\*

Meet the Blues (CVS) (0377)

November 07-09 Pensacola\*\*\* (Hilton Garden Inn #285)

Basic Construction Law (MAM) (0328)

November 17 Tampa\*\* (Airport Marriott #049) 71  
November 18 Miami\*\*\* (Hyatt Regency Downtown #024) 89  
December 01 Orlando\* (Ivanhoe Plaza Downtown #071) 74  
December 02++ Fort Lauderdale\* (Marriott Marina #223) 58  
December 02 Fort Myers\* (Quality Hotel #271) 26  
December 02 Jacksonville\* (Omni Hotel #154) 53  
December 02 St. Petersburg\* (Bar Association #263) 8  
December 07 Pensacola\* (Escambia/Santa Rosa Bar Association #040) 20  
December 09 Sarasota\* (Hyatt Hotel #042) 16  
December 09 Tallahassee\* (The Florida Bar Annex Room 114 #054) 25  
December 16++ West Palm Beach\* (Palm Beach County Bar Association #232) 42  
January 12 Miami\* (JW Marriott #190)  
January 25++ Tampa\* (Marriott Waterside #021)

Salvation for the Senior Lawyer (CJK) (0307)

November 18++ Tampa\*\*\* (Hyatt Regency Downtown #048) (CANCELLED 11/14/05)

Practitioners' Choice - A Multi Part Seminar of Florida Law Updates and Practical Law Office Management Solutions (AJC) (0337)

December 03++ New York\*\*\* (Fordham University Law #275) 40

New Florida Limited Partnership Revisited (AHN) (0284)

December 08++ Miami\*\*\* (Hyatt Regency Downtown #024) 24

Practicing with Professionalism (MAM) (0346-0347)

January 06 Miami\*\*\* (Hyatt Regency Downtown #024)

February 02 Tampa\*\*\* (Airport Marriott #049)

February 16 West Palm Beach\*\*\* (Marriott #272)

March 10 Orlando\*\*\* (Rosen Center #018)

April 06 Miami\*\*\* (Hyatt Regency Downtown #062)

May 11 Tallahassee\*\*\* (University Center Club #003)

International Law Certification Review Course (ABF) (0302)

January 18 Miami\*\*\* (Hyatt Regency Downtown #024)(CANCELLED 12/8/05)

Advanced Criminal Federal Practice (CVS) (0275)

January 19 Miami\*\*\* (Hyatt Regency Downtown #024)

PILS - Legal Needs of Children (AHN) (0278)

January 19 Miami\*\*\* (Hyatt Regency Downtown #024)

Forfeiture (AJC) (0343)

January 19 Miami\*\*\* (Hyatt Regency Downtown #024)

Arbitration and the Trial Lawyer (CVS) (0353)

January 19++ Miami\*\*\* (Hyatt Regency Downtown #024)

Elder Law Certification Review Course (AJC) (0340)

January 19-20 Miami\*\*\* (Hyatt Regency Downtown #024)



Representing the Physician 2006 (DLB) (0274)

January 20 Miami\*\*\* (Hyatt Regency Downtown #024)  
February 03 Orlando\* (Ivanhoe Plaza Downtown #071)  
February 08 Tampa\* (The Florida Bar Room C #089)  
February 09 Tallahassee (The Florida Bar Annex Room 114 #054)  
February 09 West Palm Beach\* (Palm Beach County Bar Association #232)  
February 10++ Jacksonville\* (Omni Hotel #154)  
February 23 Pensacola\* (Escambia/Santa Rosa Bar Association #040)

Business Law II (AHN) (0286)

January 20 Miami\*\*\* (Hyatt Regency Downtown #024)

Master of DUI (CVS) (0349)

January 20 Miami\*\*\* (Hyatt Regency Downtown #024)

Animal Law Issues Affecting Florida Practitioners (MSJ) (0378)

January 20 Miami\*\*\* (Hyatt Regency Downtown #024)

Real Property - Problems Study (TLH) (0319)

