



***EXECUTIVE COUNCIL MEETING***  
**AGENDA**

**Four Seasons Hotel**  
**Austin, Texas**

**Saturday, February 25, 2017**  
**9:00 a.m.**

**BRING THIS AGENDA TO THE MEETING**

**Four Seasons Hotel  
Austin, Texas  
February 25, 2017**

---

**Agenda**

**Note: Agenda Items May Be Considered on a Random Basis**

- I. **Presiding** — *Deborah P. Goodall, Chair*
- II. **Attendance** — *William T. Hennessey, Secretary*
- III. **Minutes of Previous Meeting** — *William T. Hennessey, Secretary*

Motion to approve the minutes of the December 10, 2016 meeting of Executive Council held at The Westin Resort and Marina, Key West, Florida. **pp. 9 - 36**

- IV. **Chair's Report** — *Deborah P. Goodall*

- 1. Recognition of Guests.
- 2. Milestones
- 3. Recognition of General Sponsors and Friends of the Section. **pp. 37 – 39**
- 4. Report of Interim Action of the Executive Committee.

- A. Given the importance of the issue of electronic wills to our section, the Executive Committee held a lengthy telephonic meeting on January 17, 2017 and adopted the following as a section legislative position:

Opposes legislation, including 2017 Florida Senate Bill 206, regarding electronic wills, powers of attorney and living wills unless such legislation:

- (a) eliminates references to powers of attorney and living will;
- (b) is amended to safeguard the citizens of Florida from fraud and exploitation,
- (c) includes protections to ensure the integrity, security, and authenticity of an electronically signed will;
- (d) provides sufficient evidence to authenticate execution by the testator, and
- (e) retains the requirements that two subscribing witnesses sign in the physical presence of the testator.

See white paper attached at **pp. 40 - 56.**

- B. Given the importance of the issue of term limits to the judicial branch, our section was asked to take a position on pending House Joint Resolution

1 (HJR1) and Senate Joint Resolution 482 (SJR482) regarding a constitutional amendment imposing term limits on Florida Supreme Court Justices and Court of Appeals Judges. On February 7, 2017, the Executive Committee voted to adopt the following as a section legislative position:

Opposes term limits for judges at any level of Florida's state court system. See proposed legislation attached **pp. 57 - 65**.

5. Upcoming Executive Council Meetings. **pp. 66 - 73**

V. [Liaison with Board of Governors Report](#) — *Lansing C. Scriven*

VI. [Chair-Elect's Report](#) — *Andrew M. O'Malley p. 74*

VII. [Treasurer's Report](#) — *Tae Kelley Bronner*

Statement of Current Financial Conditions. **p. 75**

VIII. [Director of At-Large Members Report](#) — *S. Katherine Frazier*

IX. [Legislation Committee](#) — *Steven H. Mezer (Real Property) and Sarah S. Butters (Probate & Trust), Co-Chairs p. 76 - 114*

X. [CLE Seminar Coordination Report](#) — *Robert Swaine (Real Property) and Shane Kelley (Probate & Trust), Co-Chairs p. 115*

XI. [Real Property Law Division Reports](#) — *Robert S. Freedman, Director*

1. **Commercial Real Estate** – Adele Ilene Stone, Chair; E. Burt Bruton, R. James Robbins, Jr. and Martin D. Schwartz, Co-Vice Chairs.
2. **Condominium and Planned Development** – William P. Sklar, Chair; Alexander B. Dobrev and Kenneth S. Direktor, Co-Vice Chairs.
3. **Construction Law** – Scott Pence, Chair; Reese J. Henderson, Jr. and Neal A. Sivyer, Co-Vice Chairs.
4. **Construction Law Certification Review Course** – Deborah B. Mastin and Bryan R. Rendzio, Co-Chairs; Melinda S. Gentile, Vice Chair.
5. **Construction Law Institute** – Sanjay Kurian, Chair; Diane S. Perera, Jason J. Quintero and Brian R. Rendzio, Co-Vice Chairs.
6. **Development & Land Use Planning** – Vinette D. Godelia, Chair; Julia L. Jennison, Co-Vice Chair.

7. **Insurance & Surety** – W. Cary Wright and Scott Pence, Co-Chairs; Frederick R. Dudley and Michael G. Meyer, Co-Vice Chairs.
8. **Liaisons with FLTA** – Alan K. McCall and Melissa Jay Murphy, Co-Chairs; Alexandra J. Overhoff and James C. Russick, Co-Vice Chairs.
9. **Real Estate Certification Review Course** – Jennifer Slone Tobin, Chair; Manuel Farach, Martin S. Awerbach and Brian W. Hoffman, Co-Vice Chairs.
10. **Real Estate Leasing** – Richard D. Eckhard Chair; Brenda B. Ezell, Vice Chair.
11. **Real Estate Structures and Taxation** – Michael Bedke, Chair; Cristin C. Keane, Lloyd Granet and Deborah Boyd, Co-Vice Chairs.
12. **Real Property Finance & Lending** – David R. Brittain, Chair; E. Ashley McRae, Richard S. McIver and Robert G. Stern, Co-Vice Chairs.
13. **Real Property Litigation** – Susan K. Spurgeon, Chair; Manuel Farach and Marty J. Solomon, Co-Vice Chairs.
14. **Real Property Problems Study** – Arthur J. Menor, Chair; Mark A. Brown, Robert S. Swaine, Stacy O. Kalmanson, Lee A. Weintraub and Patricia J. Hancock, Co-Vice Chairs.
15. **Residential Real Estate and Industry Liaison** – Salome J. Zikakas, Chair; Louis E. “Trey” Goldman, Nicole M. Villarroel and James Marx, Co-Vice Chairs.
16. **Title Insurance and Title Insurance Liaison** – Raul P. Ballaga, Chair; Alan B. Fields, Brian J. Hoffman and Melissa N. VanSickle, Co-Vice Chairs.
17. **Title Issues and Standards** – Christopher W. Smart, Chair; Robert M. Graham, Brian J. Hoffman and Karla J. Staker, Co-Vice Chairs.

**XII. [Probate and Trust Law Division Committee Reports](#) — *Debra Lynn. Boje, Director***

1. **Ad Hoc Guardianship Law Revision Committee** – David Clark Brennan, Chair; Sancha Brennan Whynot, Tattiana Patricia Brenes-Stahl, Nicklaus Joseph Curley, Co-Vice Chairs
2. **Ad Hoc Study Committee on Estate Planning Conflict of Interest** – William Thomas Hennessey III, Chair; Paul Edward Roman, Vice Chair
3. **Ad Hoc Study Committee on Due Process, Jurisdiction & Service of Process** – Barry F. Spivey, Chair; Sean William Kelley and Christopher Quinn Wintter, Co-Vice Chairs
4. **Ad Hoc Committee on Physicians Orders for Life Sustaining Treatment (POLST)** – Jeffrey Alan Baskies and Thomas M. Karr, Co-Chairs

5. **Ad Hoc Study Committee on Spendthrift Trust Issues** – Lauren Young Detzel and Jon Scuderi, Co-Chairs
6. **Asset Protection** – George Daniel Karibjanian, Chair; Rick Roy Gans and Brian Michael Malec, Co-Vice-Chairs
7. **Attorney/Trust Officer Liaison Conference** – Laura Kristin Sundberg, Chair; Stacey L. Cole, Co-Vice Chair (Corporate Fiduciary), Tattiana Patricia Brenes-Stahl and Patrick Christopher Emans, Co-Vice Chair
8. **Digital Assets and Information Study Committee** – Eric Virgil, Chair; M. Travis Hayes and S. Dresden Brunner, Co-Vice Chairs
9. **Elective Share Review Committee** – Lauren Young Detzel and Charles Ian Nash, Co-Chairs; Jenna Rubin, Vice-Chair
10. **Estate and Trust Tax Planning** – David James Akins, Chair; Tasha K. Pepper-Dickinson and Robert Logan Lancaster, Co-Vice Chairs
11. **Guardianship, Power of Attorney and Advanced Directives** – Hung Viet Nguyen, Chair, Nicklaus Joseph Curley, Lawrence Jay Miller and J. Eric Virgil, Co-Vice Chairs
12. **IRA, Insurance and Employee Benefits** – L. Howard Payne and Kristen M. Lynch, Co-Chairs; Carlos Alberto Rodriguez and Richard Amari, Co-Vice Chairs
13. **Liaisons with ACTEC** – Elaine M. Bucher, Michael David Simon, Bruce Michael Stone, and Diana S.C. Zeydel
14. **Liaisons with Elder Law Section** – Charles F. Robinson and Marjorie Ellen Wolasky
15. **Liaisons with Tax Section** – Lauren Young Detzel, Cristin Keane, William Roy Lane, Jr., Brian Curtis Sparks and Donald Robert Tescher
16. **Principal and Income** – Edward F. Koren and Pamela O. Price, Co-Chairs, Keith Braun, Vice Chair
17. **Probate and Trust Litigation** – Jon Scuderi, Chair; John Richard Caskey, Robert Lee McElroy, IV and James Raymond George Co-Vice Chairs
18. **Probate Law and Procedure** – John Christopher Moran, Chair; Michael Travis

Hayes and Matthew Henry Triggs, Co-Vice Chairs

19. **Trust Law** – Angela McClendon Adams, Chair; Tami Foley Conetta, Jack A. Falk and Mary E. Karr, Co-Vice Chairs
20. **Wills, Trusts and Estates Certification Review Course** – Laura K. Sundberg, Chair; Jeffrey Goethe, Linda S. Griffin, Seth Andrew Marmor and Jerome L. Wolf, Co-Vice Chairs

**XIII. General Standing Committee Reports** — *Andrew M. O'Malley, Director and Chair-Elect*

1. **Ad Hoc Leadership Academy** – Brian Sparks and Kris Fernandez, Co-Chairs
2. **Ad Hoc Study Committee on Same Sex Marriage Issues**— Jeffrey Ross Dollinger and George Daniel Karibjanian, Co-Chairs
3. **Amicus Coordination** – Robert W. Goldman, John W. Little, III, Kenneth B. Bell and Gerald B. Cope, Jr., Co-Chairs
4. **Budget** – Tae Kelley Bronner, Chair; Robert S. Freedman and Pamela O. Price, Co-Vice Chairs
5. **CLE Seminar Coordination** – Robert S. Swaine and Shane Kelley, Co-Chairs; Thomas Karr, Silvia Rojas, Alex Hamrick, Theo Kypreos, Hardy L. Roberts, III, (General E-CLE) and Paul Roman (Ethics), Co-Vice Chairs
6. **Convention Coordination** – Dresden Brunner, Chair; Sancha Brennan Whynot and Jon Scuderi, Co-Vice Chairs
7. **Fellows** – Benjamin Diamond, Chair; Joshua Rosenberg, John Costello and Jennifer Bloodworth, Co-Vice Chairs
8. **Florida Electronic Filing & Service** – Rohan Kelley, Chair
9. **Homestead Issues Study** – Jeffrey S. Goethe (Probate & Trust) and Patricia P. Jones (Real Property), Co-Chairs; J. Michael Swaine, Melissa Murphy and Charles Nash, Co-Vice Chairs
10. **Legislation** – Sarah Butters (Probate & Trust) and Steven Mezer (Real Property), Co-Chairs; Travis Hayes and Ben Diamond (Probate & Trust), and Alan B. Fields and Art Menor (Real Property), Co-Vice Chairs
11. **Legislative Update (2016)** – R. James Robbins, Chair; Stacy O. Kalmanson, Thomas Karr, Kymberlee Smith, Barry F. Spivey, Jennifer S. Tobin, Co-Vice Chairs
12. **Legislative Update (2017)** – Stacy O. Kalmanson, Chair; Brenda Ezell, Travis Hayes, Thomas Karr, Joshua Rosenberg, Kymberlee Curry Smith, Jennifer S. Tobin and Salome

13. **Liaison with:**

- a. **American Bar Association (ABA)** – Edward F. Koren, Julius J. Zschau, George Meyer and Robert S. Freedman
- b. **Clerks of Circuit Court** – Laird A. Lile and William Theodore Conner
- c. **FLEA / FLSSI** – David C. Brennan and Roland “Chip” Waller
- d. **Florida Bankers Association** – Mark T. Middlebrook
- e. **Judiciary** – Judge Linda R. Allan, Judge Herbert J. Baumann, Judge Melvin B. Grossman, Judge Hugh D. Hayes, Judge Maria M. Korvick, Judge Norma S. Lindsey, Judge Celeste H. Muir, Judge Robert Pleus, Jr., Judge Walter L. Schafer, Jr., Judge Morris Silberman, Judge Mark Speiser, Judge Richard J. Suarez, and Judge Patricia V. Thomas
- f. **Out of State Members** – Michael P. Stafford, John E. Fitzgerald, Jr., and Nicole Kibert
- g. **TFB Board of Governors** – Lansing C. Scriven
- h. **TFB Business Law Section** – Gwynne A. Young and Manuel Farach
- i. **TFB CLE Committee** – Robert S. Freedman and Tae Kelley Bronner
- j. **TFB Council of Sections** – Deborah P. Goodall and Andrew M. O’Malley
- k. **TFB Pro Bono Committee** – Tasha K. Pepper-Dickinson

14. **Long-Range Planning** – Andrew M. O’Malley, Chair

15. **Meetings Planning** – George J. Meyer, Chair

16. **Member Communications and Information Technology** – William A. Parady, Chair; Michael Travis Hayes, Neil Shoter, Hardy Roberts, Jesse Friedman, and Erin Christy, Co-Vice Chairs

17. **Membership and Inclusion** – Lynwood F. Arnold, Jr. and Jason M. Ellison, Co-Chairs, Annabella Barboza, Phillip A. Baumann, Guy S. Emerich, Brenda Ezell Theodore S. Kypreos, and Kymberlee Curry Smith, Co-Vice Chairs

18. **Model and Uniform Acts** – Bruce M. Stone and Richard W. Taylor, Co-Chairs

19. **Professionalism and Ethics--General** – Paul Roman, Chair; Tasha K. Pepper-Dickinson, Alex Dobrev, and Andrew B. Sasso, Vice Chairs

20. **Publications (ActionLine)** – Jeffrey Alan Baskies and W. Cary Wright, Co-Chairs (Editors in Chief); Shari Ben Moussa, George D. Karibjanian, Sean M. Lebowitz, Paul Roman and Lee Weintraub, Co-Vice Chairs.

21. **Publications (Florida Bar Journal)** – Jeffrey S. Goethe (Probate & Trust) and Douglas G. Christy (Real Property), Co-Chairs; Brian Sparks (Editorial Board – Probate & Trust), Cindy Basham (Editorial Board – Probate & Trust), Michael A. Bedke (Editorial Board – Real Property), Homer Duvall (Editorial Board – Real Property) and Allison Archbold (Editorial Board), Co-Vice Chairs

22. **Sponsor Coordination** – Wilhelmina F. Kightlinger, Chair; J. Michael Swaine, Deborah L. Russell, Benjamin F. Diamond, John Cole, Jason Quintero, Co-Vice Chairs

23. **Strategic Planning** –Deborah P. Goodall and Andrew M. O’Malley, Co-Chairs

XIV. **Adjourn:** Motion to Adjourn.

**MINUTES OF THE  
REAL PROPERTY, PROBATE AND TRUST LAW SECTION  
EXECUTIVE COUNCIL MEETING  
Saturday, December 10, 2016  
Westin, Key West, Florida**

**I. Call to Order – Deborah P. Goodall, Chair**

Our Chair, Ms. Deborah P. Goodall, called the meeting to order at 9:10 a.m. on a beautiful Saturday morning in Key West on December 10, 2016 after a weekend full of “fun” on Duval Street, belly laughs with Doyle and Debbie, and hard work by the membership for our Section.

