

**Real Property, Probate and Trust Law Section
Executive Council Meeting
Hotel Bennett
Charleston, SC
March 5, 2022
9:00 am (E.T.)**

Agenda

- I. **Presiding** — *Robert S. Swaine, Chair*
- II. **Secretary's Report** — *W. Cary Wright, Secretary*
 - 1. Motion to approve the minutes of the November 6, 2021 meeting of the Executive Council held at the Luminary Hotel in Ft. Myers. **pp. 7-18**
 - 2. Meeting Attendance.
- III. **Chair's Report** — *Robert S. Swaine, Chair*
 - 1. Thank you to our Sponsors!
 - 2. Introduction and comments from Sponsors. **pp. 19-21**
 - 3. Milestones.
 - 4. Interim Actions Taken by the Executive Committee. **p. 22**
 - 5. 2021-2022 Executive Council meetings. **p. 23**
 - 6. General Comments of the Chair.
- IV. **Liaison with Board of Governors Report** — *Scott Westheimer*
- V. **Chair-Elect's Report** — *Sarah S. Butters, Chair-Elect*
 - 1. 2022-2023 Executive Council meetings. **p. 24**
- VI. **Treasurer's Report** — *Jon Scuderi, Treasurer*
 - 1. Statement of Current Financial Conditions. **p. 25**
- VII. **Director of At-Large Members Report** — *Steven H. Mezer, Director*

VIII. [CLE Seminar Coordination Report](#) — *Sancha Brennan (Probate & Trust) & Lee Weintraub (Real Property), Co-Chairs*

1. Upcoming CLE programs and opportunities. **p. 26-27**

IX. [Legislation Committee](#) – *Wilhelmina Kightlinger and Larry Miller, Co-Chairs*

X. [Real Property Law Division Report](#) — *S. Katherine Frazier, Division Director*

General Comments and Recognition of Division Sponsors.

XI. [Probate and Trust Law Division Report](#) — *John Moran, Division Director*

General Comments and Recognition of Division Sponsors.

XII. [General Standing Division Report](#) — *Sarah S. Butters, Chair-Elect*

XIII. [Probate and Trust Law Division Committee Reports](#) — *John Moran, Division Director*

1. **Ad Hoc ART Committee** — Alyse Reiser Comiter, Chair; Jack A. Falk and Sean M. Lebowitz, Co-Vice Chairs
2. **Ad Hoc Committee on Electronic Wills** — Angela McClendon Adams, Chair; Frederick “Ricky” Hearn and Jenna G. Rubin, Co-Vice Chairs
3. **Ad Hoc Guardianship Law Revision Committee** — Nicklaus J. Curley, Stacey B. Rubel and David C. Brennan, Co-Chairs; Sancha Brennan, Vice Chair
4. **Ad Hoc Study Committee on Due Process, Jurisdiction & Service of Process** — Barry F. Spivey, Chair; Sean W. Kelley and Shelly Wald Harris, Co-Vice Chairs
5. **Ad Hoc Study Committee on Professional Fiduciary Licensing** — Angela McClendon Adams, Chair; Yoshimi Smith, Vice Chair
6. **Asset Protection** — Michael Sneeringer, Chair; Richard R. Gans and Justin Savioli, Co-Vice-Chairs
7. **Attorney/Trust Officer Liaison Conference** — Cady L. Huss, Chair; Tae Kelley Bronner, Stacey L. Cole (Corporate Fiduciary), Michael Rubenstein, Gail G. Fagan, Mitchell A. Hipsman and Eammon W. Gunther, Co-Vice Chairs
8. **Charitable Planning and Exempt Organizations Committee** — Seth Kaplan, Chair; Kelly Hellmuth and Denise S. Cazobon, Co-Vice-Chairs
9. **Elective Share Review Committee** — Jenna G. Rubin, Chair; Cristina Papanikos and Lauren Y. Detzel, Co-Vice-Chairs
10. **Estate and Trust Tax Planning** — Robert L. Lancaster, Chair; Richard N. Sherrill and Sasha Klein, Co-Vice Chairs
11. **Guardianship, Power of Attorney and Advanced Directives** — Stacy B. Rubel, Chair; Elizabeth M. Hughes, Caitlin Powell and Jacobeli Behar, Co-

Vice Chairs

12. **IRA, Insurance and Employee Benefits** — Alfred J. Stashis, Co-Chairs; Charles W. Callahan, III and Rachel B. Oliver, Co-Vice-Chairs
13. **Liaisons with ACTEC** — Elaine M. Bucher, Tami F. Conetta, Thomas M. Karr, Shane Kelley, Charles I. Nash, L. Howard Payne and Diana S.C. Zeydel
14. **Liaisons with Elder Law Section** — Travis Finchum and Marjorie E. Wolasky
15. **Liaisons with Tax Section** — William R. Lane, Jr., Brian Malec and Brian C. Sparks
16. **Liaison with Professional Fiduciary Council** — Darby Jones
17. **OPPG Delegate** — Nick Curley
18. **Principal and Income** — Edward F. Koren and Pamela O. Price, Co-Chairs, Joloyon D. Acosta and Keith B. Braun, Co-Vice Chairs
19. **Probate and Trust Litigation** — J. Richard Caskey, Chair; Angela M. — Adams, James R. George and R. Lee McElroy, IV, Co-Vice Chairs
20. **Probate Law and Procedure** — M. Travis Hayes, Chair; Benjamin F. Diamond, Cady Huss, Cristina Papanikos and Theodore S. Kypreos, Co-Vice Chairs
21. **Trust Law** — Matthew H. Triggs, Chair; Jennifer J. Robinson, David J. Akins, Jenna G. Rubin, and Mary E. Karr, Co-Vice Chairs
22. **Wills, Trusts and Estates Certification Review Course** — Rachel Lunsford, Chair; J. Allison Archbold, Eric Virgil, and Jerome L. Wolf, Co-Vice Chairs