January 26++ Tampa\*\* (Airport Marriott #049) (CANCELLED 12/1/05)  
February 09 Jacksonville\* (Omni Hotel #154) (CANCELLED 12/1/05)  
February 09 Pensacola\* (Escambia/Santa Rosa Bar Association #040) (CANCELLED 12/1/05)  
February 10++ St. Petersburg\* (Bar Association #263) (CANCELLED 12/1/05)  
February 10 Tallahassee\* (The Florida Bar Annex Room 114 #054) (CANCELLED 12/1/05)  
February 15 Miami\* (Hyatt Regency Downtown #024) (CANCELLED 12/1/05)  
February 16++ West Palm Beach\* (Palm Beach County Bar Association #232) (CANCELLED 12/1/05)  
February 17 Fort Myers\* (Quality Hotel #271) (CANCELLED 12/1/05)  
February 23 Sarasota\* (Hyatt Hotel #042) (CANCELLED 12/1/05)  
February 24++ Fort Lauderdale\* (Marriott Marina #223) (CANCELLED 12/1/05)  
March 01++ Orlando\* (Ivanhoe Plaza #071) (CANCELLED 12/1/05)

Basic Corporate/Intellectual Property (MAM) (0330)

January 26 Miami\*\*\* (Radisson Hotel #019)  
January 27 Tampa\*\* (Airport Marriott #049)  
February 10 Sarasota\* (Hyatt Hotel #042)  
February 15++ Tampa\* (Marriott Waterside #021)  
February 16 Fort Lauderdale\* (Marriott Marina #223)  
February 16 Jacksonville\* (Omni Hotel #154)  
February 16 St. Petersburg\* (Bar Association #263)  
February 22 West Palm Beach\* (Palm Beach County Bar Association #232)  
February 23 Fort Myers\* (Quality Hotel #271)  
February 24++ Tallahassee\* (The Florida Bar Annex Room 114 #054)  
March 01 Miami\* (JW Marriott #190)  
March 01 Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
March 02 Orlando\* (Ivanhoe Plaza Downtown #071)

24th Annual International Tax Conference (DLB) (0283)

January 26-27 Miami\*\*\* (Hyatt Regency Downtown #024)

Environmental Law Issues (JMW) (0315)

January 27 Orlando\*\*\* (Rosen Plaza #259)

2006 Marital & Family Law Certification Review Course (DEB) (0263)

January 27-28 Orlando\*\*\* (Disney's Grand Floridian Hotel #241)

Appellate Certification Review Course (AHN) (0269)

February 03 Tampa\*\*\* (Airport Marriott #049)

Workers' Compensation II (AHN) (0290)

February 03 Orlando\*\*\* (Hyatt Regency International Airport #234)

Civil Trial Board Certification Review (CVS) (0264)

February 06-07 Tampa\*\*\* (Airport Marriott #049)

Proving and Defending Damages (CVS) (0276)

February 08 Tampa\*\* (Airport Marriott #049)  
February 21 West Palm Beach\* (Palm Beach County Bar Association #232)  
February 23 Jacksonville\* (Omni Hotel #154)  
March 01 Miami\* (Hyatt Regency Downtown #024)  
March 02 Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
March 02 Tallahassee\* (The Florida Bar Annex Room 114 #054)

Family Law PEACE Telephonic Seminar (DEB) (0295)

February 08            Telephonic Seminar  
March 08             Telephonic Seminar  
April 05             Telephonic Seminar  
May 10                Telephonic Seminar  
June 07                Telephonic Seminar

Probate Litigation (TLH) (0322)

February 08            Miami Lakes\*\*\* (Don Shula's #256)  
February 09            Tampa\*\* (Airport Marriott #049)  
February 23            Orlando\* (Ivanhoe Plaza #071)  
February 24            Jacksonville\* (Omni Hotel #154)  
March 02               St. Petersburg\* (Bar Association #263)  
March 09               Tallahassee\* (The Florida Bar Annex Room 114 #054)  
March 09               West Palm Beach\* (Palm Beach County Bar Association #232)  
March 10               Fort Myers\* (Quality Hotel #271)  
March 15               Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
March 16               Sarasota\* (Hyatt Hotel #042)

2006 Immigration Law Seminar (ABF) (0259)

February 09-10        Miami\*\*\* (Hyatt Regency Downtown #024)

Basic Family Law (MAM) (0329)