Ms. Goodall announced that, unfortunately, weather was again forcing a change of plans for the weekend. The dinner cruise for Saturday evening, along with the entire lighted boat parade, and Sunday’s Fishing Tournament has been cancelled due to high winds and seas in the area. The Saturday evening event would be held (and indeed was held) with the boat moored safely and securely at the boat dock. The Council was informed that the catamaran would still make a loop at sunset *weather permitting*. A good-natured motion was made to keep the boat at the dock, which passed unanimously by voice vote... (Why tempt fate, right?) ... Ms. Goodall thanked everyone for being flexible and Mary Ann for making alternate arrangements.

Ms. Goodall presented Mary Ann and Mary Ann’s son, Sebastian, with a gift from the Section members in appreciation for all of Mary Ann’s hard work. Mary Ann was recognized and commended for her excellent work on behalf of the Section in making sure that all of our trains continue to run on time. A tremendous amount of work goes into planning the meetings and running our Section behind the scenes. Mary Ann’s contributions are invaluable to all of us.

**II. Attendance – William T. Hennessey, Secretary**

Mr. Hennessey reminded all members to sign the attendance roster. The roster showing members in attendance is attached as Addendum “A”.

**III. Minutes of Previous Meeting – William T. Hennessey, Secretary**

Mr. Hennessey moved:

**To approve the Minutes of the October 8, 2016 meeting of the Executive Council held at Disney’s Boardwalk, Lake Buena Vista, Florida. (See Agenda pages 10-36.)**

**The Motion was unanimously approved.**

#### IV. **Chair's Report** – *Deborah P. Goodall*

##### A. **Milestones**

Ms. Goodall announced that, at each meeting, she would be giving the Council an update on life milestones for our Section members wherein she would report on the happenings of our beloved RPPTL family so that we can celebrate and mourn together and provide recognition for well-deserved honors.

Ms. Goodall announced that our Section lost two friends and esteemed Past Chairs in 2016 in John Norris and Wilson Smith. Mr. Norris served as Chair from 1989-1990. Mr. Smith served as Chair from 2000-2001. Mr. Norris and Mr. Smith and their families will both be recognized at one of our upcoming Executive Council meetings.

Ms. Goodall announced that Jen Bloodworth, Angela Santos, and Jenna Rubin (twins!) all had babies recently. Congratulations to our new moms and dads!

Ms. Goodall announced that we also had a couple of weddings. Rohan Kelley married his beautiful wife, Donna. Travis Hayes was married to his beautiful bride, Kevyn. Congrats to both!

Sean Lebowitz, Noelle Melanson, and Marsha Rydberg all celebrated birthdays over the weekend.

##### B. **Recognition of General Sponsors and Friends of the Section**

Ms. Goodall thanked each of our General Sponsors and Friends of the Section listed on pages 37-38 of the Agenda:

#### **General Sponsors**

**Overall Sponsors – Legislative Update & Convention & Spouse Breakfast**  
**Attorneys' Title Fund Services, LLC – Melissa Murphy.**

**Thursday Lunch**  
**Management Planning, Inc. – Roy Meyers**

**Thursday Night Reception**  
**JP Morgan – Carlos Batlle/Alyssa Feder**

**Old Republic National Title Insurance Company – Jim Russick**

**Friday Night Reception**  
**Wells Fargo Private Bank – Mark Middlebrook/George Lange/Alex Hamrick**

**Friday Night Dinner**  
**First American Title Insurance Company – Alan McCall**

Probate Roundtable  
**SRR (Stout Risius Ross Inc.)** – Garry Marshall  
**Guardian Trust-** Ashley Gonnelli

Real Property Roundtable  
**Fidelity National Title Group** – Pat Hancock

Saturday Lunch  
**The Florida Bar Foundation** – Bruce Blackwell

Saturday Dinner  
**Wright Investors' Service** – Stephen Sopher

RPPTL Meeting App  
**WFG National Title Insurance Company** – Joseph Tschida

**Friends of the Section**

**Business Valuation Analysts, LLC** – Tim Bronza  
**Corporate Valuation Services, Inc.** – Tony Garvy  
**Fiduciary Trust International** – Claudia Reithauser  
**North American Title Insurance Company** – Andres San Jorge  
**Valley National Bank** - Jacquelyn McIntosh  
**Valuation Services, Inc.** – Jeff Bae, JD, CVA  
**Wilmington Trust** – David Fritz

**C. App Contest.** Ms. Goodall reported that at each meeting the person with the most points (awarded for posts to the APP) is awarded a prize from WFG National Title Insurance Company. At this meeting, we had another run-a-way winner. Ms. Goodall announced that Laura Sundberg had overcome an alleged hacking, which locked her out of the APP on Friday afternoon, to win the APP contest. The culprit to the hacking was not identified (although past winner and APP-poster-extraordinaire Mr. Neukamm looked awfully guilty). The App has provided a great way to communicate updates over the course of weekend.

**D. Recognition of Past Chairs.** Ms. Goodall recognized our Past Chairs for their continued service to our Section. Ms. Goodall expressed gratitude that our Past Chairs continue to provide countless hours of service to the Section and wisdom which is irreplaceable. Ms. Goodall also recognized and thanked a large group of new blood— i.e., the Executive Council members who joined the Council in the last two years. Those members stood to applause and were invited to look to the back row as mentors as we continue the good work of the Section.

**E. Report of Interim Action of Executive Committee.** Ms. Goodall reported that there were three items addressed by the Executive Committee since the October meeting:

1. The RPPTL Section worked together with the Tax Section to provide comment to Proposed Treasury Regulations for § 2704. The IRS received over 30,000 comments. There were many hands involved in the good work to put together the comments. The letter and the comments are in the Agenda at pages 40-53.

2. At the October meeting, the Executive Council delegated to the Executive Committee the task of finalizing proposed changes to attorneys' fee provisions which were part of an action item of the Elective Share Review Committee that passed at the meeting. At the last meeting, comments and concerns were raised about the impact of new attorneys' fee provisions in the statutes and changes were agreed upon in concept. The Executive Committee was tasked with finalizing the language of the proposed bill. The entire bill, with the changes, is in the Agenda at pages 54-84.

3. The Department of Elder Affairs proposed new guardianship rules relating to the regulation of professional guardians. The Section was required to request a hearing on the proposed rule changes no later than November 1 in order to attend and participate in a November 8 hearing. The request for a hearing is included in the Agenda at page 85. Following the hearing, the Section was required to file comments to the proposed rule changes no later than November 16. A number of our Section members, including Nick Curley, Hung Nguyen, Debbie Boje, Ms. Goodall, and others worked night and day to assemble comments for the Section. The comments are at pages 86-122 of the Agenda. Due to timing, a lawsuit needed to be filed to challenge the proposed rules. Darby Jones (who had standing as a professional guardian) with the assistance of Sarah Butters and Holland & Knight LLP filed the necessary suit to preserve our objections and proposed changes. Our changes and the suit remain pending.

**F. Upcoming Executive Council Meetings.** Our upcoming meeting schedule with room block information is listed at page 123 of the Agenda.

Ms. Goodall announced that the out-of-state meeting in Austin is scheduled for February 22-25. An email will be coming with a list of the activities for the weekend.

The final meeting for the year will be the Convention which will be held at the Hyatt Regency Coconut Point. The resort is family friendly. Consistent with the motto for Ms. Goodall's year, the seminar will be on disaster planning for lawyers. (When does hurricane season begin???)

**V. Liaison with Board of Governors Report – Lansing C. Scriven**

Ms. Goodall introduced Mr. Scriven who gave his report as Section liaison to the Board of Governors. Mr. Scriven reported that:

1. The Board of Governors approved the RPPTL Section's recommendations for appointments to the Realtor Attorney Joint Committee.

2. The Board of Governors considered and approved a recommendation from

the Military Affairs Committee which would allow spouses of active military personnel who are transferred to the state to be admitted to the Florida Bar without taking the Bar examination. This will affect about 5 lawyers per year.

3. The Vision 2016 Commission report was finalized. One of the areas studied was the issue of alternative business structures. Our bar rules do not permit non-lawyer ownership of law firms. This rule will be not changed. However, the Florida Bar Professional Ethics Committee has been asked to issue an opinion on whether Florida lawyers enter into co-counsel agreements with other firms which do not require attorney owners.

4. The Constitution Revision Commission continues to be a significant concern for the Florida Bar. Oversight of JQC continues to be an important issue. In Georgia, the oversight of judges has been moved from the judicial branch and placed in the legislature. There is concern that this may be proposed in Florida. The Speaker of House has indicated that we will not appoint anyone to the Constitution Revision Commission who does not support term limits for judges. The Board of Governors needs Sections to get involved in process and express their views directly to the Commission as well as to the public at large.

**VI. Chair-Elect's Report – *Andrew M. O'Malley***

Mr. O'Malley reported that the schedule for upcoming meeting is included at Page 124 of the Agenda and that the hotel link for spring meeting while be coming online shortly. Mr. O'Malley is soliciting for tours and events at the Boston meeting. Mr. O'Malley assured our members that we will be on the Duck Boats!

**VII. Treasurer's Report – *Tae Kelley Bronner***

Ms. Bronner reported on the RPPTL Statement of Financial Conditions set forth on page 125 of the Agenda. Disney was very generous with the Section as it relates to costs for the October meeting in light of the unforeseen change in plans. Our seminars have been very profitable thanks to the great work of all of Section members. The bottom line: our Section is in very good financial shape.

**VIII. Director of At-Large Members Report – *S. Katherine Frazier.***

Ms. Frazier reported that ALMs kicked off the No Place Like Home project with local legal aid societies. The materials for No Place Like Home have been distributed to the ALMS. The First, Twelfth, Thirteenth, Fifteenth, and Seventeenth circuits will be the first circuits to start the project. The volunteers will be assisting Florida residents in resolving real estate and probate-related title issues. They will be trained on how to handle the cases which will be vetted by the local legal aid societies. Thanks to Bob Schwartz for being the first ALM to sign up. The materials and information are posted on the webpage for the ALMs.

**IX. CLE Seminar Coordination Report – Robert Swaine (Real Property) and Shane Kelley (Probate & Trust), Co-Chairs**

Mr. Swaine reported that a list of CLEs through April is included in the Agenda at Page 126. Substantive committees were encouraged to hold webinars throughout the year. A list of all available webinar dates through August will be sent out to substantive committee chairs. A list of upcoming seminars and forms for CLE are all available of the CLE Committee webpage.

**XI. Legislation Committee- Sarah Butters, Co-Chair**

Ms. Butters reported that we have a busy legislative session with thirteen RPPTL initiatives in bill drafting. Your legislative committee is already responding furiously to a number of initiatives filed by other groups which also impact our practice.

**X. General Standing Division – Andrew M. O'Malley, General Standing Division Director and Chair-Elect**

**A. Action Item:**

**1. Budget Committee - Tae Kelley Bronner, Chair and Treasurer**

Ms. Bronner reported that the proposed budget for 2017-2018 is now complete. The RPPTL Section currently has \$1.4 million in reserves. Ms. Bronner explained that the Florida Bar is in the midst of a major overall of their accounting system. They have implemented a new accounting program, which we have been told will issue reports in a "better" form. Due to difficulty with the program, however, we do not yet have a "formal" report for the 2016-2017 fiscal year. With Mary Ann's assistance, however, we have been monitoring the unofficial reports and translating the new reports back to the old reports to assure we are on track. And thanks to our fearless leader and section administrator, we seem to be doing very well given the weather-related emergencies and discounts provided by various hotels. We will continue to work with the Florida Bar accounting department to get an accurate report of our current finances.

Discussion was had on the budget.

On behalf of the Budget Committee, Ms. Bronner made a motion to **approve the proposed Real Property, Probate and Trust Law Section Budget for fiscal year 2017 – 2018 found at Pages 127-138 of the Agenda.**

**The motion passed unanimously.**

Mr. O'Malley thanked the Budget Committee for the many hours of time put into preparing and finalizing the budget.

## 2. **Model and Uniform Acts** – *Bruce Stone and Richard Taylor, Co-Chairs*

Mr. Stone reported that the RPPTL Section is continuing to work with the Business Law Section to address concerns with the Uniform Voidable Transactions Act but that those discussions have reached an impasse. The UVTA has created serious problems which impact everyone in the Section which does estate planning. The Business Law Section is introducing legislation this session. The Section needs to be able to intervene. The Tax Law Section has already voted to oppose the Act.

Mr. Stone made a motion **to suspend the rules so as to allow the Executive Council to discuss and vote upon a motion to oppose the UVTA in its current form.**

The motion was seconded. **The motion passed unanimously.**

Thereupon, the problems with the UVTA were discussed in detail. Mr. Karabjanian talked about the fact that the problems with the Act are rooted in the Official Comments to the Act which impact common estate planning transactions which have nothing to do with creditor protection or asset protection planning. In particular, the Official Comments encompass circumstances and situations far beyond the plain meaning of the UVTA, and such circumstances and situations could have a potential negative impact on routine real estate transactions, entity formation and conversion, and estate planning. Although uniform law comments are not adopted as part of any proposed law, case law supports the premise that a Florida court is likely to utilize the comments in its interpretation of a uniform statute. Thus, if the UVTA is adopted by Florida in its uniform form, a Florida court is likely to apply the Comments in interpreting the UVTA. For this reason, the committee opposes the UVTA in its uniform form. The problems are detailed in the whitepaper which was circulated in advance of the meeting. It was explained that the Business Law Section has elected to move forward with its version of the Uniform Voidable Transactions Act without our comments.

The committee made a motion to: **(A) adopt as Section legislative position the opposition to the amendment of Chapter 726, Florida Statutes, by replacing the Uniform Fraudulent Transfer Act with the Uniform Voidable Transactions Act (the “UVTA”) unless changes are made to protect the rights of Florida citizens to engage in certain sound and legitimate business, estate, and tax planning techniques and transactions which are currently permitted under Florida law; which do not hinder, delay or defraud creditors; and which do not enhance or diminish the utilization of self-settled spendthrift trusts or single-member limited**

**liability companies by Florida citizens, (B) find that such legislative position is within the purview of the Section; and (C) expend Section funds in support of the proposed legislative position.**

Spirited discussion was had on the motion. It was explained that this motion was intended to grant our Section lobbyists authority to begin the process of opposing the UVTA legislation and providing input into changes into the current bill. The RPPTL Section will still be giving comment to and working with the Business Law Section on changes. However, the timeframes for opposing the bill require that the Section take a position now.

**The motion passed unanimously.**

**B. Information Items:**

**1. Ad Hoc Leadership Academy - *Kris Fernandez and Brian Sparks, Co-Chairs***

Mr. O'Malley reported that the William Reese Smith Jr. Leadership Academy is taking applications. The deadline for submitting applications is December 15, 2016. The applications will be due back to the Florida Bar (independent of submissions to the committee) by January 13, 2017. The RPPTL Section will select 2 applicants who will receive a \$3,500 scholarship to attend Leadership Academy sessions. The application is at pages 139-141 of the Agenda.

**2. Amicus Coordination – *Kenneth Bell, Gerald Cope, Robert Goldman and John Little, Co-Chairs***

Mr. Goldman reported that the amicus committee has a number of matters currently pending.

In *Smith v. Smith*, the 4th DCA certified as a matter of great public importance the following question: "Where the fundamental right to marry has not been removed from a ward under section 744.3215(2)(a), Florida Statutes, does the statute require the ward to obtain approval from the court prior to exercising the right to marry, without which approval the marriage is absolutely void, or does such failure render the marriage voidable, as court approval could be conferred after the marriage?" In the underlying opinion, the court found that a marriage of an incapacitated ward, who had the right to marry removed, could not be ratified after the marriage because the marriage was void. Mr. Goldman reported that amicus committee has filed a brief on behalf of the Section

taking the position that the ward can seek later court approval of the marriage. The Elder Law Section has taken the opposite view. Oral argument has been scheduled. The Amicus Committee's brief is at Pages 142-166 of the Agenda.