XIV. [Real Property Law Division Committee Reports](#) — *S. Katherine Frazier, Division Director*

1. **Attorney Banker Conference** — E. Ashley McRae, Chair; Kristopher E. Fernandez, R. James Robbins, Jr. and Salome J. Zikakis, Co-Vice Chairs
2. **Commercial Real Estate** — Jennifer J. Bloodworth, Chair; E. Ashley McRae, Eleanor W. Taft and Alexandra D. Gabel, Co-Vice Chairs
3. **Condominium and Planned Development** — Joseph E. Adams and Margaret “Peggy” A. Rolando, Co-Chairs; Alexander B. Dobrev and Allison L. Hertz, Co-Vice Chairs
4. **Condominium and Planned Development Law Certification Review Course** — Jane L. Cornett and Christine M. Ertl, Co-Chairs; Allison L. Hertz, Vice Chair
5. **Construction Law** — Reese J. Henderson, Jr., Chair; Sanjay Kurian, Bruce D. Partington and Elizabeth B. Ferguson, Co-Vice Chairs
6. **Construction Law Certification Review Course** — Elizabeth B. Ferguson, Chair; Gregg E. Hutt and Scott P. Pence, Co-Vice Chairs
7. **Construction Law Institute** — Jason J. Quintero, Chair; Deborah B. Mastin and Brad R. Weiss, Co-Vice Chairs
8. **Development & Land Use Planning** — Colleen C. Sachs, Chair; Jin Liu and Lisa B. Van Dien, Co-Vice Chairs
9. **Insurance & Surety** — Michael G. Meyer and Katherine L. Heckert, Co-Chairs; Mariela M. Malfeld, Vice Chair

10. **Liaisons with FLTA** — Alan K. McCall and Melissa Jay Murphy, Co-Chairs; Alan B. Fields and James C. Russick, Co-Vice Chairs
11. **Real Estate Certification Review Course** — Manuel Farach, Chair; Martin S. Awerbach, Lloyd Granet, Laura M. Licastro and Jason M. Ellison, Co-Vice Chairs
12. **Real Estate Leasing** — Brenda B. Ezell and Christopher A. Sajdera, Co-Chairs; Kristen K. Jaiven, Co-Vice Chair
13. **Real Property Finance & Lending** — Richard S. McIver, Chair; Deborah B. Boyd and Jason M. Ellison, Co-Vice Chairs
14. **Real Property Litigation** — Michael V. Hargett, Chair; Amber E. Ashton, Manuel Farach and Shawn G. Brown, Co-Vice Chairs
15. **Real Property Problems Study** — Anne Q. Pollack, Chair; Susan K. Spurgeon, Adele I. Stone and Brian W. Hoffman, Co-Vice Chairs
16. **Residential Real Estate and Industry Liaison** — Nicole M. Villarroel, Chair; Louis E. "Trey" Goldman, James A. Marx and Kristen K. Jaiven, Co-Vice Chairs
17. **Title Insurance and Title Insurance Liaison** — Brian W. Hoffman, Chair; Leonard F. Prescott, IV, Jeremy T. Cranford, Christopher W. Smart and Michelle G. Hinden, Co-Vice Chairs
18. **Title Issues and Standards** — Rebecca L.A. Wood, Chair; Robert M. Graham, Karla J. Staker and Amanda K. Hersem, Co-Vice Chairs
19. **American College of Real Estate Lawyers (ACREL) Liaison** — Martin A. Schwartz and William P. Sklar, Co-Chairs
20. **American College of Construction Lawyers (ACCL) Liaison** — George J. Meyer, Chair

XV. General Standing Division Committee Reports — Sarah S. Butters, *General Standing Division Director and Chair-Elect*

1. **Ad Hoc RTOD** — Steve Kotler and Chris Smart, Co-Chairs
2. **Ad Hoc Remote Notarization** — E. Burt Bruton, Jr., Chair
3. **Amicus Coordination** — Kenneth B. Bell, Gerald B. Cope, Jr., Robert W. Goldman and John W. Little, III, Co-Chairs
4. **Budget** — Jon Scuderi, Chair; Tae Kelley Bronner, Linda S. Griffin, and Pamela O. Price, Co-Vice Chairs
5. **CLE Seminar Coordination** — Lee Weintraub and Sancha Brennan, Co-Chairs; Alexander H. Hamrick, Hardy L. Roberts, III, Paul E. Roman (Ethics), Silvia B. Rojas, and Stacy O. Kalmanson, Co-Vice Chairs
6. **Convention Coordination** — Tae Kelley Bronner and Stacy O. Kalmanson, Co-Chairs
7. **Disaster and Emergency Preparedness and Response** — Brian C. Sparks, Chair; Colleen Coffield Sachs and Michael Bedke, Co-Vice Chairs
8. **Fellows** — Christopher A. Sajdera, Chair; Christopher Barr, Bridget Friedman and Angela K. Santos, Co-Vice Chairs
9. **Florida Electronic Filing & Service** — Rohan Kelley, Chair
10. **Homestead Issues Study** — Jeffrey S. Goethe, Chair; Amy B. Beller, Michael J. Gelfand, Melissa Murphy and Jeff Baskies, Co-Vice Chairs
11. **Information Technology & Communication** — Hardy L. Roberts III, Chair; Erin H. Christy, Alexander B. Dobrev, Jesse B. Friedman, Michael A.