February 16            Miami\*\*\* (Radisson Hotel #019)  
February 17            Tampa\*\* (Airport Marriott #049)  
March 03               Fort Myers\* (Quality Hotel #271)  
March 03               Jacksonville\* (Omni Hotel #154)  
March 03               Orlando\* (Ivanhoe Plaza Downtown #071)  
March 09               Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
March 09               St. Petersburg\* (Bar Association #263)  
March 10               Tallahassee\* (The Florida Bar Annex Room 114 #054)  
March 21               West Palm Beach\* (Palm Beach County Bar Association #232)  
March 22++            Tampa\* (Marriott Waterside #021)  
March 23               Sarasota\* (Hyatt Hotel #042)  
March 30               Miami (JW Marriott #190)  
April 11++             Fort Lauderdale\* (Marriott Marina #223)

Making Your Law Office Work (CJK) (0312)

February 17            Orlando\*\*\* (Peabody Hotel #126)

Admiralty Law Committee Seminar (CVS) (0376)

February 22            Fort Lauderdale\*\*\* (Riverside Hotel #286)

6th Annual Labor & Employment Law Certification Review Course (ABF) (0298)

February 23-24 Orlando\*\*\* (Rozen Plaza Hotel #259)

Public Interest Environmental Conference (JMW) (0359) (@)

February 23-25 Gainesville\*\*\* (Reitz Union)

Tax Certification Review Course (DLB) (0281)

February 24-25 Orlando\*\*\* (Hyatt Regency Int'l Airport #234)

Construction Law Certification Review Course (TLH) (0324)

March 02-03 Orlando\*\*\* (Rosen Centre #018)

EASL - Sports Law 2006 (ABF) (0305)

March 10 Sarasota\*\*\*

Florida Law Breezes Into the Windy City (AJC) (0336)

March 11 Chicago\*\*\*

Family Law - Children's Issues (DEB) (0296)

March 16 Fort Lauderdale\*\*\* (Marriott Marina #223)

March 17 Tampa\*\* (Hilton Airport Westshore #172)

March 31 Jacksonville\* (Omni Hotel #154) (CANCELLED 12/12/05)

April 06 Pensacola\* (Escambia/Santa Rosa Bar Association #040)(CANCELLED 12/12/05)

May 11+ West Palm Beach\* (Palm Beach County Bar Association #232)(CANCELLED 12/12/05)

Condo Law Seminar (TLH) (0370)

March 16 Orlando\*\*\* (The Florida Mall Hotel #118)

Condo Law Seminar II (TLH) (0375)

March 17 Orlando\*\*\* (The Florida Mall Hotel #118)

Health Law Certification Review Course (DLB) (0272-0373)

March 29-Apr 01 Orlando\*\*\* (Caribe Royale #176)

Basic Appellate Practice (MAM) (0331)

March 30 Tampa\*\* (Airport Marriott #049)  
March 31 Miami\*\*\* (Hyatt Regency Downtown #024)  
April 25 West Palm Beach\* (Palm Beach County Bar Association #232)  
April 26 Miami\* (JW Marriott #190)  
April 26 Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
April 26++ Tampa\* (Marriott Waterside #021)  
April 27 Orlando\* (Ivanhoe Plaza Downtown #071)  
April 27 St. Petersburg\* (Bar Association #263)  
May 03++ Fort Lauderdale\* (Marriott Marina #223)  
May 04 Fort Myers\* (Quality Hotel #271)  
May 04 Jacksonville\* (Omni Hotel #154)  
May 04++ Sarasota\* (Hyatt Hotel #042)  
May 04 Tallahassee\* (The Florida Bar Annex Room 114 #054)

PILS - First Amendment (AHN) (0279)

March 31 Tampa\*\* (Airport Marriott #049)  
April 27 Jacksonville\* (Omni Hotel #154)  
April 27 Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
May 03 Miami\*

Business Law III (AHN) (0287)

March 31 Tampa\*\*\*

Fundamentals II of Elder Law (AJC) (0339)

April 06++ Orlando\*\*\* (Caribe Royale #176)

Administrative Appeals (MAM) (0335)

April 07 Tallahassee\*\*\*

10th Annual Public Benefits (AJC) (0338)

April 07++ Orlando\*\*\* (Caribe Royale #176)

Real Estate Certification Review Course (TLH) (0270)