Mr. Goldman reported that the RPPTL Section has made the very, very rare move of wading into a DCA decision. The decision at issue is *Ober v. Town of Lauderdale-By-The Sea*. It is currently on rehearing at the 4th DCA. The 4th DCA held that the lis pendens statute discharges liens that exist or arise prior to final judgement of foreclosure unless the appropriate steps are taken to protect those interests but that it does not affect liens that accrue after the final judgment but before the sale. The Section believes that the statutory scheme reflects that the certificate of title, not the final judgment, ends the case and that liens filed after final judgment but before certificate of title is issued are subject to discharge under the lis pendens statute. The 4th DCA granted our motion to appear as an amicus. The committee's response to the pending motion for rehearing is a Pages of 167-184 of the Agenda.

The amicus committee is also addressing the 3d DCA's decision of *Save Calusa Trust v. Andrews Holdings, LTD*, wherein the court held that a restriction in a covenant that is required as part of a zoning approval is exempt from extinguishment by Florida's Marketable Record Title Act. The Florida Supreme Court has not yet ruled on whether it will accept jurisdiction. It is before the Court on conflict jurisdiction. The amicus committee has filed a notice of intent letting the court know that the RPPTL Section would like to take a position if it accepts jurisdiction.

In *Bartram v. US Bank*, the Florida Supreme Court cited approvingly an earlier brief the RPPTL Section had filed in the Beauvais case. The court held that a voluntarily dismissal of a foreclosure action did not start a statute of limitations running so as to bar a future foreclosure action based upon subsequent defaults under the loan.

Mr. O'Malley commended the amicus committee for the tremendous amount of time and spectacular job representing the Section. The Council responded with well-deserved gratitude.

### **3. Liaison with Clerks of Court – William "Ted" Conner and Laird Lile**

Mr. Lile reported that the Real Property Litigation Committee and the clerks were able to work together on proposed legislation regarding excess funds on tax deed sales. The legislation provides a good solution of what had been a problem for the clerks. Our proposed legislation regarding the deposit of wills has met some opposition by the clerks.

The E-portal will soon be open to appellate courts. The clerks have been working on a product which will allow e-filings in all counties to be reviewed in one place through a name search. Encourage your local clerks to get this product online and to release it to the public.

**4. Membership and Inclusion – Lynwood Arnold and Jason Ellison, Co-Chairs**

Brenda Ezell presented the report for the committee. The committee continues to reach out to law schools. We have grown to 10,570 members and are the fastest growing section of the Florida Bar. On February 4, we will have members in attendance at the Kozyak Minority Mentoring Picnic. On February 18 in Tampa, the Hillsborough Bar is having a networking diversity social. The committee plans to have Section members in attendance at that social as well.

Ms. Ezell was appointed to the Florida Bar Diversity and Inclusion Committee. The Section has by “leaps and bounds” led the Bar in diversity efforts.

**XI. Real Property Division Report—Robert Freedman, Real Property Division Director**

**A. Recognition of Real Property Committee Sponsors**

Mr. Freedman, dressed to the nines in his fancy flip flops and nice short pants, presented the report of the Real Property Division. Mr. Freedman began the Real Property Division reports by recognizing and thanking each of our committee sponsors in the Real Property Division, which are listed on Page 39 of the Agenda.

**Committee Sponsors**

**Attorneys' Title Fund Services, LLC – Melissa Murphy**  
Commercial Real Estate Committee

**Seaside National Bank and Trust- H. Wayne Geist**  
Commercial Real Estate

**First American Title Insurance Company – Alan McCall**  
Condominium & Planned Development Committee

**First American Title Insurance Company – Wayne Sobien**  
Real Estate Structures and Taxation the FAR/Bar Committee

**Hopping Green & Sams – Vinette Godelia**  
Development and Land Use

## **B. Action Items**

### **1. Residential Real Estate and Industry Liaison Committee – *Salome Zikakis, Chair***

Mr. Freedman noted that materials relating to the proposed revisions to FAR/Bar contract are included in the Agenda at pages 221-247. The only change not included in the materials relates to the deletion of the word “public” from the words “public records” on line 9(c) of the contract. The HOA rider in the materials has been tabled for further discussion and revisions. The action item consisted only of the changes to the FAR/Bar contract.

Ms. Zikakis reported that a number of minor changes had been made to the FAR/Bar contract. The most significant change of note related to the financing contingency. The change would provide a hard and fast deadline for fulfilling the financing contingency so that they buyer cannot tie up seller indefinitely with financing problems. The prior provision created ambiguities as to whether the financing contingency had been fulfilled. If the buyer does not meet the contingency, the Seller can cancel within 3 days. Another provision of note relates to permits. It will require a seller to cooperate by providing plans if there are open or expired permits. Minor changes were also made to the FIRPTA provisions

A healthy debate was had on the proposal.

Concern was raised about whether the 3-day cancellation provision in favor of a seller upon expiration of the financing contingency period would provide the seller with an unfair mechanism to terminate the contract. Ms. Zikakis pointed out that the three-day cancellation provision is only intended to apply if the buyer does not provide notice that the financing contingency has been fulfilled or waive the financing contingency within the financing contingency period.

A discussion was also had on whether a closing should be extended on the basis of force majeure from 14 days to 30 days as set forth in the proposal.

A discussion was had as to whether there is ambiguity for the buyer as to when financing contingency provision has been fulfilled due to the fact that banks are not giving written loan commitments. Buyers may not actually know whether the loan has been “approved”.

There was also a discussion concerning whether the listing agent would be due a commission if the seller exercised the 3-day cancellation provision. The general feeling was that this issue would need to be governed by the listing agreement

Upon conclusion of the discussion, the Committee made a motion to **approve amendments to the Residential Contract For Sale and Purchase (clauses pertaining to force majeure, financing, municipal lien searches, permits disclosure, disclosure as to uncorrected building, environmental or safety code violations, open building permits or improvements not properly permitted,**

location of closing, FINCen GTO Notice, proration pertaining to real estate taxes, FIRPTA, and various typographical changes) located at Pages 221-244 of the Agenda with the deletion of the word “public” as noted above.

The motion passed.

**B. Information Items**

**1. Real Property Problems Study, Mark Brown, Co-Vice Chair**

Mr. Brown presented a report from the Real Property Problems Study Committee on the work of the committee on statutes relating to unlawful detainer and ejectment.

The unlawful detainer statutes provide for causes of action when a person was authorized to enter property but refuses to leave. The committee has proposed clarifications to the statutes so that they can be better applied by practitioners and the courts.

The committee has also proposed changes relating to the ejectment statutes. Again, the changes are intended to clarify the statute and its use in practice.

Both bills have been presented and discussed at numerous committee meetings in the Real Property Division. The Real Property Problems Study Committee will be presenting the proposed changes as an action item at the RPPTL Convention. The legislative position request form, white paper, and proposed bills are all on the website for review. Any comments should be directed to Mark Brown.

**XII. Probate and Trust Law Division Report— Debra L. Boje, Director**

Debbie Boje --- the #2 Debbie --- began the Probate Division Report by recognizing and thanking each of our committee sponsors in the Probate Division, which are listed on page 39 of the Agenda:

**BNY Mellon Wealth Management** – Joan Crain  
Estate and Tax Planning Committee &  
IRA, Insurance and Employee Benefits Committee

**Business Valuation Analysts** – Tim Bronza  
Trust Law Committee

**Coral Gables Trust** – John Harris  
Probate and Trust Litigation Committee

**Kravit Estate Appraisal** – Bianca Morabito  
Estate and Tax Planning Committee

**Life Audit Professionals** – Joe Gitto and Andrea Obey  
IRA, Insurance & Employee Benefits Committee &  
Estate and Tax Planning Committee

**Management Planning, Inc. – Roy Meyers**  
Estate & Trust Tax Planning Committee

**Northern Trust – Tami Conetta**  
Trust Law Committee

**Action Item:**

**1. Ad Hoc Study Committee on Due Process, Jurisdiction & Service of Process --- Barry F. Spivey, Chair**

Mr. Spivey reported on an Action Item from the Ad Hoc Study Committee on Due Process, Jurisdiction & Service of Process. The proposed legislation would address and legislatively overrule the Court's holdings in *Corya v. Sanders*, 155 So. 3d 1279 (Fla. 4th DCA 2015). The proposed legislation would amend § 736.08135(3) to make it clear that it only governs only the form and content of accountings and does not mean that beneficiaries do not a right to an accounting for periods prior to 2003. The legislation would also amend § 736.1008 to make it clear that a beneficiary's actual knowledge of the existence of an irrevocable trust and that he or she has not received a trust accounting does not commence the running of any limitations or laches period that would bar the beneficiary's assertion of a claim or cause of action against the trustee for breach of trust based upon the trustee's failure to provide a trust accounting as required by law. The legislation is intended to clarify existing law. The proposed legislative position request form, white paper, and proposed bill are included in the Agenda at pages 248-259.

The committee made a motion to: **(a) adopt as a Section position legislation to address the Court's holdings in *Corya v. Sanders*, 155 So. 3d 1279 (Fla. 4th DCA 2015) (limiting a trustee's duty to account to beneficiaries), by amending §736.08135 and §736.1008, Fla. Stat., to clarify that: (1) §736.08135(3) does not limit the beginning period for which a trustee of an irrevocable trust is statutorily required to render a trust accounting to beneficiaries; and (2) a beneficiary's actual knowledge of the existence of an irrevocable trust for which he or she has not received a trust accounting does not commence the running of any limitations or laches period that would bar the beneficiary's assertion of a claim or cause of action against the trustee for breach of trust based upon the trustee's failure to provide a trust accounting as required by law; (b) find that such legislative position is within the purview of the Section; and (c) expend Section funds in support of the proposed legislative position.**

**The motion passed unanimously.**

**Information Item:**

**1. Report on the Florida Supreme Court Judicial Management Council Guardianship Workshop, *Laird Lile***

Mr. Lile reported that Florida Supreme Court decided to reconstitute the Florida Supreme Court Judicial Management Council. It consists of judges, three practicing lawyers, and one member of public. The directive is to help the judicial branch plan for the future. The Chief Justice of the Supreme Court has decided that guardianships are in such turmoil that he has appointed a task force to study guardianship and make recommendations for legislation or court rules to protect rights of incapacitated persons. Andy Sasso, Laird Lile, and Judge Korvick are all on the task force. Mr. Lile encouraged Section members to reach out with thoughts, ideas, and concerns relating to this topic.

**XIV. Adjourn**

There being no further business to come before the Executive Council, a motion to adjourn was unanimously approved at approximately 11:40 a.m. This brought to close Ms. Goodall's Key West meeting as Chair.

Respectfully submitted,

William T. Hennessey, Secretary

**ATTENDANCE ROSTER**  
**REAL PROPERTY PROBATE & TRUST LAW SECTION**  
**EXECUTIVE COUNCIL MEETINGS**  
**2016-2017**

Executive Committee	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Goodall, Deborah P., Chair		√	√	√	√		
O'Malley, Andrew M., Chair-Elect	√		√	√	√		
Boje, Debra L., Probate & Trust Law Div. Director		√	√	√	√		
Freedman, Robert S., Real Property Law Div. Director	√		√		√		
Frazier, S. Katherine, Director of At-Large Members	√		√	√	√		
Hennessey, William T., Secretary		√	√	√	√		
Bronner, Tae K., Treasurer		√	√	√	√		
Butters, Sarah S., Legislation Co-Chair (P&T)		√	√	√	√		
Mezer, Steven H., Legislation Co-Chair (RP)	√		√	√	√		
Kelley, Shane, Legislation CLE Seminar Coordination Co-Chair (P&T)		√	√	√	√		
Swaine, Robert S., CLE Seminar Coordination Co-Chair (RP)	√		√	√	√		
Gelfand, Michael J., <b>Immediate Past Chair</b>	√		√	√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Adams, Angela M.		√	√	√	√		
Adcock, Jr., Louie N., <b>Past Chair</b>		√					
Akins, David J.		√	√	√			
Allan, Honorable Linda		√					
Altman, Stuart H.		√	√				

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Amari, Richard		√	√				
Archbold, J. Allison		√	√				
Arnold, Jr., Lynwood F.		√					
Aron Jerry E. <b>Past Chair</b>	√		√		√		
Awerbach, Martin S.	√		√	√	√		
Bald, Kimberly A.		√	√				
Ballaga, Raul P.	√		√				
Barboza, Annabella	√		√	√			
Basham, Cindy		√		√			
Baskies, Jeffrey		√	√				
Battle, Carlos A.		√	√		√		
Baumann, Honorable Herbert J.		√					
Baumann, Phillip A.		√			√		
Beales, III, Walter R. <b>Past Chair</b>	√		√				
Bedke, Michael A.	√		√		√		
Belcher, William F. <b>Past Chair</b>		√	√	√	√		
Bell, Kenneth B.	√						
Bell, Rebecca Coulter		√	√		√		
Beller, Amy		√	√		√		
Bellew, Brandon D.		√	√				
Ben Moussa, Shari D.	√		√				
Bloodworth, Jennifer J.	√			√	√		
Bonevac, Judy B.		√		√	√		
Bowers, Elizabeth Anne		√	√	√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Boyd, Deborah	√				√		
Braun, Keith Brian		√	√		√		
Brenes-Stahl, Tattiana P.		√	√	√			
Brennan, David C. <b>Past Chair</b>		√	√				
Brittain, David R.	√		√				
Brown, Mark A.	√		√		√		
Brown, Shawn	√		√	√			
Brunner, S. Dresden		√					
Bruton, Jr., Ed Burt	√		√		√		
Bucher, Elaine M.		√	√		√		
Butler, Jonathan		√	√	√	√		
Callahan, Charles III		√	√		√		
Carlisle, David R.		√					
Caskey, John R.		√	√				
Christiansen, Patrick T. <b>Past Chair</b>	√		√				
Christy, Douglas G. III	√		√		√		
Christy, Erin Hope	√		√		√		
Cohen, Howard Allen	√		√		√		
Cole, John P.		√					
Cole, Stacey L.		√	√	√			
Conetta, Tami F.		√	√	√	√		
Conner, W. Theodore	√						
Cope, Jr., Gerald B.	√		√				
Costello, T. John, Jr.		√	√				