- Sneeringer, Sean Lebowitz, Terrance Harvey and Jordan Haines, Co-Vice Chairs
- A. **Law School Programing** — Johnathan Butler, Chair; Phillip Baumann, Guy Storms Emerich, Kymberlee Curry Smith and Kristine L. Tucker, Co-Vice Chairs
12. **Legislation** — Larry Miller (Probate & Trust) and Wilhemina Kightlinger (Real Property), Co-Chairs; Grier Pressley and Nick Curley (Probate & Trust), Chris Smart, Manuel Farach and Arthur J. Menor (Real Property), Co-Vice Chairs
13. **Legislative Update (2020-2021)** — Brenda Ezell, Chair; Theodore Stanley Kypreos, Gutman Skrande, Jennifer S. Tobin, Kit van Pelt and Salome J. Zikakis, Co-Vice Chairs
14. **Legislative Update (2021-2022)** — Brenda Ezell, Chair; Theodore Stanley Kypreos, Gutman Skrande, Jennifer S. Tobin, Kit van Pelt and Salome J. Zikakis, Co-Vice Chairs
15. **Liaison with:**
- a. **American Bar Association (ABA)** — Robert S. Freedman, Edward F. Koren, George J. Meyer and Julius J. Zschau
 - b. **Clerks of Circuit Court** — Laird A. Lile
 - c. **FLEA / FLSSI** — David C. Brennan and Roland D. “Chip” Waller
 - d. **Florida Bankers Association** — Mark T. Middlebrook and Robert Stern
 - e. **Judiciary** — Judge Mary Hatcher, Judge Hugh D. Hayes, Judge Margaret Hudson, Judge Bryan Rendzio, Judge Mark A. Speiser,; and Judge Michael Rudisill
 - f. **Out of State Members** — Nicole Kibert Basler, John E. Fitzgerald, Jr., and Michael P. Stafford
 - g. **TFB Board of Governors** — Scott Westheimer
 - h. **TFB Business Law Section** — Gwynne A. Young and Manuel Farach
 - i. **TFB CLE Committee** — Sancha Brennan
 - j. **TFB Council of Sections** — Robert S. Swaine and Sarah Butters
 - k. **TFB Pro Bono Legal Services** — Lorna E. Brown-Burton
16. **Long-Range Planning** — Sarah Butters, Chair
17. **Meetings Planning** — George J. Meyer, Chair
18. **Membership and Inclusion** — Annabella Barboza and S. Dresden Brunner, Co-Chairs; Erin H. Christy, Vinette D. Godelia, Jennifer L. Grosso, Tattiana Stahl, and Roger A. Larson, Co-Vice Chairs
19. **Model and Uniform Acts** — Patrick J. Duffey and Richard W. Taylor, Co-Chairs; Adele I. Stone, Chris Wintter, and Benjamin Diamond, Co-Vice Chair
20. **Professionalism and Ethics** — Andrew B. Sasso, Chair; Elizabeth A. Bowers, Alexander B. Dobrev, Rt. Judge Celeste Hardee Muir, and Laura Sundberg, Co-Vice Chairs
21. **Publications (ActionLine)** — Jeffrey Baskies and Michael A. Bedke, Co-Chairs (Editors in Chief); Richard D. Eckhard, Jason M. Ellison, George D. Karibjanian, Keith S. Kromash, Daniel L. McDermott, Jeanette Moffa Wagener, Paul E. Roman, Daniel Siegel, Co-Vice Chairs
22. **Publications (Florida Bar Journal)** — J. Allison Archbold (Probate & Trust) and Homer Duvall, III (Real Property), Co-Chairs; Marty J. Solomon

and Mark Brown (Editorial Board — Real Property), Brandon Bellew, Jonathan Galler and Brian Sparks (Editorial Board – Probate & Trust), Co-Vice Chairs

23. **Sponsor Coordination** — Bill Sklar, Chair; Patrick C. Emans, Marsha G. Madorsky, Jason J. Quintero, J. Michael Swaine, Alex Hamrick, Rebecca Bell, and Arlene C. Udick, Co-Vice Chairs
24. **Strategic Planning** — Sarah Butters and Robert Swaine, Co-Chairs
25. **Strategic Planning Implementation** — Robert Freedman, Michael J. Gelfand, Michael A. Dribin, Deborah Goodall, Andrew M. O'Malley and Margaret A. “Peggy” Rolando, Co-Chairs

XVI. Adjourn: Motion to Adjourn.

**Real Property, Probate and Trust Law
Section Executive Council Meeting
Luminary Hotel & Co.**

Fort Myers, Florida

**Pursuant to Article VII, Section 4 of the Bylaws of the Section, Executive Council members
may participate electronically and vote using polling feature on Zoom.**

Nov. 6, 2021

9:00 am

Agenda

I. Presiding— Robert S. Swaine, Chair

1. The Chair called the meeting to order at 9:03 a.m. The Chair welcomed those in person as well as those on Zoom.

II. Secretary's Report— Wm. Cary Wright, Secretary

1. A motion was made, and seconded, to approve the minutes of the July 24, 2021 meeting of the Executive Council held at the Breakers Hotel on Palm Beach. The Motion passed unanimously. Belatedly, Stacey Rubel noted that the reference in the minutes to a “lukewarm applause” was a misstatement. Her recollection was that there was a loud round of applause with people waiving napkins. As the motion to approve the minutes was passed unanimously, Ms. Rubel’s comments were ruled out of order.
2. The meeting attendance roster was circulated.