April 07-08 Orlando\*\*\* (Hyatt Regency Int'l Airport #234)

Wills, Trusts and Estates Certification Review Course (TLH) (0271)

April 07-08 Orlando\*\*\* (Hyatt Regency Int'l Airport #234)

Workers' Compensation Certification Review Course (DEB) (0268)

April 20-21 Orlando\*\*\*

Solo and Small Firm Day (CJK) (0311)

April 20-21 Fort Lauderdale\*\*\*

Administrative Law II (JMW) (0318)

April 21 Tallahassee\*\*\*

Tax Section 27th Annual Meeting & Educational Institute (DLB) (0365)

April 21 St. Petersburg\*\*\* (Vinoy Resort #031)

Basic Real Estate (MAM) (0332)

April 27 Miami\*\*\*  
April 28 Tampa\*\* (Airport Marriott #049)  
May 12 Fort Myers\* (Quality Hotel #271)  
May 12 Jacksonville\* (Omni Hotel #154)  
May 18 Orlando\* (Ivanhoe Plaza Downtown #071)  
May 18 St. Petersburg\* (Bar Association #263)  
May 18 Tallahassee\* (The Florida Bar Annex Room 114 #054)  
June 01 Miami\* (JW Marriott #190)  
June 01 Pensacola\* (Escambia/Santa Rosa Bar Association #040)  
June 01 Sarasota\* (Hyatt Hotel #042)  
June 01 West Palm Beach\* (Palm Beach County Bar Association #232)  
June 02 Fort Lauderdale\*  
June 08 Tampa\* (Marriott Waterside #021)

So You Want to Be A Judge (AJC) (0342)

April 28 Miami\*\*\*

Criminal Law Update (CVS) (0348)

April 28 Miami\*\*\*

Asset Preservation Seminar (TLH) (0371)

April 28 Tampa\*\*\* (Airport Marriott #049)

Labor & Employment Law - Advanced Labor Topics (ABF) (0299)

May 04-06 Ponte Vedra\*\*\* (Sawgrass Marriott #140)

Business Law IV (AHN) (0288)

May 05 Tampa\*\*\* (Stetson University #278)

Advanced Trial Advocacy (CVS) (0351)

May 08-12 Gainesville\*\*\*

City, County and Local Government Law Certification Review Course (CJK) (0308)

May 11 Naples\*\*\* (Hyatt Regency Coconut Point #284)

Advising the Small Business: A Guide for Lawyers & Accountants (DLB) (0372)

May 11 Miami\*\*\*

Annual Wealth Protection Seminar (DLB) (0280)

May 12 Miami\*\*\*

4th International Litigation Update/Luncheon (ABF) (0304)

May 12 Miami\*\*\*

29th Annual Local Government Law in Florida (CJK) (0309)

May 12-13 Naples\*\*\* (Hyatt Regency Coconut Point #284)

Basic Discovery (MAM) (0333)

May 18 Miami\*\*\*

May 19 Tampa\*\* (Airport Marriott #049)

June 02 Fort Myers\* (Quality Hotel #271)

June 02 Jacksonville\* (Omni Hotel #154)

June 02 Tallahassee\* (The Florida Bar Annex Room 114 #054)

June 08 Orlando\* (Ivanhoe Plaza Downtown #071)

June 08 Pensacola\* (Escambia/Santa Rosa Bar Association #040)

June 08 St. Petersburg\* (Bar Association #263)

June 08 West Palm Beach\* (Palm Beach County Bar Association #232)

June 09 Sarasota\* (Hyatt Hotel #042)

June 14 Miami\* (JW Marriott #190)

June 15 Fort Lauderdale\*

June 15++ Tampa\*

Land Use Law Issues (JMW) (0316)

May 19 Fort Lauderdale\*\*\*

Workers' Compensation Trial Advocacy (DEB) (0292)

May 19-20 Miami/Tampa\*\*\*

General Practice & Solo/Small Firm Out of Country Seminar (CJK) (0382)

May 28-June 03 Vancouver\*\*\* (Fairmont Waterfront)

Workers' Compensation III (DEB) (0291)

June 09 Tampa\*\*\*

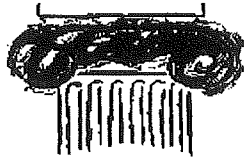
Practicing Before the Supreme Court (AJC) (0341)