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Curley, Nick		√	√	√	√		
Detzel, Lauren Y.		√	√		√		
Diamond, Benjamin F.		√			√		
Diamond, Sandra F. <b>Past Chair</b>		√	√				
Direktor, Kenneth Steven	√		√				
Dobrev, Alex	√						
Dollinger, Jeffrey	√						
Dribin, Michael <b>Past Chair</b>		√	√		√		
Dudley, Frederick R.	√						
Duvall, III, Homer	√		√				
Eckhard, Rick	√		√		√		
Ellison, Jason M.	√		√	√			
Emans, Patrick C		√	√				
Emerich, Guy S.		√			√		
Ertl, Christene M.	√		√				
Ezell, Brenda B.	√		√				
Fagan, Gail		√	√		√		
Falk, Jr., Jack A.		√	√		√		
Farach, Manuel	√		√		√		
Faulkner, Debra Ann		√			√		
Felcoski, Brian J. <b>Past Chair</b>		√	√	√	√		
Fernandez, Kristopher E.	√		√	√	√		
Fields, Alan B.	√		√				
Fitzgerald, Jr., John E.		√	√	√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Flood, Gerard J.		√					
Foreman, Michael L.		√	√				
Frazier, Nathan	√		√	√	√		
Friedman, Jesse B.	√		√		√		
Galler, Jonathan		√	√	√	√		
Gans, Richard R.		√	√		√		
Gentile, Melinda S.	√		√		√		
George, James		√	√				
Godelia, Vinette D.	√		√				
Goethe, Jeffrey S.		√	√	√	√		
Goldman, Louis "Trey"	√		√		√		
Goldman, Robert W. <b>Past Chair</b>		√	√	√			
Graham, Robert M.	√		√		√		
Granet, Lloyd	√		√				
Griffin, Linda S.		√	√	√	√		
Grimsley, John G. <b>Past Chair</b>		√					
Grossman, Honorable Melvin B.		√					
Gunther, Eamonn W.		√	√		√		
Gurgold, Eric		√	√		√		
Guttmann, III, Louis B <b>Past Chair</b>	√		√				
Hamrick, Alexander H		√		√			
Hancock, Patricia J.	√		√				
Hayes, Honorable Hugh D.		√					
Hayes, Michael Travis		√	√	√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Hearn, Steven L. <b>Past Chair</b>		√	√		√		
Henderson, Jr., Reese J.	√						
Henderson, III, Thomas N.	√		√				
Heuston, Stephen P.		√		√	√		
Hipsman, Mitchell Alec		√					
Hoffman, Brian W.	√		√		√		
Isphording, Roger O. <b>Past Chair</b>		√	√	√			
Jennison, Julia Lee	√		√	√	√		
Johnson, Amber Jade F.		√	√	√	√		
Jones, Darby		√	√		√		
Jones, Frederick W.	√		√	√	√		
Jones, Patricia P.H.	√		√	√	√		
Judd, Robert B.		√	√		√		
Kalmanson, Stacy O.	√		√				
Karibjanian, George		√	√		√		
Karr, Mary		√	√				
Karr, Thomas M.		√	√		√		
Kayser, Joan B. <b>Past Chair</b>		√					
Keane, Cristin C.	√						
Kelley, Rohan <b>Past Chair</b>		√	√	√	√		
Kelley, Sean W.		√	√		√		
Khan, Nishad	√		√		√		
Kibert, Nicole C.	√		√	√			
Kightlinger, Wilhelmina F.	√		√				

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Kinsolving, Ruth Barnes, <b>Past Chair</b>	√						
Koren, Edward F. <b>Past Chair</b>		√			√		
Korvick, Honorable Maria M.		√					
Kotler, Alan Stephen		√	√		√		
Kromash, Keith S.		√	√				
Kurian, Sanjay	√						
Kypreos, Theodore S.		√	√	√			
Lancaster, Robert L.		√	√		√		
Lane, Jr., William R.		√					
Larson, Roger A.	√		√		√		
Leathe, Jeremy Paul		√	√		√		
Lebowitz, Sean M.		√	√		√		
Leebrick, Brian D.	√		√				
Lile, Laird A. <b>Past Chair</b>		√	√		√		
Lindsey, Honorable Norma S.	√						
Little, III, John W.	√		√				
Lopez, Sophia A.		√	√				
Lynch, Kristen M.		√					
Madorsky, Marsha G.		√	√		√		
Malec, Brian		√	√	√	√		
Marger, Bruce <b>Past Chair</b>		√					
Marmor, Seth A.		√	√				
Marshall, III, Stewart A.		√	√	√			
Marx, James A.		√	√	√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Mastin, Deborah Bovarnick	√		√		√		
McCall, Alan K.	√		√				
McElroy, IV, Robert Lee		√	√				
McIver, Richard		√		√	√		
McRae, Ashley E.	√		√				
Melanson, Noelle	√		√				
Menor, Arthur J.		√	√		√		
Meyer, George F. <b>Past Chair</b>	√		√		√		
Meyer, Michael	√		√	√	√		
Middlebrook, Mark T.		√	√				
Miller, Lawrence J.		√	√		√		
Mize, Patrick		√	√				
Moran, John C.		√	√		√		
Moule, Rex E.		√					
Muir, Honorable Celeste H.		√	√				
Murphy, Melissa J. <b>Past Chair</b>	√				√		
Nash, Charles I.		√	√				
Neukamm, John B. <b>Past Chair</b>	√		√	√	√		
Nguyen, Hung V.		√	√				
Overhoff, Alex	√		√				
Parady, William A.	√		√		√		
Payne, L. Howard		√	√		√		
Pence, Scott P.	√		√		√		
Pepper-Dickinson, Tasha K.		√	√		√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Perera, Diane	√				√		
Pilote, Frank		√	√	√	√		
Platt, William R.		√					
Pleus, Jr., Honorable Robert J.		√					
Pollack, Anne Q.	√		√				
Price, Pamela O.		√		√			
Pyle, Michael A.		√	√		√		
Quintero, Jason	√						
Redding, John N.	√		√	√			
Renzio, Bryan	√						
Reynolds, Stephen H.		√	√				
Rieman, Alexandra V.		√	√				
Robbins, Jr., R.J.	√		√				
Roberts, III, Hardy L.	√		√				
Robinson, Charles F.		√	√	√	√		
Rodriguez, Carlos A.		√					
Rojas, Silvia B.	√		√	√	√		
Rolando, Margaret A. <b>Past Chair</b>	√		√		√		
Roman, Paul E.		√	√		√		
Rosenberg, Joshua		√	√				
Rubin, Jenna		√					
Russell, Deborah L.		√	√				
Russick, James C.	√		√		√		
Rydberg, Marsha G.	√			√	√		

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Sachs, Colleen C.	√		√				
Sasso, Andrew	√		√				
Schafer, Jr., Honorable Walter L.		√					
Schwartz, Martin	√		√				
Schwartz, Robert M.	√		√		√		
Schwinghamer, Jamie Beth		√	√				
Scriven, Lansing Charles	√		√	√			
Scuderi, Jon		√	√	√	√		
Seaford, Susan	√		√				
Sheets, Sandra G.		√	√				
Sherrill, Richard Norton		√	√		√		
Shoter, Neil B.	√		√				
Silberman, Honorable Morris	√						
Silberstein, David M.		√	√				
Simon, Michael		√					
Sivyer, Neal Allen	√		√		√		
Sklar, William P.	√		√				
Smart, Christopher W.	√		√				
Smith, G. Thomas <b>Past Chair</b>	√		√				
Smith, Kymberlee	√		√				
Smith, Wilson <b>Past Chair</b>		√					
Sneeringer, Michael Alan		√	√		√		
Solomon, Marty James	√		√		√		
Spalding, Ann		√					

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Sparks, Brian C.		√	√				
Speiser, Honorable Mark A.		√					
Spivey, Barry F.		√	√	√	√		
Spurgeon, Susan K.	√		√		√		
Stafford, Michael P.		√	√	√	√		
Staker, Karla J.	√		√		√		
Stern, Robert G.	√		√				
Stone, Adele I.	√						
Stone, Bruce M. <b>Past Chair</b>		√	√		√		
Suarez, Honorable Richard J.		√					
Sundberg, Laura K.		√			√		
Swaine, Jack Michael <b>Past Chair</b>	√		√	√			
Taylor, Richard W.	√						
Tescher, Donald R.		√	√				
Thomas, Honorable Patricia V.		√	√		√		
Tobin, Jennifer S.	√		√				
Triggs, Matthew H.		√			√		
Udick, Arlene C.	√			√	√		
Van Lenten, Jason Paul		√	√				
VanSickle, Melissa	√						
Villarroel, Nicole Marie	√		√				
Virgil, Eric		√	√				
Waller, Roland D. <b>Past Chair</b>	√		√				
Wartenberg, Stephanie Harriet		√	√	√			

Executive Council Members	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Weintraub, Lee A.	√		√	√	√		
Wells, Jerry B.		√	√		√		
White, Jr., Richard M.		√	√	√			
Whynot, Sancha B.	√		√	√	√		
Wilder, Charles D.		√	√	√	√		
Williams, Margaret A.	√		√		√		
Williamson, Julie Ann <b>Past Chair</b>	√		√				
Wintter, Christopher Q.		√	√		√		
Wohlust, Gary Charles		√	√	√	√		
Wolasky, Marjorie E.		√	√				
Wolf, Jerome L.		√	√				
Wright, William Cary	√		√	√	√		
Young, Gwynne A.	√		√		√		
Zeydel, Diana S.C.		√					
Zikakis, Salome J.		√	√		√		
Zschau, Julius J. <b>Past Chair</b>	√						

RPPTL Fellows	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Ashton, Amber	√		√				
Santos, Angela		√	√				
Villavicencio, Stephanie		√	√				
Work, Scott	√		√				
Sajdera, Christopher	√		√				
Friedman, Briget	√		√				
Rubel, Stacy		√	√	√	√		

Grosso, Jennifer		√					
------------------	--	---	--	--	--	--	--

Legislative Consultants	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Dunbar, Peter M.	√		√	√	√		
Edenfield, Martha Jane	√		√		√		
Finkbeiner, Brittany	√		√		√		
Roth, Cari L.	√		√				

Guests	Division		July 30 Breakers	Oct 8 Disney	Dec 10 Key West	June 3 Bonita Spgs	Feb 25 Austin TX
	RP	P&T					
Daniel McDermott					√		
Elizabeth Hughes					√		
Ashley Duz					√		
Rose La Femina					√		

WPB\_ACTIVE 7388680.4



**The Florida Bar  
Real Property, Probate & Trust Law Section**

**Special Thanks to the  
GENERAL SPONSORS**

Overall Sponsors - Legislative Update & Convention & Spouse Breakfast  
**Attorneys' Title Fund Services, LLC – Melissa Murphy**

Thursday Lunch  
**Management Planning, Inc. - Roy Meyers**

Thursday Night Reception  
**JP Morgan - Carlos Batlle / Alyssa Feder  
&  
Old Republic National Title Insurance Company - Jim Russick**

Friday Night Reception  
**Wells Fargo Private Bank - Mark Middlebrook / George Lange / Alex Hamrick**

Friday Night Dinner  
**First American Title Insurance Company - Alan McCall**

Probate Roundtable  
**SRR (Stout Risius Ross Inc.) - Garry Marshall  
Guardian Trust – Ashley Gonnelli**

Real Property Roundtable  
**Fidelity National Title Group - Pat Hancock**

Saturday Lunch  
**The Florida Bar Foundation – Bruce Blackwell**

Saturday Dinner  
**Wright Investors' Service – Stephen Soper**

RPPTL Meeting App  
**WFG National Title Insurance Company – Joseph Tschida**



**The Florida Bar  
Real Property, Probate & Trust Law Section**

**Special Thanks to the  
FRIENDS OF THE SECTION**

**Business Valuation Analysts, LLC - *Tim Bronza***

**Corporate Valuation Services, Inc. - *Tony Garvy***

**Fiduciary Trust International - *Claudia Reithauser***

**North American Title Insurance Company – *Andres San Jorge***

**Valley National Bank – *Jacquelyn McIntosh***

**Valuation Services, Inc. - *Jeff Bae, JD, CVA***

**Wilmington Trust – *David Fritz***



**The Florida Bar  
Real Property, Probate & Trust Law Section**

**Special Thanks to the  
COMMITTEE SPONSORS**

**Attorneys' Title Fund Services, LLC** – *Melissa Murphy*  
*Commercial Real Estate Committee*

**BNY Mellon Wealth Management** – *Joan Crain*  
*Estate and Trust Tax Planning Committee*  
&  
*IRA, Insurance and Employee Benefits Committee*

**Business Valuation Analysts** – *Tim Bronza*  
*Trust Law Committee*

**Coral Gables Trust** – *John Harris*  
*Probate and Trust Litigation Committee*

**First American Title Insurance Company** – *Alan McCall*  
*Condominium & Planned Development Committee*

**First American Title Insurance Company** – *Wayne Sobien*  
*Real Estate Structures and Taxation Committee*

**Hopping Green & Sams** – *Vinette Godelia*  
*Development and Land Use*

**Kravit Estate Appraisal** – *Bianca Morabito*  
*Estate and Trust Tax Planning Committee*

**Life Audit Professionals** – *Joe Gitto and Andrea Obey*  
*IRA, Insurance & Employee Benefits Committee*  
&  
*Estate and Trust Tax Planning Committee*

**Management Planning, Inc.** – *Roy Meyers*  
*Estate & Trust Tax Planning Committee*

**Northern Trust** – *Tami Conetta*  
*Trust Law Committee*

**Seaside National Bank and Trust** – *H. Wayne Griest*  
*Commercial Real Estate*

## **Real Property, Probate and Trust Law Section of The Florida Bar**

### **White Paper on Proposed Enactment of the Florida Electronic Wills Act**

---

#### **I. SUMMARY**

Senate Bill 206, entitled “Electronic Wills,” has been introduced in the Florida Senate. This legislation did not originate with the Real Property, Probate and Trust Law Section of The Florida Bar (“RPPTL Section”). Nevertheless, given the importance of this proposed legislation to the citizens of the state of Florida, the RPPTL Section, believing that action must be taken, has taken a position in opposition to the proposed legislation. The legislation seeks to amend the Florida Probate Code by enacting the “Florida Electronic Wills Act,” through the addition of Sections 732.521 through 732.529 to the Florida Statutes and revisions to existing Florida Statutes, including Sections 731.201 and 732.506 (the “Proposed Act”). The Proposed Act would recognize the validity of electronic wills in the State of Florida, but would also drastically change Florida law relating to the execution requirements for wills, durable powers of attorney, and living wills.

For the reasons set forth in this White Paper, the RPPTL Section is opposed to the Proposed Act in its current state. Even recognizing that with the advent of technology, a testator may wish to create and sign a will on a tablet, computer, or in another electronic form, the Proposed Act in its current form goes far beyond merely recognizing the validity of electronic signatures on electronic wills. It allows for the witnessing and notarization of wills using remote audio and video technology without providing adequate safeguards to prevent fraud and exploitation of Florida’s most vulnerable citizens and to ensure the identity of the witnesses and the testator and the security and integrity of the electronic wills. This important issue deserves to be further studied, as is currently being done by the Uniform Law Commission, and the State of Florida should not rush into enacting this type of legislation without doing so. This is particularly important because the proposed statute would significantly change current law as it relates to the notarization of documents. If electronic notarization by audio and video technology is to be enacted in Florida, the legislature will need to re-write its notarization statutes and provide for the approval and regulation of the necessary technology. The Proposed Act does not address any of these concerns.

#### **II. CURRENT SITUATION**

Under existing Florida law, every will must be in writing and must be signed at the end by the testator (or by another person in the testator’s presence at the express direction of the testator). Additionally, in order to be valid, a will must be executed by the testator in the actual physical presence of at least two attesting witnesses. Further, the attesting witnesses must sign the will in the presence of the testator and in the presence of each other.

These will execution requirements, which have been part of the Florida Probate Code since its enactment, are intended to provide reliable, tangible, and objective evidence of a testator’s true and final wishes. A properly executed written will serves the purpose of ensuring

that there is a permanent and unalterable record of a decedent's testamentary intent. These requirements are also intended to safeguard against fraud, forgery, and undue influence.

The State of Florida has the highest percentage of residents age 65 or older. With the expectation that at least ¼ of Florida's population is projected to be age 65 or older by the year 2030, these public policy safeguards remain particularly important. Keeping these public policy issues in mind, Florida has remained steady in requiring compliance with the will execution requirements. Accordingly, under current Florida law, a will that does not satisfy these long-standing execution requirements, or a will that does not physically exist in writing, is not valid. An electronic will, therefore, is not currently recognized under Florida law.