III. Chair's Report— Robert S. Swaine, Chair

1. The Chair recognized and thanked the Section’s General sponsors and the Friends of the Section.

General Sponsors

WFG National Title Insurance Co.

Management Planning, Inc.

JP Morgan

Old Republic National Title Insurance Company

Westcor Land Title Insurance

First American Title Insurance Company

Attorneys' Title Fund Services, LLC

Fidelity National Title Group

Stout Risius Ross, Inc.

Guardian Trust

The Florida Bar Foundation

Stewart Title

The Friends of the Section

Business Valuation Analysts, LLC

CATIC

Cumberland Trust

Fiduciary Trust International of the South

Heritage Investment

North American Title Insurance Company

Probate Cash

Title Resources Guaranty Company

Valuation Services, Inc.

Wells Fargo Private Bank

2. David Shanks thanked the Section on behalf of Stewart Title.
3. Carlos Batlle thanked the Section virtually on behalf of JP Morgan. He also noted JP Morgan's support for veterans through hiring, training and other programs.
4. Melissa Murphy thanked the Section on behalf of Attorneys' Title Fund Services, LLC. She noted that the Fund is here to support the members and is proud to play a prominent role in the Section.

5. Milestones
 - a) Bob noted Arlen Udick received the Pro Bono Award for Sumpter County.
 - b) Bob congratulated Joe Adams on the birth of his first grandchild.

6. The Chair recognized our special members in attendance.

7. Bob recognized Andy Sasso on the Section's response to the Florida Bar's "Final Report of the Special Committee to Improve Legal Services."

Andy turned the floor over to Erin Farrington Finlen, who gave the report. The Section's task force looked at what other states such as New York and California were doing in this area, but failed to consider Florida's unique size, circumstances, and demographics.

8. 2021-2022 Executive Council meetings. Bob noted the 2021-2022 Executive Council meetings listed in the Agenda Packet as follows:

March 2 – March 6, 2022 Out-of-State Executive Council Meeting
Hotel Bennett
Charleston, South Carolina

March 31 – April 2, 2022 Executive Council Meeting
AC Hotel by Marriott Tallahassee (contract pending)
Tallahassee, Florida

June 2 – June 4, 2022 Executive Council Meeting & Annual Convention
Hawks Cay Resort
Duck Key, Florida

IV. Liaison with Board of Governors Report — *Scott Westheimer*

Scott Westheimer gave the following report from The Florida Bar Board of Governors ("BOG"). He noted that he is running for President of Florida Bar.

The Florida Bar Board of Governors held its hybrid meeting on October 1, 2021.

The major actions of the Board included:

- The Board requested a four-month extension from the deadline the Supreme Court set to amend Bar Rule 3-5.2 to allow temporary suspensions of lawyers who face felony charges. In a June letter to the BOG, the justices cited a "continuing need to protect the public," and noted that the current Rule 3-7.2

only provides for suspensions after a determination of guilt has been made in a criminal case. The Disciplinary Procedure Committee asked the Board to seek more time to develop the rule after the Criminal Law Section expressed due process concerns and committed to providing an alternative proposal for consideration by December 1.

- The Special Committee for the Review of Professionalism in Florida, which is Co-chaired by President-Elect Gary Lesser and Elizabeth Hunter, reported that it is on track to deliver final recommendations to the Board by December. The committee was directed to review the Bar's professionalism standards, how they are taught to law students and lawyers and reinforced throughout a lawyer's career, and how they are enforced. The Special Committee established three subcommittees to address these issues: The Professionalism Education Subcommittee, Professionalism Standards Subcommittee and Professionalism Enforcement Subcommittee. The Professionalism Enforcement Subcommittee recently held a meeting with all Chairs from Local Professionalism Panels to address the efficacy of their local professionalism panels and the entire committee was set to meet on November 9th.
- The Board approved a recommendation developed by the COVID-19 Pandemic Recovery Task Force to ask the Supreme Court to consider a managed mediation program to address an expected flood of evictions. The recommendations are based on a 2009 report by a Florida Supreme Court task force that recommended a managed mediation program to address an avalanche of mortgage foreclosures that accompanied an economic downturn. The Task Force incorporated the concerns voiced by the RPPTL Section to ensure that any mediation take place at or before the hearing on possession is held.
- The Board of Governor's response to the Supreme Court on the final report of the Supreme Court's Special Committee to Improve Delivery of Legal Services is scheduled for a final vote on Monday, November 8th. The BOG received in excess of 300 comments from members, sections, voluntary bars and other organizations. The BOG appreciates these comments and the well thought out and comprehensive letter from the RPPTL Section on the report.