June 09 Tallahassee\*\*\*

Florida Law Update (CJK) (0313)

June 22 Boca Raton\*\*\* (Resort and Club)





DEC 05 2005

**Real Estate Legal Society**  
~ a Florida State University, College of Law Professional Student Entity ~  
Post Office Box 180476, Tallahassee, Florida 32318

November 8, 2005

Mr. Phillip A. Baumann, P.A.  
512 East Kennedy Boulevard  
Tampa, Florida 33602

Dear Mr. Baumann:

Thank you for joining us on October 18 and making sure our panel discussion was a huge success. Through your assistance and participation, FSU Real Estate Law Society (REALS) was able to provide an opportunity to explore the important practice topic of current real estate trends and careers in real estate. Your participation was a deal-maker. Humble thanks for sharing your knowledge and strengths with us!

The discussion proved to be lively and numerous attendees have since expressed their exceeding gratitude concerning the insight offered by your panel. Your knowledge regarding the topic served an important dynamic in our understanding of both the impact and substance of your position and experience.

REALS' mission includes bringing students key programming to build their clinical capacity. The REALS membership is interested in providing our community with dedicated, technically capable advocates. Your continuing focus on REALS is a major part of that success. It is vital.

Again, REALS would like to thank you for your participation in our panel discussion. We look hope you'll consider speaking again on behalf of real estate issues with us in the future. Our hope is that you enjoyed the visit too!

In the interim, we remain,

Very truly yours,

Jared Graw, Secretary  
R.E.A.L.S.

cc: Dean Donald Weidner  
Professor Rob Atkinson  
Sen. Fred Dudley  
Keith Halpern, President

*Enhancing Real Estate Legal Scholarship with Clinical Contact*

Real Property, Probate and Trust Law Section  
Of the Florida Bar

Property Rights Committee Report  
To Executive Council on November 19, 2005  
At Sarasota, Florida

Name of Committee/Liaison: Property Rights Committee

Report or Description of Attached Materials:

1. In recognition of the 10 Year anniversary of the Bert J. Harris Property Rights Act, one of the committee's goals was to remind practitioners that this very powerful tool was available to them. As part of that effort, we arranged for Mr. Harris to be our guest at the Legislative Update in August, and made presentations on the law in that forum and at a Local Real Estate Bar CLE in Collier/Lee County.
2. The teaching materials for the Harris Act Refresher (about a 30-40 minute presentation) are available to the Circuit Reps (both as CLE outlines and PowerPoint Slides) for possible use at local Bar meetings. The materials are available on the committee website or by contacting Susan Spurgeon, Denise Lyn or Alan Fields.
3. Through the efforts of Fred Dudley and the Liaison with Law Schools Committee, the committee has begun work with the Real Estate Law Society (REALS) at FSU College of Law in cooperation with the A.G.'s office, to compile data on the actual effectiveness and use of the Harris Act.
  - A. A REALS team consisting of Keith Halpern, Mark Gordon, Sarah Purdy, Jamie Jordan, Tom Chamberlain, and Matt Shaffer has been working on this project.
  - B. Members of the REALS group have been invited to report to the Committee at our Amelia Island meeting. A copy of the REALS interim report is attached.
4. The Committee has been monitoring the activities of the Select Committee to Protect Private Property Rights, which was appointed to evaluate legislative changes to Florida law to prevent takings similar to those in the *Kelo vs. New London* case which made the news. There appears to be significant support for limiting the use of eminent domain as a tool for eliminating blight and slums under the Community Redevelopment Act and to absolutely prohibit the use of eminent domain for private "economic development" projects. While several proposals have been floated including a constitutional amendment, the committee has not yet adopted an approach.

The Committee noted with interest the passage of HR 4128 by the U.S. House of Representatives restricting the use of eminent domain takings for economic development by the Federal Government, or by any state government which receives Federal Economic Development Funds and allows a private right of action. A companion bill is pending in the Senate.