At present, Nevada is the only state to have enacted a statute articulating requirements that would technically allow for a digital or electronic will. A valid electronic will under the Nevada statute, however, requires not only the testator's electronic signature, but a biometric "authentication characteristic," which the statute defines as "a fingerprint, a retinal scan, voice recognition, facial recognition, a digitized signature or other authentication using a unique characteristic of the person." Further, although the bill provides for electronic notarization using audio and video technology, Florida law does presently allow for notarization in this manner. As explained below, Virginia is presently the only state to have enacted statutes permitting audio and video notarizations. However, Virginia has a comprehensive statutory scheme regulating the approval process and the technology for such notarizations and includes a specific antecedent in-person identification process before the notary can notarize a document remotely. None of these safeguards have been incorporated into the Proposed Act.

### **III. POLICY CONCERNS WITH PROPOSED ACT**

In addition to the specific positions and proposed changes enumerated below in Section IV of this White Paper, the RPPTL Section has numerous policy concerns relating to the Proposed Act.

#### **A. Protecting Testators from Exploitation and Fraud**

As drafted, the Proposed Act does not contain sufficient safeguards to protect testators, including vulnerable or marginalized individuals, from exploitation. Florida's current statutes require that a will be executed in the presence of two subscribing witnesses. One of the core policy issues is the importance of continuing to require the actual presence of attesting witnesses for the execution of wills versus having "robo-witnesses" who (by definition in the Proposed Act) must only be in video and audio "communication" with the testator. There is a fundamental difference between requiring the physical presence of attesting witnesses for a will. A will is a unique document, effective only after the testator dies and therefore the testator is never available to clarify terms or confirm that the document presented is in fact the testator's will. Unlike commercial transactions, wills and trusts are donative documents that make gifts with no consideration or quid pro quo. For that reason, issues of forgery, undue influence, other forms of fraud, and incapacity in the execution of wills and trusts are encountered with much greater frequency than in contracts and other commercial transactions. There are hundreds of lawsuits filed every year in Florida involving those issues. In nearly all of those cases, the testimony of the attesting witnesses is extremely important. In addition, if someone attempts to enforce a contract or document in a commercial transaction which is fraudulent, the parties to the

fraudulent contract or document are likely alive and can provide information regarding the authenticity of the contract or document and any electronic signatures contained therein. However, the provisions of a will are not being enforced until after the death of the testator, at a time when the purported creator of the will is not available to testify as to the authenticity of the document or signatures therein. This is a primary reason for the witness requirements that have been an essential part of the Florida Probate Code since its enactment.

If the Florida Legislature were to decide that witnesses no longer need to sign a will in the testator's physical presence, the Proposed Act will still need to include specific changes to prevent fraud and exploitation during the will execution process, including safeguards to protect testators against fraud, undue influence and duress. Those safeguards should include, at a minimum, requirements that the testator be asked a list of fundamental questions confirming that their act in signing the will is voluntary and free of undue influence, to identify all other persons present with the testator, and provide a 360-degree view of the room as part of the execution ceremony. The Proposed Act must also include safeguards aimed at confirming that testators possess sufficient testamentary capacity at the time of executing an electronic will.

## **B. Authentication of Testator's Identity**

The Proposed Act does not presently contain sufficient safeguards to ensure that the testator and witnesses to an electronic will are who they purport to be online. This issue presents a slippery slope, because the Proposed Act also applies to other legal documents including durable powers of attorney and living wills, which are particularly susceptible to fraud and identity theft issues. Further, and perhaps more importantly, the Proposed Act represents a significant change to Florida law as it relates to the remote notarization of documents by audio and video communications.

In 2015, Virginia became the first state to allow for the notarization of documents using audio and video technology. The Virginia Statutes contain a number of critical safeguards to ensure the verification of identify which include: (a) minimum standards for the electronic video and audio communications; and (b) a requirement that in addition to providing a government issued ID bearing a photographic image of the individual's face and signature, that identification is confirmed by (i) personal knowledge, (ii) an antecedent in-person identity proofing process in accordance with the specifications of the Federal Bridge Certification Authority (i.e., "out of wallet" questions which are frequently asked during a credit check, such as which of the listed addresses has the individual not resided), or (iii) a valid digital certificate accessed by biometric data or by use of an interoperable Personal Identity Verification card that is designed, issued, and managed in accordance with the specifications published by the National Institute of Standards and Technology in Federal Information Processing Standards Publication 201-1, "Personal Identity Verification (PIV) of Federal Employees and Contractors," and supplements thereto or revisions thereof, including the specifications published by the Federal Chief Information Officers Council in "Personal Identity Verification Interoperability for Non-Federal Issuers." Virginia also regulates electronic notarization by setting minimum standards relating to the equipment, security, and technology as well as a registration and licensing process to ensure that providers implement and meet the necessary standards.

It is absolutely critical that if the State of Florida begins to allow documents to be notarized using audio and video technology that similar minimum regulatory and identification

safeguards are utilized in order to prevent fraud. Currently, the Proposed Act only requires that a “photocopy, photograph, or facsimile, or other visual record” of a document establishing identity (e.g., a driver’s license) be uploaded in order to verify the testator and witness identities.

### **C. Storage, Preservation, and Access to Electronic Wills**

The Proposed Act does not presently address the storage and security protocols necessary to protect and preserve electronic wills, nor does it implement systems focused on preventing unauthorized access and alterations to electronic wills, protection against hackers, and setting minimum standards and procedures for long-term storage and safekeeping. Additionally, keeping up with software updates may create a problem for electronic wills, as it can be expected that the majority of these documents will be stored for many years before they are used.

There is no question that companies’ databases are the frequent target of hackers (e.g. Yahoo, LinkedIn, eBay to name just some recent examples). Perhaps more importantly, the global banking system is under attack from hackers. SWIFT, the messaging network that connects the world’s banks, warned on August 31, 2016 that banks should strengthen their security in the face of “ongoing attacks.” The systems of almost every U.S. national bank have been hacked, including most recently Wells Fargo Bank in September, 2016. This is of import since the proponents of the Proposed Act, who are the proprietors of Willing.com, advertise on the front page of the website that their company uses “bank level security to keep your information safe.”

Adding the incentives of accessing estate assets and other personal information to the equation may only heighten the motivation for increased attacks on electronic data storage systems. The introduction of electronic wills and the online storage of wills may actually increase the risk of a testator’s intent not being carried out. Recent history confirms that no online system is completely immune from third-party intrusion, and it is evident that a qualified custodian’s storage site risks unauthorized access. A custodian’s database filled with wills may be a significant enticement to unforeseen fraudulent activity. Considering that the mere deletion of an electronic will would activate Florida’s intestacy laws, the resulting harm to a testator’s estate plan is potentially profound.

Electronic commerce makes wide use of public-key cryptography and digital watermarking to ensure that original electronic documents are not later altered. The Florida Legislature should consider incorporating this type of technology into the Proposed Act in order to reduce the chances of the custodian being hacked and the potential theft or alteration of electronic wills. In order to make this Proposed Act work effectively and to protect the rights of Florida citizens, the State of Florida will need to oversee the licensing and regulation of the qualified custodians, and will also need to set minimum storage and security standards. At present, the Proposed Act contains very basic requirements for a qualified custodian and allows for wills and records to be transferred or assigned to other qualified custodians without the consent of the testator. The RPPTL Section has approved and provided proposed legislation (i.e. proposed Fla. Stat. §732.902) that would allow clerks to accept wills before the death of a testator. A solution may be to require that electronic wills be certified and filed with the clerk of the court by the testator immediately after they are executed rather than stored with a qualified custodian.

The Proposed Act should also include safeguards to protect Florida testators from potentially unfair terms of service which exonerate qualified custodians from liability for the safekeeping of the electronic will. For example, the current terms of service of Willing.com provide, among other things, that “[w]e may, without prior notice, change the Services; stop providing the Services or features of the Services, or create usage limits for the Services. We may permanently or temporarily terminate or suspend your access to the Services without notice and liability for any reason, including if in our sole determination you violate any provision of these Terms of Service, or for no reason. Upon termination for any reason or no reason, you continue to be bound by these Terms of Service. Any data, account history and account content residing on the servers running the Services may be deleted, altered, moved or transferred at any time for any reason at Willing’s sole discretion, with or without notice and with no liability of any kind. Willing does not provide or guarantee, and expressly disclaims, any value, cash or otherwise, attributed to any data residing on the servers running the Services.”

#### **D. Integration of the Proposed Act with Existing Law**

The Proposed Act represents such a significant departure from existing law that it will require careful study and substantial analysis in order to integrate it with the existing Florida Probate Code, and to avoid any unintended consequences and glitches. The current language of the Proposed Act leaves many questions unanswered. For example, once a testator dies, how and when does an electronic will get deposited with the court? In contrast to existing law, the Proposed Act presently appears to relieve a qualified custodian from depositing an electronic will with the court. It is not clear why. Additionally, what happens if there is a dispute regarding the terms of execution of an electronic will? The Proposed Act is silent on this. Will an electronic will be accepted in other states? The Proposed Act is silent again.

The above categories represent the major policy issues and practical concerns the RPPTL Section is trying to address. There are many technical changes which will need to be made to the Proposed Act to ensure that it integrates properly into the existing probate process. Furthermore, the Uniform Law Commission (ULC) has taken the unusual approach of bypassing the study phase on this topic opting instead to immediately empanel a drafting committee. The RPPTL Section believes that the work of the ULC may be critical to ensure that different states adopt rules for the recognition and acceptance of electronic wills given the very mobile society in which we live. A change to the law as substantial as this demands a careful and well-studied approach. Even assuming the significant policy considerations can be addressed, integrating this legislation into the State of Florida’s existing Florida Probate Code is going to be difficult. The RPPTL Section is working through each provision of the Proposed Act, but it is a time-consuming process that should not be unnecessarily rushed given the potential harm to the citizens of the state of Florida if adequate protections and safeguards are not included in the Proposed Act.

#### **IV. ANALYSIS OF CERTAIN PROVISIONS OF THE PROPOSED ACT**

The purpose of this Section of the White Paper is not to analyze the Proposed Act in its entirety, but rather to identify specific areas of concern with respect to drastic changes to existing Florida law and the potentially significant impact on the citizens of the State of Florida. A copy of the Proposed Act which contains the RPPTL Section’s requested revisions, which are discussed below, accompanies this White Paper. While the RPPTL Section believes that

additional revisions should be made to the Proposed Act, the changes reflected on the attached revised version of the Proposed Act, which are discussed in this Section IV, should be made at a minimum in order to make the Proposed Act tenable.

**A. Proposed Fla. Stat. § 732.522**

Current Law: Fla. Stat. § 732.522 would be a new addition to Florida law.

Effect of Proposed Changes: Section 3 of the Proposed Act would create a new set of definitions relating to electronic wills, including “certified paper original,” “electronic record,” “electronic signature,” “electronic will,” and “qualified custodian.”

RPPTL Section’s Position and Suggested Revisions: The RPPTL Section agrees that several new definitions are necessary to add clarity to the Proposed Act, but the concept of a “certified paper original” should be deleted throughout the statute, and the definitions of “electronic signature” and “electronic will” should be revised as discussed below.

*Fla. Stat. §732.522(1).* The concept of a “certified paper original” should be deleted here, and throughout the Proposed Act entirely. As set forth later in this White Paper, the RPPTL Section seeks to have Fla. Stat. §732.524 revised in order to require that the electronic will must be executed by at least two attesting witnesses, and that the attesting witnesses be in the presence of the testator and each other (as defined under existing Florida law), in order for the electronic will to be valid under Florida law. Under Florida law, clerks already accept all other form of documents electronically. There is no reason to require that a “certified paper original” which is actually just a printed copy of the electronic will be filed. This proof aspects should instead be addressed through affidavits filed with the court.

*Fla. Stat. §732.522(3).* As presently proposed, the term “electronic signature” would include “a sound, symbol, or process.” The RPPTL Section’s proposed revision would require an electronic signature instead to be handwritten (e.g. with a finger, stylus, etc.). It is the view of the Section that, in light of the ubiquitous tablet and related technology, there is no need to stray so far from the concept of a traditional signature in an electronic will, especially where a testator’s signature may be a critical factor in combating against fraud and providing reliable evidence of proper execution. For example, a sound or symbol attached to a signature line would make it impossible to determine whether the document is draft or the final document. By requiring actual electronic handwritten signatures the document will clearly bear the mark of having been signed.

*Fla. Stat. §732.522(4).* As more fully addressed later in this White Paper, the proposed Act should be limited only to electronic wills, and should not extend to other instruments such as powers of attorney or living wills. Accordingly, the definition of “electronic will” should be revised to make it clear that it only applies to wills, not other “instruments.”

**B. Proposed Fla. Stat. §732.523**

Current Law: Fla. Stat. §732.523 would be a new addition to Florida law.

Effect of Proposed Changes: Section 5 of the Proposed Act would create the new Fla.

Stat. §732.523, entitled “Statement of legislative intent and purpose.” This proposed statute attempts to set forth a statement of the legislative intent and purpose of the Proposed Act. It further states that the Florida Legislature intends that the Proposed Act be liberally construed and applied in order to promote the legislative intent and purpose.

RPPTL Section’s Position and Suggested Revisions: Section 5 of the Proposed Act should be removed entirely from the legislation. Each of the statements contained in Fla. Stat. §732.523 will be addressed in order.

*Fla. Stat. §732.523(1) – “To facilitate and expand access to individuals’ right to testamentary freedom of disposition.”* If the Proposed Act is properly drafted and implemented, and the changes supported by the RPPTL Section are incorporated into the legislation, then the RPPTL Section would agree that this purpose could potentially be accomplished through the enactment of electronic wills legislation. However, based on the numerous issues raised by the current version of the Proposed Act, the RPPTL Section does not believe that the legislation will facilitate or expand access to Florida citizens’ right to testamentary freedom of disposition, and likely will result in the frustration of this right in many cases. In addition, it seems that what the Proposed Act is facilitating is the expedience of preparing an estate plan. Expedience, although it may be a benefit in some instances, increases vulnerability to illicit activity.

*Fla. Stat. §732.523(2) – “To facilitate end-of-life planning for individuals and families, particularly members of vulnerable or marginalized groups and those for whom end-of-life planning services are often unaffordable, unavailable, or otherwise inaccessible.”* The RPPTL Section cannot support this statement, as the RPPTL Section currently believes that the Proposed Act may actually expose vulnerable individuals to more fraud in light of the truncated execution requirements currently set forth in the Proposed Act. In light of the Florida Legislature’s recent enactments of legislation aimed at protecting vulnerable or marginalized groups in the guardianship context, it would seem incongruous to make the laws regarding will execution more susceptible to fraud, duress and undue influence, which the Proposed Act in its current states does.

*Fla. Stat. §732.523(3) – “To facilitate the use and enforcement of established and widely used technology in memorializing and accomplishing the intent and wishes of a decedent with regard to the distribution of his or her real and personal property.”* It is the understanding of the RPPTL Section that the technology which would be required to carry out the intent of the Proposed Act is not established or widely used anywhere in the United States. Nevada, which is the only state to enact electronic wills legislation, introduced its electronic will legislation in 2001. Convenience was the major aim of the Nevada legislation, but the statute has proven difficult to satisfy. One of the reasons the Nevada statute has not been used is because technology has yet to be developed which allows compliance with the statute (in particular, the development of software which prevents the alteration or copying of the electronic record of the will). The Proposed Act likely does not set forth any minimum requirements for the technology to be used or attempt to establish any technological guidelines since the technology which will be required to properly carry out the intent of the Proposed Act has not yet been developed or in wide usage.