V. Chair-Elect's Report — Sarah S. Butters, Chair-Elect

1. The Chair-Elect directed our members to the 2022-2023 Executive Council meetings and provided some updates.

July 21 – 23, 2022

Executive Meeting & Legislative Update
The Breakers
Palm Beach, Florida

September 28 – October 2, 2022

Out-of-State Executive Council

	Meeting Opal Sands Harborside Bar Harbor, Maine
December 8 – 10, 2022	Executive Council Meeting Four Seasons Orlando, Florida
February 23 – 25, 2023	Executive Council Meeting Sandestin Golf and Beach Resort Destin, Florida
June 1 – 3, 2023	Executive Council Meeting & Annual Convention Opal Sands Delray (contract pending) Delray Beach, Florida

2. Sara called Jim Russick from Old Republic Title to the podium. Jim noted his military service and Old Republic's commitment to veterans. He also thanked the Section for allowing Old Republic Title sponsor the Section.

VI. Treasurer's Report— Jon Scuderi, Treasurer

Jon Scuderi provided the Treasurer's Report. He noted the Section has made significant revenue from the virtual webinars as well as the Attorneys Trust Officer Conference.

Jon thanked the Budget Committee for its hard work. He then presented the proposed budget contained in the Agenda packet. Since the motion to approve came from the Budget Committee, it required no second.

The 2022-2023 budget was approved unanimously.

VII. Director of At-Large Members Report— Steven H. Mezer, Director

Steve Mezer recognized all of the lead ALMS. He noted the various initiatives and projects of the ALMS such as No Place Like Home. He also noted that Section members had logged 900 pro bono hours to Bay Area Legal Services alone.

Steve also noted that the deadline to apply or re-apply to be an ALM is December 15, 2021.

Bob recognized Joe Tschida of WFG and thanked them for sponsoring the Section App.

VIII. CLE Seminar Coordination Report— Sancha Brennan (Probate & Trust) & Lee A. Weintraub (Real Property), Co-Chairs

Sancha Brennan provided the report. She thanked the speakers and attendees for the CLE programs. Through September 2021, they have reached half of their budgeted goal for the year. She then recognized the Vice-Chairs for their hard work and noted the numerous CLE programs that are contained in the Section's library.

Sancha also thanked Mary Ann Obos and Hillary Stephens for their tireless work on behalf of the CLE Seminars and the Section. A well-deserved round of applause was given to Mary Ann and Hillary.

IX. Legislation Committee – *Wilhelmina Kightlinger and Larry Miller, Co-Chairs*

Willie Kightlinger and Larry Muller gave the Legislation Committee report. Willie noted that they are already receiving proposed legislation from bill drafting. She stated that when the proposed legislation comes out, that Committee Chairs should direct it to the subject matter experts in their respective committees.

Larry noted that "it takes a village to draft and pass legislation." He stressed the importance of the new forms located on the Section's webpage. He also noted that the proposed legislation needs to be sent to other interested Sections within the Florida Bar.

X. Real Property Law Division Report — *S. Katherine Frazier, Division Director*

Katherine recognized and thanked the following Real Property Committee Sponsors:

Committee Sponsors

AmTrust Financial Services

Residential Real Estate and Industry Liaison

Attorneys' Title Fund Services, LLC

Commercial Real Estate; Real Estate Leasing

Attorneys' Real Estate Councils of Florida, Inc.

Residential Real Estate and Industry Liaison

CATIC

Real Property Finance and Lending

First American Title

Condominium and Planned Development; Real Property Problems Study

Katherine recognized Laura Licastro of Westcor Land and Title Insurance as a sponsor. Laura thanked the Section for allowing Westcor to be a sponsor. She noted that Westcor just started 17 years ago, and that it can now insure over \$100 million. She stated Westcor's focus is on people.

Action Items:

1. **Real Estate Leasing Committee** – *Brenda B. Ezell and Christopher A. Sajdera, Co-Chairs*

Brenda Ezell presented a Committee Motion to Amend the proposed legislation contained in the Agenda Packet to add the definition of business hours as being between 8:00 am – 5:00 pm, Monday through Friday.

The Motion to Amend was approved unanimously.

The following Motion was then made: Motion to (A) approve the creation of Florida Statutes Section 49.072 establishing a process to serve unknown parties in possession of real property; (B) find that such legislative position is within the purview of the RPPTL Section; and (C) expend Section funds in support of the proposed legislative position.

Since the Motion presented by Brenda Ezell was from the Real Estate Leasing Committee, it did not require a second.

The Motion was approved unanimously.

Information Item:

1. **Condominium and Planned Development Committee** – *Joseph E. Adams and Margaret “Peggy” A. Rolando, Co-Chairs*

Bill Sklar gave a report on the subcommittee that was formed to study and give recommendations regarding the Sunrise Collapse. Bill Sklar chaired the task force, which was comprised of the following individuals:

William Sklar-Chair - Tallahassee
Peter Dunbar - Tallahassee
Ivette Blanch - Coral Gables
Jose Rodriguez - Miami
Christopher Davies - Naples
Michael Gelfand - West Palm Beach
Joseph Adams - Fort Myers, Ex Officio
Margaret “Peggy” Rolando - Miami, Ex Officio

The task force delivered a 170-page report on October 12, 2021 to the Governor’s office, the legislature, and others. The task force recommended that a maintenance protocol be adopted for all condominiums three stories and higher, and that they be inspected every 30 years, and then subsequently every 5 years. The report also recommends that reserves be established for the required maintenance and the engineering reports. The report was completed within 95 days. Bill thanked the Task Force for their very hard work.