5. Jay Zschau has asked the committee to look into the impact of *Florida Key Deer vs. Michael D. Brown* in which the U.S. District Court, Southern District FL, enjoined the issuance of Flood Insurance Policies in Monroe County on any new construction on a list of lands alleged to harbor endangered species. The list includes over 50,000 parcels identified by parcel numbers,

is posted at [www.fws.gov/filedownloads/ftp\\_verobeach/MONROE-PARCELS](http://www.fws.gov/filedownloads/ftp_verobeach/MONROE-PARCELS) A subcommittee was appointed to consider this at the November meeting of our committee.

Date and Location of Next Meeting, if Applicable: The next meeting of the committee will be held in conjunction with the scheduled Executive Council meeting in Amelia Island on January 13.

Website Coordinator: Alan B. Fields

Report Submitted By: Susan Spurgeon, Alan Fields and Denise Lyn

Date: 12/20/2005

**Interim Report to the Executive Council &  
Property Rights Committee**

*of*

**The Florida Bar**

**Real Property, Probate and Trust Law Section**

*on*

**“The Bert Harris, Jr. Private Property Rights Protection Act”**  
*(Chapter 70.001 Florida Statutes)*  
**Property Claims Database Design and Installation Project**

*and*

**Real Estate Law Society (REALS)**  
*a registered professional law student organization*  
*of*  
**The College of Law, Florida State University**

Presented by REALS Officers & Board Members:

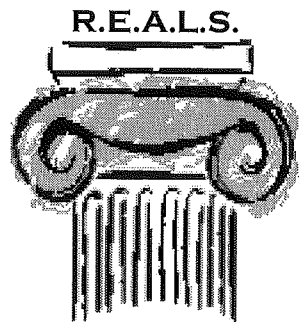
**Keith Halpern, President**

**Kim Nguyen, Treasurer**

**Matthew Shaffer, Board Member, At-Large**

**Sarah Purdy, Chair, F. S. U. Liaison Committee**

Amelia Island, Florida, January 13-14, 2006



## **REAL ESTATE LAW SOCIETY (REALS) at Florida State University**

As a prelude, we wish to provide a brief background about the Real Estate Law Society, (REALS) and THANK the REAL PROPERTY, PROBATE and TRUST LAW SECTION and its' Liaison with Law Schools Committee for the tremendous support they have provided over the course of the last year.

REALS is a unique student organization, formed in 2005, to supplement our law school experience in Florida real property and related issues. Since its founding, our membership has grown to approximately 100 (about 14% of the Law School student body – making REALS the 2<sup>nd</sup> largest of 37 law student groups). In addition to providing direct exposure to practicing Real Estate and Trust Professionals, educational events and speakers, REALS is actively encouraging the expansion of FSU's already strong real estate curriculum. As further background, a copy of our newsletter and event information is attached.

**REALS is especially grateful to the RPPTL Section** for its support of our extracurricular enhancement programs. Phil Baumann, Fred Dudley, Alan Fields, and Susan Spurgeon have each been exceedingly generous with their time, support and advice and have been integral in helping us attract quality speakers and programs to the Law School. Senator Dudley has also been serving as one of the faculty advisors to REALS.

**In February**, 2005, 62 students responded to a survey in which almost all students surveyed thought that a real estate legal society was essential to their professional development. REALS was formed and transitioned through extensive planning and establishment (with initial valuable guidance from Terry Hill prior to his graduation). REALS then began to learn more about the RPPTL Section.

**In April** with RPPTL sponsorship, REALS held a debate *on Inclusionary Zoning Ordinances* between Section members Joe Boyd and Keith Hetrick (moderated by Sen. Dudley). This inaugural event was a broad success and boosted RPPTL law school exposure.

**In July**, REALS was provided one of the few available offices at the College of Law & opened its chapter office. Later, we drafted a newsletter and started tracking FSU Law School alumni.

**In October**, REALS coordinated a panel discussion *on Careers in Real Estate Law—Topics in Development*. Thanks to the RPPTL Section and the generous financial support of First American Title Insurance Company, we were able to attract an all-star panel including Justice Kenneth Bell, John LaJoie, Pete Dunbar, John Spottswood, and Judge Jim Shelfer. This was an enjoyable and enlightening event for the FSU academic community.

The Section has also been generous in providing guest lecturers for Senator Dudley's Land Transfers and Finance course. Without the support and involvement of the RPPTL Section, none of these vital programs would have been as successful or as educational.