In addition, the use of the likely as-of-yet undeveloped technology will not be a better

means of carrying out testators' intent and wishes. Any variant of viable electronic will legislation will need a certain degree of security precautions and authentication characteristics, which may cause the process to become inconvenient to the testator.

*Fla. Stat. §732.523(4)* – “*To simplify and clarify the law concerning the affairs of decedents.*” The Proposed Act neither simplifies nor clarifies the law. The Proposed Act, even if the RPPTL Section's recommended revisions are incorporated, is a significant departure from current Florida law. In fact, much of it turns current Florida law on its head. It also makes it much harder for Florida citizens to have a basic understanding of Florida probate law. The Proposed Act fails to accomplish the aims of electronic will legislation because the extensive and overly technical statutes are not within the reach or understanding of laypersons.

*Fla. Stat. §732.523(5)* – “*To discover and make effective the intent of a decedent with respect to the distribution of his or her real and personal property.*” Creating an electronic will requires answering a series of questions that ultimately create the will. However, the testator is not likely being advised on the testator's responses to the questions since an attorney is not likely to be involved. The software is unable to learn about things such as family relationships and complex dynamics, such as an unstable marriage or blended families. The RPPTL Section has concerns that this model of preparing important estate planning documents will fail to facilitate carrying out the real intent of the testator.

There is concern that the introduction of electronic wills and the online storage of wills may actually increase the risk of a testator's intent not being carried out. No online system is completely immune from third-party intrusion, so a qualified custodian's storage site which holds electronic wills risks unauthorized access. Considering that the mere deletion of an electronic will would activate Florida's intestacy laws, the resulting harm to a testator's estate plan would directly contradict the statement of legislative intent contained in Fla. Stat. §732.523(5).

Consider the Florida Supreme Court of *Aldrich v. Basile*, 136 So.2d 530 (2014). In *Aldrich*, the decedent wrote her will using an “E-Z Legal Form.” The will ended up not containing a residuary clause, resulting in the majority of the decedent's property passing pursuant to Florida's intestacy laws, despite the decedent's written and stated intent that all of her property pass to a specified family member. The Florida Supreme Court's opinion in *Aldrich* contains findings which will likely be applicable to many Florida residents who attempt to use electronic wills:

“While I appreciate that there are many individuals in this state who might have difficulty affording a lawyer, this case does remind me of the old adage “penny-wise and pound-foolish.” Obviously, the cost of drafting a will through the use of a pre-printed form is likely substantially lower than the cost of hiring a knowledgeable lawyer. However, as illustrated by this case, the ultimate cost of utilizing such a form to draft one's will has the potential to far surpass the cost of hiring a lawyer at the outset. In a case such as this, which involved a substantial sum of money, the time, effort, and expense of extensive litigation undertaken in order

to prove a testator's true intent after the testator's death can necessitate the expenditure of much more substantial amounts in attorney's fees than was avoided during the testator's life by the use of a pre-printed form.

I therefore take this opportunity to highlight a cautionary tale of the potential dangers of utilizing pre-printed forms and drafting a will without legal assistance. As this case illustrates, that decision can ultimately result in the frustration of the testator's intent, in addition to the payment of extensive attorney's fees - the precise results the testator sought to avoid in the first place."

Fla. Stat. §732.523(6) – *“To promote a speedy and efficient system for the settlement and distribution of estates.”* For many of the reasons set forth in this White Paper, the RPPTL Section is concerned that the enactment of the Proposed Act will lead to more probate-related litigation in the State of Florida. The increased chances for fraudulent activity will lead to an increase in will contests. In addition to the likely increase in probate-related litigation, there are other reasons that the use of electronic wills will not promote judicial efficiency. The Proposed Act will open up the courts to new types of evidence, such as electronic and digital signatures, encryption techniques, and proof of security risks and undetected database intrusion. The unmistakable and dependable construction of a professionally drafted and properly executed will allows the court to handle the estate disposition in a routine fashion.

The Proposed Act also contains a venue provision which allows an electronic will to be probated in the county in which a qualified custodian resides or does business. For example, the proponents of the legislation, who are the proprietors of the Willing.com website, are located in Miami-Dade County. The Proposed Act would allow any of the electronic wills in the custody of Willing.com to be admitted to probate in Miami-Dade County, regardless of whether the decedent actually resided in that county. This has the potential to clog up the already overworked probate courts in many counties, and likely have the opposite effect of the stated legislative intent contained in Fla. Stat. §732.523(6).

In addition, the Proposed Act does not require that the testator of an electronic will created under the proposed Florida legislation actually be a resident of the State of Florida. As a result, anyone in the United States (or outside of the country for that matter) could avail themselves of this legislation and create a Florida electronic will. While this may be beneficial to proprietors of electronic wills, such as the proponents of the legislation, it will impose a significant additional burden on the Florida court system. For these reasons, the RPPTL Section believes the Proposed Act may have the opposite effect of the stated intent of promoting the speedy and efficient settlement of estates; not just for estates with electronic wills, but for all estates in the State of Florida.

Fla. Stat. §732.523(7) – *“To harmonize the law of wills with other laws that recognize the legal and functional equivalence of electronic and paper signatures and transactions.”* Federal and Florida law do recognize the legal and functional equivalence of electronic and paper signatures and transactions. However, Fla. Stat. §668.50(3)(b)1 (as well as the equivalent provision of the Federal law) provides that the law does not apply to a transaction to the extent the transaction is governed by a provision of law governing the creation and execution of wills,

codicils, or testamentary trusts. The RPPTL Section does not believe that this well-established and well-reasoned policy, which is currently codified in both Federal and Florida law, should be overridden by the Proposed Act.

### **C. Proposed Fla. Stat. §732.524**

Current Law: Florida law does not currently recognize the validity of electronic wills. Fla. Stat. §732.524 would be a new addition to Florida law.

Effect of Proposed Changes: Section 6 of the Proposed Act would create the new Fla. Stat. §732.524, entitled “Electronic wills.” This section sets forth the requirements for a valid electronic will under the Proposed Act. The Proposed Act states that an electronic will must (1) exist in an electronic record, (2) be electronically signed by the testator in the presence (as later defined in the Proposed Act) of either a notary public or at least two attesting witnesses, and (3) be electronically signed by the notary public or both of the attesting witnesses in the presence of the testator and, in the case of the witnesses, in the presence of each other. The section further provides that all questions as to the force, effect, validity, and interpretation of an electronic will that complies with the Proposed Act must be determined in the same manner as in the case of a will executed in accordance with existing Fla. Stat. §732.502.

RPPTL Section’s Position and Suggested Revisions: The RPPTL Section does not object to the use of electronic signatures for the testator and attesting witnesses, so long as the electronic signature is handwritten and attached to the electronic record. The Section also has no objection to a notary public signing electronically provided such signature otherwise conforms with Florida’s Notary laws. However, the RPPTL Section does seek to have Fla. Stat. §732.524 revised in order to require that the electronic will must be executed by at least two attesting witnesses, and that the attesting witnesses be in the presence of the testator and each other (as defined under existing Florida law), in order for the electronic will to be valid under Florida law. Allowing a will to be executed without the requirement of witnesses would be a significant departure from existing law and would invite fraud in the execution of electronic wills. Florida law has long recognized that the purposes of the statute governing the execution of wills is to assure not only that the signature on the will is that of the testator, but to provide reasonable assurance of the circumstances under which the signature was affixed to the document.

### **D. Proposed Fla. Stat. §732.525**

Current Law: Florida law currently provides requirements for the self-proof of validly executed wills, but not for electronic wills. If a will is self-proved, the will may be admitted to probate without any further testimony or sworn statements of the witnesses to the execution of the will. Fla. Stat. §732.525 would be a new addition to Florida law.

Effect of Proposed Changes: Section 7 of the Proposed Act would create the new Fla. Stat. §732.525, entitled “Self-proof of electronic will.” For purposes of the Proposed Act, an electronic will is deemed to be self-proved if the following requirements are met: (1) the testator and witnesses sign the electronic will and make the sworn statements required by Fla. Stat. §732.503, which is the existing Florida statute governing the self-proof of wills, and that the self-proof affidavit is included as part of the electronic record which contains the electronic will; (2)

the electronic will designates a qualified custodian to control the electronic record of the electronic will; and (3) the electronic will at all times is under the control of a qualified custodian before being reduced to the certified paper original will that is sought to be probated.

RPPTL Section's Position and Suggested Revisions: The necessary requirements for an electronic will to be deemed self-proved must be revised in order to be in congruence with existing policies relating to self-proof requirements in Florida. Having a self-proved will helps to shorten the length of time that an estate is in probate, as it is a simple matter for the court to determine that the self-proved instrument is actually the true last will and testament of the decedent, thus avoiding unnecessary cost and time associated with locating the witnesses to swear to the signature during the probate process. The quid pro quo of allowing a will to be self-proved is that certain formalities regarding the will and its execution must be made at the time of the execution, and certain assurances must be made that the original will is kept in the same form as it was at the time of execution. Revisions must be made to Fla. Stat. §732.525 in order to ensure that the policies behind allowing the self-proof of wills are met.

This provision needs to be revised to make it clear that an electronic will must be executed in conformity with the Proposed Act (including having the necessary number of witnesses, and having the witnesses and testator sign in the physical presence of each other) in order to be self-proved. This is not explicitly stated in the current draft of the Proposed Act. The RPPTL Section does not object to the requirement that the will must designate a qualified custodian as a manner to qualify for self-proof. However, the Proposed Act needs to go one step further and require that the qualified custodian, prior to the electronic will being admitted to probate, certify under oath that the electronic will was at all times under the control of a qualified custodian prior to being deposited with the court, and that the electronic will has not been altered in any way since the date of execution. The RPPTL Section believes that these additional requirements address the unique issues presented by an electronic will, as opposed to a validly executed will under existing law, and provide additional assurances of its self-proof.

Another significant revision to the Proposed Act which is requested by the RPPTL Section deals with the deposit of the electronic will with the clerk of court prior to the death of the testator. The RPPTL Section believes that the testator should not be forced to have the electronic will in the possession of a qualified custodian (who is likely charging the testator a fee for the retention of the electronic will) in order for the electronic will to be self-proved. The RPPTL Section seeks to provide another option to testators who do not wish, or cannot afford, to have their electronic wills remain in the possession of qualified custodians. The RPPTL Section's proposal would allow a testator to deposit his or her electronic will with the clerk of court prior to the testator's death pursuant to a new statute codified at Fla. Stat. §732.902, and provide a certification signed by the testator confirming that the deposited electronic will is the valid will of the testator. If this procedure is followed, the electronic will would be deemed self-proved under the RPPTL Section's proposal.

#### **E. Proposed Fla. Stat. §732.526**

Current Law: In order to be valid under existing Florida law, a will must be executed by the testator in the actual physical presence of at least two attesting witnesses. Further, the attesting witnesses must sign the will in the presence of the testator and in the presence of each

other. Under existing law, a power of attorney must be signed by the principal and by two subscribing witnesses and be acknowledged by the principal before a notary public. A living will under existing Florida law must be signed by the principal in the presence of two subscribing witnesses, one of whom is neither a spouse nor a blood relative of the principal. Fla. Stat. §732.526 would be a new addition to Florida law.

Effect of Proposed Changes: Section 8 of the Proposed Act would create the new Fla. Stat. §732.526, entitled “Method and place of execution.” The introductory paragraph of the provision attempts to override the execution and filing requirements provided for wills in the Florida Probate Code and Florida Probate Rules, for powers of attorney under Fla. Stat. §709.2105, and for living wills under Fla. Stat. §765.302. The proposed Fla. Stat. §732.526(1) revises the definition of “presence” for purposes of the execution requirements of the aforementioned estate planning documents. Pursuant to the Proposed Act, an individual is *deemed* to be in the presence of another individual if: (1) they are in the same physical location (which is the current Florida law); or (2) they are in different physical locations, but can communicate with each other by means of live video and audio conference. The proposed Fla. Stat. §732.526(2) provides that any requirement that a document be signed may be satisfied by an electronic signature. The proposed Fla. Stat. §732.526(3) provides that a document is *deemed* to be executed in the State of Florida if the following requirements are met: (1) the document states that the person creating the document intends to execute and understands that he or she is executing the document in and pursuant to the laws of the State of Florida; (2) the document provides that its validity, interpretation, and effect are governed by the laws of the State of Florida; (3) the attesting witnesses or Florida notary public who electronic signatures are obtained in the execution of the document are physically located in the State of Florida at the time of execution; and (4) in the case of an electronic will, it designates a qualified custodian.

RPPTL Section’s Position and Suggested Revisions: Section 8 of the Proposed Act should be deleted in its entirety. Proposed Fla. Stat. §732.526 seeks to drastically change existing law and would not benefit the citizens of the State of Florida, but instead, only those private companies providing remote electronic execution services, such as the proprietor of the Proposed Act. Also, the execution requirements for durable powers of attorney and living wills should not be revised in the Proposed Act. Any changes to the laws governing the validity of durable powers of attorney and living wills should be separately made in Florida Statutes Chapter 709 and Chapter 765, respectively.

*Fla. Stat. §732.526(1).* For the reasons previously enumerated in this White Paper, the testator and the attesting witnesses need to be in the physical presence of each other, as is the case under existing Florida law. Numerous evidentiary issues may only be determined through physical presence (e.g., is there anyone else present in the room at the time of execution, is the testator under the influence of drugs or alcohol, etc.). Allowing online or remote attestation of estate planning documents will open the door to increased cases of fraudulent activity, including procuring wills through undue influence and duress. In determining whether a will has been actively procured for the purposes of undue influence, Florida courts have long relied on the “*Carpenter* factors”, which include (i) presence of the beneficiary at the execution of the will; (ii) presence of the beneficiary on those occasions when the testator expressed a desire to make a will; (iii) recommendation by the beneficiary of an attorney to draw the will; (iv) knowledge of the contents of the will by the beneficiary prior to execution; (v) giving of

instructions regarding the preparation of the will by the beneficiary to the attorney drawing the will; (vi) securing of witnesses to the will by the beneficiary; and (viii) safekeeping of the will by the beneficiary subsequent to execution.) Many of these factors are based on the presence requirement, which would effectively be eliminated by the Proposed Act.

*Fla. Stat. §732.526(2).* Conceptually, the RPPTL Section does not object to recognizing the validity of electronic signatures and for the use of electronic signatures to meet the signing requirements for wills assuming the appropriate safeguards are in place. As stated previously, the RPPTL Section does not believe that the Proposed Act should apply to powers of attorney, or living wills. Furthermore, the definition of an electronic signature should be limited to an electronic handwritten signature, and should not include a sound, symbol or process as defined in the Proposed Act. Requiring an electronic handwritten signature (such as the testator signing a tablet or other electronic device using a stylus) provides additional necessary evidence that the electronic signature is that of the testator or attesting witness. There are evidentiary issues associated with the validation of electronic sounds, symbols or processes being deemed to be signatures for the purposes of the execution of estate planning documents. The RPPTL Section’s proposed revisions incorporate this definition of electronic signatures.

*Fla. Stat. §732.526(3).* This provision appears to allow any individual, regardless of whether he or she is a Florida resident, to have a valid Florida electronic will simply by stating that Florida governs the will. There should be some nexus with Florida, other than having the qualified custodian located in or qualified to do business in the state, in order for a testator to avail himself or herself of the laws of Florida and the access to our courts. The Proposed Act should require that the testator is a resident of the State of Florida in order to execute a valid electronic will under the laws of Florida.

#### **F. Proposed Fla. Stat. §732.527**

Current Law: Under existing law, the venue for probate of wills and granting letters of administration shall be: (1) in the county of the State of Florida where the decedent was domiciled; (2) if the decedent had no domicile in the State of Florida, then in any county where the decedent’s property is located; or (3) if the decedent had no domicile in the State of Florida and possessed no property in this state, then in the county where any debtor of the decedent resides. Fla. Stat. §732.527 would be a new addition to Florida law.