Katherine then called on Len Prescott of First American Title as a sponsor. Len thanked the Section for allowing First American to sponsor the Section. He also noted that Jennifer Bloodworth, a Section member, was specially recognized by First American to attend a conference for women in the title industry in Laguna Beach, California.

XI. Probate and Trust Law Division Report— John Moran, Division Director

John thanked the following Probate Law Division Committee Sponsors:

BNY Mellon Wealth Management -
Estate and Trust Planning; IRA, Insurance and Employee Benefits

Business Valuation Analysts, LLC -
Trust Law

Coral Gables Trust -
Probate and Trust Litigation; Probate Law Committee

Grove Bank and Trust -
Guardianship and Advanced Directives

Kravit Estate Appraisal -
Estate and Tax Planning

Management Planning, Inc. -
Estate and Tax Planning

Northern Trust -
Trust Law

John thanked the Florida Bar Foundation for its sponsorship of the Section.

Action Items:

1. Trust Law Committee – Matt Triggs, Chair

Matt was unable to participate in the meeting due to unforeseen circumstances. John Moran presented the Trust Law Committee's motion as follows:

Proposed amendments to § 736.0705, Fla. Stat. to clarify that a trust instrument may, subject to minimum notice requirements, provide an additional method by which a trustee may resign.

Committee motion to:

(A) Support proposed amendments to section §736.0705(1), Fla. Stat. to

provide an additional method by which a trustee may resign; and making clear that the options set forth in the statute are alternatives, each of which may operate exclusive of the others;

- (B) Find that such legislative position is within the purview of the RPPTL Section; and
- (C) Expend Section funds in support of the proposed legislative position.

Since the motion came from a Committee, a second was not required.

The Motion was approved unanimously.

Information Item:

1. Ad Hoc Committee on Electronic Wills – Angela M. Adams, Chair

Angela provided the following potential committee motion for future consideration:

- (A) Support proposed legislation which would amend §117.201, Fla. Stat., to create a definition of “witness” (when used as a noun) for purposes of remote online notarization and witnessing of electronic documents.
- (B) Find that such legislative position is within the purview of the RPPTL Section; and
- (C) Expend Section funds in support of the proposed legislative position.

2. Guardianship Law Revision Committee – Nick Curley, Stacey Rubel, David Brenna, Co-Charis

Stacey Rubel updated the status of the guardianship code revision. She prefaced her remarks by stating that the previously unanimously approved minutes of the Breakers July 24, 2021 meeting were erroneous because her recollection was that the Probate and Trust Division had received a loud round of applause and people were waiving napkins. Ms. Rubel was ruled out of order and the previously unanimously approved minutes stand.

XII. General Standing Division Report— Sarah S. Butters, Chair-Elect

Action Items:

1. Fellows – Chris Sajdera, Chair

The RPPTL Fellows is a two-year program that encourages the involvement of attorneys from diverse backgrounds that are traditionally

underrepresented in the law and the Section. One of the main benefits of the Fellows program is the dialog and professional relationship development that occurs during the activities of the in-person meetings. Currently, Fellows are each allocated \$2,500 per year to defray the costs of attendance at the in-state meetings. Due to COVID, many hotel and travel expenses have increased, making the stipend insufficient. Accordingly, the Fellows Committee is seeking a stipend increase as follows:

- (A) **Motion to increase each Fellow's stipend by \$500 per year, from the current \$2,500 to \$3,000 annually, effective for Fellows as of the 2021-2022 bar year.**

Since the Motion comes from a committee, it required no second.

The Motion was approved unanimously.

As part of the Section's Strategic Plan, the goals and description of the Fellows program was reviewed with an eye towards highlighting participation and involvement by Fellows. In furtherance of that goal, the Fellows committee undertook a review of their mission statement and long-term goals, and propose the following revisions to the Mission Statement.

Mission Statement:

The RPPTL Section of the Florida Bar encourages involvement of attorneys from diverse backgrounds, including geographic, racial and ethnic backgrounds that are traditionally underrepresented in the law and the Section. The mission of the RPPTL Fellows program is to recruit attorneys who have a demonstrated interest in practicing in the area of wills, trusts, estates, and/or real estate, and who are interested in greater involvement in the RPPTL Section and its committees, but who would not otherwise be able to participate due to financial constraints or needs. Our goal is to provide opportunities for deserving attorneys to achieve their career goals through leadership training and working closely with leading attorneys in their field, while at the same time, fostering diversity within the Section. The Fellowship Program is open to all lawyers who are members of the RPPTL Section, and who have been admitted to the Bar for at least 3 years and for fewer than 12 years.

- (B) **Motion to approve the revised Mission Statement.**

Since the Motion comes from a committee, it required no second.

The Motion was approved unanimously.

Information Items:

1. Liaison with Clerks of the Court – *Laird A. Lile*

Laird introduced Linda Doggett (Lee County Clerk of Circuit Court &

Comptroller) and Kevin Karnes (Chief Operating Officer, Lee County Clerk of the Courts). Linda thanked the Section for the support of the Clerk. Kevin spoke about a recent 1st DCA decision regarding the recording of documents, and about e-certified records in Lee County. He noted that Lee County is always looking to be more efficient through technology and otherwise. He also welcomed any suggestions from the Section.