**REALS students have benefited tremendously by our informal association with the RPPTL Section through its Law School Liaison Committee.** Your willingness to offer guidance and assistance for our programs is *unmatched*. We look forward to continuing and expanding this successful and rewarding relationship for many years to come.

<b>REALS THANKS YOU !</b>
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## **Interim Report on the REALS—RPPTL Bert Harris Act Project**

Last July, the RPPTL Property Rights Committee recognizing the need for more readily available information on Harris Act Private Property Rights Claims, and approached REALS about the possibility of a joint effort to fulfill this need. REALS embraced this opportunity.

A REALS team consisting of Sarah Purdy, Keith Halpern, Mat Shaffer, Mark Gordon, Jamie Jordan, Tom Chamberlain, and Kim Nguyen was formed. First, we needed to understand the Harris Act. Several training sessions were held. Tom Chamberlain examined and reported on the District Court of Appeal cases while Mat Shaffer prepared a capsule brief comparing the Tallahassee Inclusionary Zoning Ordinance with the Bert Harris Private Property Act. REALS interviewed counsel with Department of Community Affairs (DCA). DCA reports that they are receiving more Harris Act claims, but most disputes have been resolved to date by negotiating modified zoning and regulatory restrictions. To date, DCA has not made any financial pay-outs to settle cases.

In September, the REALS team reviewed the existing Harris Act claims at the AG's Office and learned their filing and tracking systems. It quickly became apparent that limited data was being tracked electronically on the filed Harris Act Claims, and that most counties had never filed a single report of a Harris Act claim as required by statute. In fact, only 25 of 67 counties had any reports on file and those totaled only 130 Harris Act claims (for 10 years including co-located municipalities).

REALS gradually developed the necessary comfort level with staff in the AG's office as to our goals and skills. The AG's records custodian, Zee Galliano (a most dedicated AG staffer) was initially cautious allowing a bunch of students free access to her well organized system. We are pleased to report that our project team is now perceived as a source of assistance and has been provided work space at the AGs office. REALS has now duplicated the AG's electronic claims database system for further development (this makes our work more convenient and reduces the need for retyping 130 claims already being tracked).

### **To date, REALS has accomplished the following steps in this project:**

- The entire REALS Harris Act team has been trained in substantive aspects of the Bert Harris Act, its practical applications and systems, processes and materials in place at the AG's office.
- Through the generosity of two RPPTL members, we have obtained appropriate software (Lotus Notes) to download, develop, and transfer existing AG office claims data.
- REALS has developed a database structure that we believe tracks and provides useful information for practicing lawyers as well as reporting to the legislature on the Harris Act.
- REALS has developed a standardized series of descriptors and categories to facilitate the indexing and extracting of relevant Harris Act claims data. These will be presented and discussed at the January Property Rights Committee meeting for comment and evaluation. The data we are trying to capture and organize includes:
  - **Claimant and government contacts:** including attorneys and other contacts.
  - **Fact Situation:** a brief summary of the claim and key case elements.
  - **Real Property Type:** for example, raw land, agricultural lands, residential, commercial or industrial.
  - **Type of Government Action:** Zoning (density, height, usage category, setbacks), comp plan, environmental restriction.

- **Claim Amount, Status, and Resolution:** (Litigation, Mediation, Resolved or Pending).
- The database has been populated with partial data for testing and evaluation purposes.

**Project Goals, going forward, include:**

- Finalizing the Database structure and descriptors based on feedback from the Property Rights Committee and the AG's office.
- Adding the additional information as to those Harris Act claims already in the database. As most of the additional information is in paper form, a great deal of information just on the 130 reported Harris Act claims must be compiled and manually encoded into the system.
- Soliciting information from non-reporting counties. (we discovered a letter from Collier County indicating that they elected not to provide information on 554 claims – because the county represented they weren't timely filed or otherwise legally defective. Our "best 'low' guess" is that we will find between 800 and 1500 unreported claims—statewide).
- In the Longer term, we envision a transition this to an internet accessible public database with a semi-secure *ability for local governments to electronically upload their own information.*
- We hope to capture legislative ideas that will help the Act become increasingly useful.