Effect of Proposed Changes: Proposed Fla. Stat. §732.527(1) provides that any electronic will that is executed or deemed executed in another state in accordance with the laws of that state or of the State of Florida may be offered for and admitted to “original probate” in the State of Florida and is subject to the jurisdiction of the Florida courts. It further provides that the venue for the probate of electronic wills is as provided in Fla. Stat. §733.101(1), but adds that venue for the probate of an electronic will of a nonresident may be the county in which the qualified custodian or attorney for the petitioner or personal representative has his or her domicile or registered office. This greatly expands the jurisdiction and venue provisions which have been in the Florida Probate Code since its enactment. Proposed Fla. Stat. §732.527(2) provides that a certified paper original of the electronic will may be offered for and admitted to probate. This contemplates that the electronic will must be reduced to paper form prior to being admitted to probate. Proposed Fla. Stat. §732.527(3) provides that a certified paper original of a

self-proved electronic will is presumed to be valid.

RPPTL Section's Position and Suggested Revisions: The expanded jurisdiction and venue provisions contained in the Proposed Act will create numerous issues in the State of Florida. As previously addressed in this White Paper, the already overworked Florida court system will be flooded with probate proceedings related to the electronic wills of non-residents who have no connection to the state (other than using a qualified custodian who is registered to do business in Florida). Using a qualified custodian, such as the proponents of the legislation, registered to do business in the State of Florida should not provide a sufficient connection to the state in order to have access to our courts.

As a matter of public policy, why should the location of the qualified custodian of an electronic will matter in determining where the will should be probated? There is not an answer to this public policy question, other than it will be helpful to the business model of qualified custodians, such as the proponents of this legislation. By way of example, under current law a valid will is not probated in the county where the attorney who drafted the will is located. There should not be an exception for electronic wills. There are many public policy reasons why original probate should be in the county of the decedent's domicile.

There are numerous other reasons why these expanded jurisdiction and venue provisions would create issues for Florida citizens and the Florida court system. For example, it is well-established under Florida law that an interested person may file a caveat with the clerk of court of a testator's county of domicile prior to the death of the testator. The effect of the caveat is that the testator's will cannot be admitted to probate prior to notice to the caveator and a hearing regarding the caveat. Caveats are frequently filed by concerned family members (such as heirs who are concerned that the testator may have executed a will as the result of fraudulent activity, such as undue influence) and creditors of the testator. These interested persons currently know where to file the caveat since they know or can easily locate the county where the testator resides. If a will may be probated in any county where a qualified custodian is located or does business, then interested persons will likely be unable to identify the proper county in which to file the caveat, which will be detrimental to the rights of heirs and creditors in the State of Florida.

#### **G. Proposed Fla. Stat. §732.528**

Current Law: Fla. Stat. §732.528 would be a new addition to Florida law.

Effect of Proposed Changes: Section 10 of the Proposed Act, captioned "Qualified custodians," sets forth: (a) proposed requirements for qualified custodians, including the type of electronic information to be stored in connection with an electronic will; (b) details regarding to whom and what information the qualified custodian shall provide information regarding its qualifications and any electronic will to; (c) the time frame in which a qualified custodian may elect to destroy an electronic will; and (d) provisions relating to the delivery of an electronic will and an electronic record to a successor qualified custodian, along with the requirements of a related affidavit.

RPPTL Section's Position and Suggested Revisions: Section 10 of the Proposed Act

should be substantially revised to clarify and simplify the requirements for a qualified custodian.

*Fla. Stat. §732.528(1).* Provisions regarding the creation of an electronic record and references to a certified paper original should be removed consistent with the recommended changes to proposed section 732.526 discussed earlier in this White Paper.

*Fla. Stat. §732.528(2).* This section should be revised to address access to an electronic will during a testator's lifetime, and should limit access to information concerning an electronic will only to the testator and such other persons as directed by written instructions of the testator during this time. Additionally, this section should be revised to allow a qualified custodian to deposit an electronic will with the clerk by complying with the requirements set forth in proposed Fla. Stat. §732.902 (regarding the deposit of wills with the clerk for safekeeping).

*Fla. Stat. §732.528(3).* This section should be revised to make it clear that a qualified custodian may only destroy an electronic will and any related electronic record after the 5 year anniversary of the admission of the will to probate or 20 years following the testator's death, which is earlier. Allowing a qualified custodian to destroy a will before it has been admitted to probate greatly increases the chances of thwarting a testator's intent, particularly where the testator has not retained a copy of the electronic will, as is anticipated by the Proposed Act.

*Fla. Stat. §732.528(4).* This provision, which deals with how a qualified custodian may elect to cease serving in such a capacity, should be revised and simplified so that an electronic will may be delivered to the testator, if living, or after the death of the testator, to the personal representative. Additionally, the Proposed Act should permit a qualified custodian to cease serving in such capacity by depositing the will with the clerk after complying with the provisions of proposed Fla. Stat. §732.902 (which deals with the deposit of wills with the clerk for safekeeping). The Proposed Act should also be revised such that if a qualified custodian intends to designate a successor qualified custodian to receive an electronic will, they may only do so after notice and receipt of written consent from the testator or a duly appointed personal representative.

*Additional Proposed Revisions.* The RPPTL Section proposes that additional language be added as follows:

*New subsection (8).* The Proposed Act should make it clear that a testator may request and receive a copy of their electronic will and all related electronic records upon request. Further, a testator should not be charged a fee for being provided with their testamentary documents.

*New subsection (9).* The Proposed Act must clarify that a qualified custodian shall be liable for any damages caused by the negligent loss or destruction of an electronic will, and that a qualified custodian may not limit their liability for such damages. As discussed earlier in this White Paper, the Proposed Act does not currently include safeguards from potentially unfair terms of service with may exonerate qualified custodians from liability, even when they have committed negligence. This additional language is intended to protect Florida testators who make electronic wills and elect to store them with qualified custodians for safekeeping.

*New subsection (10).* Again, with the goal of protecting Floridians from potentially unfair terms of service or conduct by qualified custodians, the Proposed Act should include language making it clear that a qualified custodian may not terminate or suspend access to the electronic will by the testator.

*New subsection (11).* Again, with the goal of protecting Floridians from potentially unfair terms of service or conduct by qualified custodians, the Proposed Act should include language making it clear that a qualified custodian may not charge a fee for depositing an electronic will with the clerk or for preparing or filing the requisite affidavits or information requested by the court.

*New subsection (12).* Wills often contain very sensitive and private information. Accordingly, the Proposed Act should include language clarifying and confirming that a qualified custodian must keep the information provided by a testator confidential at all times.

#### **H. Proposed Fla. Stat. §732.529**

Current Law: Fla. Stat. §732.529 would be a new addition to Florida law.

Effect of Proposed Changes: This section sets forth a form of affidavit for a certified paper original.

RPPTL Section's Position and Suggested Revisions: As discussed earlier in this White Paper, the concept of a certified paper original should be removed from the Proposed Act.

#### **I. Suggested Conforming Amendments to §733.201 Regarding Proof of Wills**

Current Law: Fla. Stat. §733.201 currently sets forth the requirements for the proof of a will

RPPTL Section's Position and Suggested Revisions: If the Florida Legislature is going to enact the Proposed Act, existing Fla. Stat. §733.201 needs to be amended to provide for additional proof for electronic wills. This proposed revision would make it clear that if an electronic will is not self-proved, it may be admitted to probate upon the oath of both attesting witnesses taken before any circuit judge, commissioner appointed by the court, or clerk. Additionally, if the attesting witnesses cannot be found or have become incapacitated, an electronic will may be admitted to probate upon the oath of the qualified custodian or two disinterested witnesses stating certain criteria. These criteria are borrowed from the language of the proposed affidavit currently set forth in section 732.529 of the Proposed Act.

#### **J. Effective Date and Application of the Proposed Act**

As previously noted, the Proposed Act represents a significant departure from existing law and carries with it significant risk of unintended consequences and glitches. Under the circumstances, the Proposed Act should include a delayed effective date such that it does not take effect until July 1, 2018. Additionally, the Proposed Act should clearly state that it only applies to electronic wills executed on or after July 1, 2018.

**V. FISCAL IMPACT ON STATE AND LOCAL GOVERNMENTS**

The Proposed Act will likely have a significant fiscal impact on state and local governments, in particular the Clerks of Court in the various counties and the courts in the state's 20 judicial circuits which oversee probate proceedings.

**VI. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR**

If the Proposed Act in its current form is enacted, Florida will likely be one of the only states which recognize the validity of electronic wills and do not regulate qualified custodians. As a result, there would likely be an influx of companies, similar to the proponents of the legislation, looking to do business in the State of Florida.

WPB\_ACTIVE 7573496.1

House Joint Resolution

A joint resolution proposing an amendment to Section 10 of Article V and creation of a new section in Article XII of the State Constitution to create term limits for Supreme Court justices and judges of the district courts of appeal; providing an effective date; providing applicability.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 10 of Article V and the creation of a new section in Article XII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE V

JUDICIARY

SECTION 10. Retention; election and terms.—

(a) Any justice or judge may qualify for retention by a vote of the electors in the general election next preceding the expiration of the justice's or judge's term in the manner prescribed by law. If a justice or judge is ineligible or fails to qualify for retention, a vacancy shall exist in that office upon the expiration of the term being served by the justice or

HJR 1

2017

26 | judge. When a justice or judge so qualifies, the ballot shall  
27 | read substantially as follows: "Shall Justice (or Judge)  
28 | ...(name of justice or judge)... of the ...(name of the  
29 | court)... be retained in office?" If a majority of the qualified  
30 | electors voting within the territorial jurisdiction of the court  
31 | vote to retain, the justice or judge shall be retained for a  
32 | term of six years. The term of the justice or judge retained  
33 | shall commence on the first Tuesday after the first Monday in  
34 | January following the general election. If a majority of the  
35 | qualified electors voting within the territorial jurisdiction of  
36 | the court vote to not retain, a vacancy shall exist in that  
37 | office upon the expiration of the term being served by the  
38 | justice or judge.

39 | (b) (1) The election of circuit judges shall be preserved  
40 | notwithstanding the provisions of subsection (a) unless a  
41 | majority of those voting in the jurisdiction of that circuit  
42 | approves a local option to select circuit judges by merit  
43 | selection and retention rather than by election. The election of  
44 | circuit judges shall be by a vote of the qualified electors  
45 | within the territorial jurisdiction of the court.

46 | (2) The election of county court judges shall be preserved  
47 | notwithstanding the provisions of subsection (a) unless a  
48 | majority of those voting in the jurisdiction of that county  
49 | approves a local option to select county judges by merit  
50 | selection and retention rather than by election. The election of

HJR 1

2017

51 county court judges shall be by a vote of the qualified electors  
52 within the territorial jurisdiction of the court.

53 (3)a. A vote to exercise a local option to select circuit  
54 court judges and county court judges by merit selection and  
55 retention rather than by election shall be held in each circuit  
56 and county at the general election in the year 2000. If a vote  
57 to exercise this local option fails in a vote of the electors,  
58 such option shall not again be put to a vote of the electors of  
59 that jurisdiction until the expiration of at least two years.

60 b. After the year 2000, a circuit may initiate the local  
61 option for merit selection and retention or the election of  
62 circuit judges, whichever is applicable, by filing with the  
63 custodian of state records a petition signed by the number of  
64 electors equal to at least ten percent of the votes cast in the  
65 circuit in the last preceding election in which presidential  
66 electors were chosen.

67 c. After the year 2000, a county may initiate the local  
68 option for merit selection and retention or the election of  
69 county court judges, whichever is applicable, by filing with the  
70 supervisor of elections a petition signed by the number of  
71 electors equal to at least ten percent of the votes cast in the  
72 county in the last preceding election in which presidential  
73 electors were chosen. The terms of circuit judges and judges of  
74 county courts shall be for six years.

75 (c) The name of a justice of the supreme court or judge of

76 | a district court of appeal may not appear on the ballot for  
 77 | retention if, by the end of his or her current term of office,  
 78 | the justice or judge will have served in that office for twelve  
 79 | consecutive years. A justice who is ineligible for retention  
 80 | under this subsection or who resigns from office may not be  
 81 | appointed to fill a vacancy on the supreme court for at least  
 82 | one year following the last date the justice served on the  
 83 | supreme court. A judge who is ineligible for retention under  
 84 | this subsection or who resigns from office may not be appointed  
 85 | to fill a vacancy on any district court of appeal for at least  
 86 | one year following the last date the judge served on the  
 87 | district court.

88 | ARTICLE XII

89 | SCHEDULE

90 | Applicability of limitations on the terms of justices and  
 91 | judges.— The amendment to Section 10 of Article V takes effect  
 92 | on January 9, 2019, and applies to each justice and district  
 93 | court judge in office on that date and to each justice and  
 94 | district court judge who assumes office thereafter. When  
 95 | determining whether a justice or district court judge in office  
 96 | on January 9, 2019, may appear on the ballot for retention, time  
 97 | served by the justice or district court judge in that office  
 98 | prior to January 9, 2019, shall not be included in the  
 99 | calculation of the total number of consecutive years served in  
 100 | that office.

101  
 102 BE IT FURTHER RESOLVED that the following statement be placed on  
 103 the ballot:

104                                   CONSTITUTIONAL AMENDMENT

105                                   ARTICLE V, SECTION 10

106                                   ARTICLE XII

107           TERM LIMITS FOR JUSTICES AND JUDGES.—Proposing an amendment  
 108 to the State Constitution to prohibit the name of a supreme  
 109 court justice or district court of appeal judge from appearing  
 110 on a ballot for retention if he or she has served more than 12  
 111 consecutive years in the same office and prohibit reappointment  
 112 of a justice or judge for one year after leaving office. The  
 113 term limit applies to justices and judges in office on January  
 114 9, 2019, and future appointees.

1 Senate Joint Resolution

2 A joint resolution proposing an amendment to Section 8  
3 of Article V and the creation of a new section in  
4 Article XII of the State Constitution to create a  
5 minimum age requirement and term limits for Supreme  
6 Court Justices and judges of the district courts of  
7 appeal and require 1 year of prior service as a judge  
8 for appointment as Supreme Court Justice.

9  
10 Be It Resolved by the Legislature of the State of Florida:

11  
12 That the following amendment to Section 8 of Article V and  
13 the creation of a new section in Article XII of the State  
14 Constitution are agreed to and shall be submitted to the  
15 electors of this state for approval or rejection at the next  
16 general election or at an earlier special election specifically  
17 authorized by law for that purpose:

18 ARTICLE V

19 JUDICIARY

20 SECTION 8. Eligibility.-

21 (a) No person shall be eligible for office of justice or  
22 judge of any court unless the person is an elector of the state  
23 and resides in the territorial jurisdiction of the court. No  
24 person shall be eligible for the office of justice of the  
25 supreme court or judge of a district court of appeal before  
26 attaining the age of fifty years. No justice or judge shall  
27 serve after attaining the age of seventy years except upon  
28 temporary assignment or to complete a term, one-half of which  
29 has been served.

30 (b) No person is eligible for the office of justice of the  
31 supreme court or judge of a district court of appeal unless the  
32 person is, and has been for the preceding ten years, a member of

33 the bar of Florida. No person is eligible for the office of  
34 circuit judge unless the person is, and has been for the  
35 preceding five years, a member of the bar of Florida. Unless  
36 otherwise provided by general law, no person is eligible for the  
37 office of county court judge unless the person is, and has been  
38 for the preceding five years, a member of the bar of Florida.  
39 Unless otherwise provided by general law, a person shall be  
40 eligible for election or appointment to the office of county  
41 court judge in a county having a population of 40,000 or less if  
42 the person is a member in good standing of the bar of Florida.