2. Liaison with TFB Pro Bono committee – Lorna Brown-Burton

Lorna Brown-Burton noted that she is running for President of the Florida Bar.

Lorna commented that at the Pro Bono Committee meeting at The Florida Bar's Fall meeting the following was discussed:

- Overall, 38,989 individual attorneys reported providing 1,505,042 hours of pro bono work, and another 574 attorneys said they provided 22,970 hours through law firm pro bono plans. Another 25,054 lawyers said they contributed \$6.7 million to legal aid organizations. This was from July 1, 2020 – June 30, 2021.
- Lorna stated that Chair Kathy McLeroy noted the committee is planning a pro bono summit at the Bar's next Annual Convention. A subcommittee was created to begin planning the Pro Bono Summit.
- The Florida Bar Foundation, with committee support, is restarting the One Promise campaign to encourage pro bono volunteers. The Foundation has received funds from donations to create several videos targeting different groups to promote pro bono.

3. Law School Programming Committee – Johnathan Butler, Chair

Johnathan Butler gave his report by Zoom. He noted that there would be a guardianship zoom presentation on November 13, 2021.

Johnathan also reported that the committee liaisons have been busy at the law schools this summer and fall. For example, Rebecca Wood, University of Florida liaison, coordinated a bike ride on Friday September 3rd with Professor Dayana Wright and some of the UF law students. Then, on Wednesday, October 20th, Rebecca recruited Gainesville attorney Patrice Boys to speak to UF law students and other law students via Zoom about her practice in Environmental and Land Use Law.

On Friday, October 15th the Stetson liaison, Rebecca Bell, chaired "A Day In the Life of a Lawyer" via Zoom with fellow At Large Members (ALMs) and Section members Rachel Oliver, Kip Thornton and Kit Van Pelt speaking about their particular practices, niches and how each lawyer made it along her/his career path.

Nova liaisons Kym Curry-Smith and Sandy Boisrond worked closely with Nova law student leaders in a “Free Britney” Conservatorship and Guardianship zoom panel over two dates, Friday October 29th and Friday November 12th.

Mock interviews were held virtually at University of Miami in August with RPPTL committee liaison Liz Hughes’ recruiting RPPTL volunteers. Mock interview co-chairs Phil Baumann and Guy Emerich continue to work closely with the law school liaisons to resume mock interviews in Fall 2021 and Spring 2022, at least by Zoom or in person where possible.

Ahead of the Tallahassee RPPTL meeting scheduled for March 30 – April 2, 2022, the Committee is coordinating a mixer/social with FSU law students, Section members and a few local judiciary on Wednesday March 30th. More details to follow.

4. Fellows – Chris Sajdera, Chair

No report was given.

Sarah called the Fellows in the room and on Zoom to introduce themselves, which they did.

5. Professionalism & Ethics Committee – Andrew B. Sasso, Chair

Oshi Smith gave the report and played a podcast from the RPPTL Professionalism and Ethics Committee Podcast. The title of the podcast was Overlooked and Misunderstood Ethical Issues.

In the podcast, Judge Nelly Khouzam spoke about *Andreus v. Impact Pest Management, Inc.*, 157 So.3d 442 (Fla. 2d DCA 2015) in the context of Ethical Rule 4-3.3 and 4-3.4.

6. Ad Hoc Revocable Transfer on Death Committee – Christopher Smart and Stephen Kotler, Co-Chairs

Chris Smart reported that the Committee is working hard and hopes to have proposed legislation next year.

XIII. Adjourn: Motion to Adjourn was made and passed unanimously.

/s/ Wm. Cary Wright
Wm. Cary Wright
Secretary



Thank you to Our General Sponsors

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Coral Gables Trust	John Harris	jharris@cgtrust.com	Probate Law Committee
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Management Planning Inc.	Roy Meyers	rmeyers@mpival.com	Estate and Trust Tax Planning
Northern Trust	Tami Conetta	tfc1@ntrs.com	Trust Law

Interim Actions Taken by the Executive Committee

January 12, 2022 – Executive Committee unanimously approved the following motion:

Motion to:

- (A) Oppose all of the following unless adequate limitations and safeguards are in place: certain proposed revisions to Florida’s Trust Code, specifically Florida Statutes §§736.0105(2)(s), 736.0813(d) and 736.08135 (and any other proposed statutory revisions) which would effectively remove or reduce a trustee’s fundamental affirmative duty to provide annual accountings to beneficiaries of all trusts; to oppose the adoption of changes to Florida Statutes §§736.0109(1) and (4) or other proposed statutory revisions, which would effectively eliminate critical due process and notice protections for all trust beneficiaries; to oppose the adoption of Florida Statute §662.1465 or any other statutory provisions which seek to change the open and public nature of court proceedings involving trusts, estates or other proceedings, to closed or “secret”;

- (B) Find that such legislative position is within the purview of the RPPTL Section; and

- (C) Expend Section funds in support of the proposed legislative position.

RPPTL 2021-2022
Executive Council Meeting Schedule
Robert Swaine's Year

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

NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend.