IN THE INTEREST OF FULL DISCLOSURE: A group of REALS students was approached about providing research assistance for a private (possible class action) Harris Act claim. We were advised by Mr. Fields and Ms. Spurgeon that they did not see a conflict in such an engagement in that all of the work for the Property Rights Committee involved public records. We will advise further if our members are engaged to provide these services.

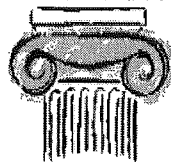
**As we go forward with data collection, we may need to impose on RPPTL members in non-reporting counties to intercede on our behalf with County Staff and/or make introductions. This will greatly enhance the database quality and reveal hidden Act utility.**

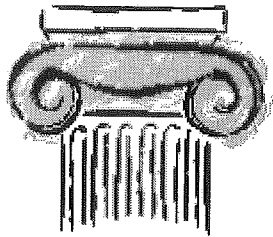
**Comments and suggestions:** are always appreciated and can be sent to Mat Shaffer, Member-At Large at [mrs04c@fsu.edu](mailto:mrs04c@fsu.edu), Sarah Purdy, Committee Chair at [Aloha9@aol.com](mailto:Aloha9@aol.com) (cc: Keith Halpern, President on [ShelbyMach@aol.com](mailto:ShelbyMach@aol.com)).

### REALS' MISSION

**REALS** is a professional law student entity dedicated to the pursuit of excellence in the practice of real estate and related law while providing community and University service. The University receives opportunities to explore Real Estate, Trust Law & related Legal Interests with practical, live examples.

R.E.A.L.S.





# Real Estate Law Society

## MISSION

REALS is a professional law student entity dedicated to the pursuit of excellence in the practice of real estate law while providing community service.

REALS provides its members with opportunities to explore Real Estate & Trust Law Interests with Practical, Live Examples including:

- Property Development
- Financing & Investment
- Litigation & Policy
- Land Use Regulation
- Asset Protection Strategies
- Landlord-Tenant Solutions.

## *Law Society Advances Private Property Claims Database!*

In connection with the Bar's Real Property, Probate and Trust Law Section (RPPTL), REALS are currently managing a commissioned Bar Project to catalog Bert Harris Private Property Act Claims (\$70,001 Fla. Stat). Located at the Attorney General's Office, the project is now underway. REALS wants to deliver this in early, 2006.

The database will be available for all attorneys practicing in

real estate who require data on specialized, regulatory claims.

Any dedicated REALS member can join this "extern-type" activity

*A very Special Thanks to Our October 18<sup>th</sup> Event Sponsor- First American Title Insurance Company & Mr. John La Joie, VP & Sr. Reg. Counsel!*

Mat Shaffer, Mark Gordon, Tom Chamberlain, Sarah Purdy & Jamie Jordan have spent considerable time helping to organize & research the Harris Act Property Claims and upcoming development projects. A special thanks to all your outstanding efforts!! Special thanks to RPPTL Members: **Sen. Fred Dudley, Susan Spurgeon, and Alan Fields for their support of REALS.**

Special thanks to Assoc. Dean Nancy Benavides, Dean Don Weidner, Professors Atkinson & Ruhl for advising REALS!

## ALUMNI CONNECTIONS

Make REAL Connections! REALS is your connection with real estate & trust law Alumni.

## **"COMING EVENTS"**

Any REALS member can participate in an off-site seminar designed to get you connected to a particular area in real property or trust law:

- **Careers in Real Estate Law, Topics in Development:** Outstanding Event featuring Justice Kenneth Bell and four real estate panelists. Oct, 18.

- **REAL PROPERTY LITIGATION & LANDLORD-TENANT:** October 20 (Miami) or 21 (Tampa).
- **TRUST LAW SEMINAR:** November 3 (Miami) or Nov. 4 (Tampa) to review drafting, homestead assets, special trustees with case and statutory law updates.
- **LUNCH AND LEARN:** Spring, '06: A chance to review a few basics of a residential & commercial real estate transactions and a settlement sheet.
- **Real Property, Probate & Trust Law Section Presentation:** Jan., '06: An opportunity to attend a Section Meeting for Bar & Section Members on the Harris Property Rights Act.

## **REALS WELCOMES YOU!!**

For more information, please contact executive members:

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