Date	Location
July 21 – July 25, 2021	Executive Council Meeting & Legislative Update The Breakers Palm Beach, Florida Room Rate (Deluxe Room – King): \$245 Premium Room Rate: \$299
November 3 – November 7, 2021	Executive Council Meeting Luminary Hotel & Co. Fort Myers, FL Standard Guest Room Rate (King): \$209 Standard Guest Room Rate (Two Queen): \$234
March 2 – March 6, 2022	Out of State Executive Council Meeting Hotel Bennett Charleston, South Carolina Standard Guest Room Rate: \$429
March 30 – April 2, 2022	Executive Council Meeting AC Hotel by Marriott Tallahassee (Contract Pending) Tallahassee, Florida Standard Guest Room Rate: \$179
June 1 – June 5, 2022	Executive Council Meeting & Annual Convention Hawks Cay Resort Duck Key, Florida Standard Guest Room Rate: \$249 Two Bedroom Villa Rate: \$299

*Subject to availability

RPPTL 2022-2023
Executive Council Meeting Schedule
Sarah Butters' Year

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

NOTE- Committee meetings may be conducted virtually via Zoom prior to the Executive Council meeting weekend.

Date	Location
July 21 – July 24, 2022	Executive Council Meeting & Legislative Update The Breakers Palm Beach, Florida Room Rate (Deluxe Room – King): \$250 Premium Room Rate: \$305
September 28 – October 2, 2022	Executive Council Meeting Harborside Hotel Spa and Marina Bar Harbor, Maine Standard Guest Room Rate (King): \$318 Premium King: \$376
December 8 – 12, 2022	Executive Council Meeting Four Seasons Orlando, FL Standard Guest Room Rate: \$299
February 22 – 26, 2023	Executive Council Meeting Sandestin Golf and Beach Resort Destin, Florida Grand Complex 1 Bedroom: \$195 Hotel Effie Standard Guest Room Rate: \$244
June 1 – June 4, 2023	Executive Council Meeting & Annual Convention Opal Sands Delray (Contract Pending) Delray Beach, FL Standard Guest Room Rate: \$189

*Subject to availability



RPPTL Budget Summary

TO DATE REPORT

General Budget

YTD

Revenue	\$ 1,383,666
Expenses	\$ 754,205
Net:	\$ 629,461

Attorney Bankers Conf.

YTD

Revenue	\$ 150
Expenses	\$ 5
Net:	\$ 145

CLI

YTD

Revenue	\$ 168,650
Expenses	\$ 2,143
Net:	\$ 166,507

Trust Officer Conference

Revenue	\$ 300,950
Expenses	\$ 173,154
Net:	\$ 127,796

Legislative Update

Revenue	\$ 9,400
Expenses	\$ 47,574
Net:	\$ (38,174)

Convention

Revenue	\$ -
Expenses	\$ -
Net:	\$ -

Roll-up Summary (Total)

Revenue:	\$ 1,862,816
Expenses	\$ 977,082
Net Operations	\$ 885,734

Beginning Fund Balance:	\$ 3,030,620
Current Fund Balance (YTD):	\$ 3,916,354
Projected June 2021 Fund Balance	\$ 2,760,360

CLE Calendar (as of 02/07/22)

Date of Presentation	Crs. #	Title	Location
02-16-2022	5159	<i>RPPTL Audio Webcast: Title Insurance Committee on groupings of endorsements (Part 1) (AW #10)</i>	Audio Webcast
02-22-2022	TBD	<i>RPPTL Audio Webcast: Hayslip Decision</i>	Audio Webcast
02-23-2022	5180	<i>RPPTL Audio Webcast: Title Insurance Committee on groupings of endorsements (Part 2) (AW 14 already scheduled for 2/23)</i>	Audio Webcast
03/10-12/2022	5560	<i>CLI</i>	JW Grande Lakes, Orlando
3/9-12/2022	5566	<i>Construction Law Certification Review</i>	JW Grande Lakes, Orlando
4/8-9/2022	5482	<i>Wills, Trusts and Estates Certification Review</i>	Hyatt Orlando Airport
4/8-9/2022	5484	<i>Real Property Certification Review</i>	Hyatt Orlando Airport
04-14-2022	5171	<i>RPPTL Audio Webcast - Condo 1, Water Rights</i>	Audio Webcast
04-28-2022	5181	<i>RPPTL Audio Webcast - Condo 2, Developer Documents</i>	Audio Webcast
05-11-2022	5223	<i>RPPTL Audio Webcast-Joint with Jen Bloodworth & Rich McIver – CRE & Finance joint seminar</i>	Audio Webcast
05-14-2022	5717	<i>Minority Lawyers Seminar</i>	Zoom
05-18-2022	5145	<i>RPPTL Audio Webcast – Charitable Series Part 2 of Part 1</i>	Audio Webcast
05-19-2022	5195	<i>RPPTL Audio Webcast - Condo 3, Hoarders and other mental health issues</i>	Audio Webcast
05-20-2022	5718	<i>Advanced Leasing Symposium (recordings taking place during CLI)</i>	Replay Video Webcast
05-26-2022	5199	<i>RPPTL Audio Webcast - Condo 4, Legislation - Surfside</i>	Audio Webcast
06-22-2022	5702	<i>RPPTL Audio Webcast - Seminar on Foreign Persons (CRE)</i>	Audio Webcast

CLE Calendar
(as of 02/07/22)

TBD June	5221	<i>RPPTL Audio Webcast - What Family Law Lawyers Need to Know about Dirt Law (AW 18)</i>	Audio Webcast
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