43 (c) No person is eligible for the office of justice of the  
44 supreme court unless the person is, or has been, a judge for at  
45 least one year.

46 (d) No person may appear on the ballot for retention to the  
47 office of justice of the supreme court if, by the end of the  
48 current term of office, the person has ever served or, but for  
49 resignation, would have served in that office for two  
50 consecutive full terms. No person may appear on the ballot for  
51 retention to the office of judge of a district court of appeal  
52 if, by the end of the current term of office, the person has  
53 ever served or, but for resignation, would have served in that  
54 office for three consecutive full terms.

## 55 ARTICLE XII

### 56 SCHEDULE

57 Applicability of eligibility requirements for appointment  
58 or retention of justices and appellate judges.—The amendment to  
59 Section 8 of Article V which specifies term limits and a minimum  
60 age requirement for justices of the supreme court and judges of  
61 the district courts of appeal, and requires a minimum one year

62 of service as a judge for a person to be appointed to the office  
63 of justice, takes effect January 1, 2019. The limitations of the  
64 amendment on the terms of justices and judges apply to justices  
65 and judges in office on the effective date of this amendment.

66 BE IT FURTHER RESOLVED that the following statement be  
67 placed on the ballot:

68 CONSTITUTIONAL AMENDMENT

69 ARTICLE V, SECTION 8

70 ARTICLE XII

71 ELIGIBILITY FOR APPOINTMENT AND RETENTION OF OFFICE OF  
72 JUSTICE OR JUDGE.—Amendment imposes a 2-term limit for supreme  
73 court justices, 3-term limit for district courts of appeal  
74 judges, and 50-year age minimum for both; requires 1-year  
75 service as judge to serve as justice. Currently, both serve  
76 unlimited terms, if retained, until age 70, or older if less  
77 than one-half term remains at 70; there is no age minimum or  
78 service requirement. The term limits do not include partial  
79 terms and apply to current justices and judges.

80 BE IT FURTHER RESOLVED that the following statement be  
81 placed on the ballot if a court declares the preceding statement  
82 defective and the decision of the court is not reversed:

83 CONSTITUTIONAL AMENDMENT

84 ARTICLE V, SECTION 8

85 ARTICLE XII

86 ELIGIBILITY FOR APPOINTMENT AND RETENTION OF OFFICE OF  
87 JUSTICE OR JUDGE.—Proposing an amendment to the State  
88 Constitution to limit the terms of justices of the Supreme Court  
89 to two full terms and judges of the district courts of appeal to  
90 three full terms; to require persons to attain the minimum age

91 of 50 to be appointed to such offices; and to require 1 year of  
92 service as a judge for a person to be appointed a justice.  
93 Currently, there are no minimum age or service requirements to  
94 serve as justice or judge, and both now serve unlimited 6-year  
95 terms, if retained, until age 70, or older if less than one-half  
96 of a term remains at age 70. A partial term would not count  
97 toward the limit, which applies to current justices and judges.

RPPTL 2016 - 2017  
Executive Council Meeting Schedule  
Deborah P Goodall's Year

Date	Location
July 28 – 31, 2016	<del><b>Executive Council Meeting &amp; Legislative Update</b> The Breakers Palm Beach, Florida Room Rate: \$218 – SOLD OUT – email Ria Eck at the Breakers to be added to the waitlist for this event @ Ria.Eck@thebreakers.com.</del>
October 5 – 9, 2016	<del><b>Executive Council Meeting</b> The Walt Disney World BoardWalk Inn Lake Buena Vista, FL Room Rate: \$249 (single/double occupancy) – SOLD OUT* (Alternate hotels within an easy walk/boat ride from the BoardWalk: Disney Swan, Disney Dolphin, Disney Yacht Club, Disney Beach Club)</del>
December 7 – 11, 2016	<del><b>Executive Council Meeting</b> The Westin Resort and Marina Key West, FL Reservation Link: <a href="https://www.starwoodmeeting.com/events/start.action?id=1510057567&amp;key=1AFAC12C">https://www.starwoodmeeting.com/events/start.action?id=1510057567&amp;key=1AFAC12C</a> Room Rate: \$279 (single/double occupancy) – SOLD OUT*</del>
February 22 – 25, 2017	<del><b>Out of State Executive Council Meeting</b> Four Seasons Hotel Austin, TX Reservation Link: <a href="http://www.fourseasons.com/austin/">http://www.fourseasons.com/austin/</a> Room Rate: \$299 (single/double occupancy)</del>
May 31 – June 4 , 2017	<del><b>Executive Council Meeting &amp; Convention</b> Hyatt Regency Coconut Point Resort &amp; Spa Bonita Springs, FL Reservation Link: <a href="https://resweb.passkey.com/go/flbar2017">https://resweb.passkey.com/go/flbar2017</a> Room Rate: \$209 (single/double occupancy)</del>

\* To be added to the waitlist for this event, please email Whitney Kirk @ [wkirk@floridabar.org](mailto:wkirk@floridabar.org) to be added to the waitlist. Be sure to include the nights needing a reservation and your full contact information in the email.

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

Date/Time	Committee / Event:	Set	# at Table	# perimeter chairs	Exp # of Guests	AV Equipment Requests
<b>Wednesday</b>	<b>May 31, 2017</b>					
3:00 pm – 5:00 pm	Exhibit Booth Set Up	12				Individual
4:00 pm – 6:00 pm	Executive Committee Meeting	12				
7:00 pm – 9:30 pm	Executive Committee Dinner**	20	15			n/a
<b>Thursday</b>	<b>June 1, 2017</b>					
6:30 am	Reptiles Run/ Bicycle Club					
7:30 am – 5:00 pm	Registration Desk Hours	4	4	0	4	Power strip at Registration table
8:00 am – 10:00 am	Homestead Issues Study* - Set 50 Last Mtg: 33	H/S	40	20	40	none
8:30 am – 11:00 am	Executive Committee **	Conf	12	0	12	n/a
10:00 am – 12:00 pm	Probate Law & Procedure - Set 150, Last Mtg: 155	H/S	80	80	155	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
10:30 am – 12:00 pm	Construction Law - set 55 (Last Mtg: 7)	H/S	20	10	10	speakerphone (client to provide own)
10:30 am – 12:00 pm	Real Property Finance & Lending- set 76 - Last Mtg: 40	H/S	40	20	50	speakerphone- played through house sound (1) microphone at podium, (3) wireless handheld microphones for each side of hollow square
11:00 am – 12:30 pm	Sponsorship - set 30 (Last Mtg 6)	Conf	20	10	10	speakerphone (client to provide own)
11:00 am – 12:30 pm	Residential Real Estate & Industry Liaison - set 76 (Last Mtg: 36)	H/S	40	20	50	speakerphone- played through house sound (1) microphone at podium, (3) wireless handheld microphones for each side of hollow square

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

11:30 am – 12:30 pm	<b>Fellows - set 30 Last Mtg: 13</b>	H/S	20	10	20	speakerphone
11:30 am – 1:30 pm	<b>Working Buffet Lunch-</b>	rounds	150		150	none
12:00 pm – 1:00 pm	<b>Probate &amp; Trust Division Mandatory Chair and Vice Chair Meeting</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
12:30 pm – 2:15 pm	<b>Condominium and Planned Development-set 150 Last Mtg: 60</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
12:30 pm – 2:00 pm	<b>Information, Technology and Communication-set 30 last mtg: 7</b>	Conf	20	10	10	speakerphone (client to provide own)
1:00 pm – 2:30 pm	<b>Estate &amp; Trust Tax Planning - set 150, Last Mtg: 118</b>	H/S	80	80	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
1:30 pm – 2:30 pm	<b>Title Insurance &amp; Title Insurance Liaison - Set 58, Last Mtg: 53</b>	H/S	45	15	55	(1) microphone at podium, (3) wireless handheld microphones to be placed around hollow square, speaker phone that plays through house sound
2:30 pm – 4:00 pm	<b>Real Property Problem Study - set 30 Last Mtg: 60</b>	H/S	20	10	20	speakerphone

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

2:30 pm – 4:00 pm	<b>Probate &amp; Trust Litigation - set 150 Last Mtg: 118</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
3:00 pm – 4:00 pm	<b>IRA, Insurance &amp; Employee Benefits - set 76 Lat mtg: 16</b>	H/S	40	20	50	(1) microphone at podium, (3) wireless handheld microphones for each side of hollow square
3:30 pm – 5:00 pm	<b>POLST* - set 30 Last Mtg:</b>	Conf	20	10	20	none
3:30 pm – 5:00 pm	<b>Real Estate Leasing - set 55 Last Mtg: 53</b>	Conf	20	10	10	speakerphone (client to provide own)
4:00 pm – 5:00 pm	<b>Open/Expired Permits Joint Meeting</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
4:00 pm – 5:00 pm	<b>Ad Hoc Jurisdiction/Service Process* - Set 20, Last Mtg: 8</b>	Conf	15	5	20	none
4:00 pm – 5:00 pm	<b>Wills Trust and Estates Certification Review Course - set 20</b>	Conf	20	10	20	none
4:00 pm – 5:00 pm	<b>Elective Share Review Committee *- set 30 Last Mtg: 7</b>	Conf	20	10	10	speakerphone (client to provide own)
4:00 pm – 5:30 pm	<b>Attorney Trust Officer - set 20 Last Mtg: 11</b>	Conf	20	10	20	speakerphone (client to provide own)
5:00 pm – 6:00 pm	<b>ActionLine - -set 55 Last Mtg: n/a</b>	H/S	20	10	10	speakerphone (client to provide own)
4:00 pm – 5:00 pm	<b>At Large Members - Set 150</b>	H/S	80		80	Podium with Microphone

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

5:00 pm – 6:00 pm	<b>General Sponsor Reception ** - set 40</b>	Reception- High and low tops	50		40	microphone at podium
7:00 pm – 9:00 pm	<b>Welcome Reception - set 200</b>					
9:30 pm – 11:30 pm	<b>Hospitality Suite- Gtd: 75</b>	Casual Reception	75		75	n/a
<b>Friday</b>	<b>June 2, 2017</b>					
6:30 am	<b>Reptiles Run/Bycicle Club</b>					
7:30 am – 5:00 pm	<b>Registration Desk Hours</b>	4	4	0	4	Power strip at Registration table
7:30 am – 9:00 am	<b>Continental Breakfast (GRAB AND GO) Gtd: 60</b>	Rounds & High tops in Lobby	40		120	none
8:00 am – 11:30 am	<b>SEMINAR:</b>	classroom w/ riser	120	20	100	microphone at podium, 1) Q & A Microphone, Projector kit - client to bring own projector
8:30 am - 10:30 am	<b>Spouse/Guest Breakfast \$ -Set 30</b>	classroom w/ riser	120	20	100	n/a
11:30 am – 1:25 pm	<b>Annual Membership Luncheon - Set 250, GTD:</b>	Rounds Podium on Riser- 2 Reserve d Tables Up Front	240	0	240	Podium with Microphone on riser, Projector kit - client to bring own projector
1:30 pm – 2:30 pm	<b>Development and Land Use - Set40, Last Mtg: 20</b>	H/S	30	10	25	speakerphone
1:30 pm – 2:30 pm	<b>Insurance &amp; Surety - Set 40, Last Mtg: 6</b>	H/S	40	20	25	speakerphone
1:30 pm – 3:00 pm	<b>Real Estate Structures and Taxation- Set 45 Last Mtg: 11</b>	H/S	30	15	10	none

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

1:30 pm – 3:30 pm	<b>Trust Law - set 150 (last Mtg 117)</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
2:00 pm – 3:00 pm	<b>Title Issues &amp; Standards - Set 30 Last Mtg: 19</b>	H/S	20	10	20	speakerphone
2:30 pm – 4:00 pm	<b>Real Property Litigation - Set 58 Last Mtg: 42</b>	H/S	40	20	45	(1) microphone at podium, (3) wireless handheld microphones to be placed around hollow square, speaker phone that plays through house sound
2:30 pm – 4:00 pm	<b>Commercial Real Estate - Set 38, Last Mtg: 30</b>	H/S	30	10	30	speakerphone
3:30 pm – 5:00 pm	<b>Asset Protection - set 150 (Last Mtg: 44)</b>	H/S	80	70	150	(1) microphone at podium, (5) wireless handheld microphones to be placed around hollow square, (2) powerstrips on each side of hollow square
3:30 pm – 5:00 pm	<b>Guardianship, Power of Attorney &amp; Advanced Directives - Set 76 (Last Mtg: 47) -</b>	H/S	45	15	50	(1) microphone at podium, (3) wireless handheld microphones for each side of hollow square
3:30 pm – 5:00 pm	<b>Membership &amp; Inclusion - Set 38 Last Mtg: 22</b>	H/S	30	10	20	speakerphone
3:30 pm – 5:00 pm	<b>Fiduciary Practice Group - Set 40</b>	H/S	40	20	25	none
5:00 pm – 6:00 pm	<b>PAC - set 120</b>	Rounds	100	0	82	Podium with Microphone
7:00 pm – 9:30 pm	<b>Friday Reception and Dinner</b>	<b>TBD</b>				
9:30 pm – 11:30 pm	<b>Hospitality Suite</b>	Casual Reception	75	0	75	n/a

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2017**

<b>Saturday</b>	<b>June 3, 2017</b>					
6:30 am	Reptiles Run					
7:30 am - 10:00 am	Spouse/Guest Breakfast - Set 40	rounds	40	0	30	none
8:00 am - 10:00 am	Real Property Law Division Roundtable Breakfast-	rounds	100	10	80	(1) podium microphone, (2) Q and A Wireless
8:00 am - 10:00 am	Probate and Trust Law Division Roundtable Breakfast - Set 150	rounds	140	10	125	(1) podium microphone, (2) Q and A Wireless Microphones on stands
10:00 am – 1:30 pm	Executive Council Meeting and Lunch --Set 270	classroom w/ riser for headtable and podium. Podium in center of headtable set for 12	250	50	170	(2) screens and projector kits, client to provide own projector, (1) podium on headtable (set for 12), (2) Q & A microphones on stands for center of aisles. Pipe and drape for behind stage, hang 8' banner from pipe and drape
7:00 pm – 9:30 pm	Dinner:	Rounds	40	0	40	
<b>Sunday</b>	<b>June 4, 2017</b>					
9:00 am- 11:00 am	Brunch (Restaurant on Property)\$	Rounds				

\*Participation in deliberations and voting is limited to committee members only

\*\* Attendance by invitation only

**Real Property, Probate Trust Law Section / Executive Council Meeting Schedule  
ANNUAL CONVENTION- Hyatt Regency Coconut Point Resort Spa, June 1-4, 2016**

10:00 am – 1:30 pm	<b>Executive Council Meeting and Lunch --Set 270</b>	classroom w/ riser for headtable and podium. Podium in center of headtable set for 12	250	50	170	(2) screens and projector kits, client to provide own projector, (1) podium on headtable (set for 12), (2) Q & A microphones on stands for center of aisles. Pipe and drape for behind stage, hang 8' banner from pipe and drape
7:00 pm – 9:30 pm	<b>Dinner:</b>	Rounds	40	0	40	
<b>Sunday</b>	<b>June 5, 2016</b>					
9:00 am- 11:00 am	<b>Brunch (Restaurant on Property)\$</b>	Rounds				

\*Participation in deliberations and voting is limited to committee members only  
\*\* Attendance by invitation only

RPPTL 2017 - 2018  
 Executive Council Meeting Schedule  
 Andrew O'Malley's Year

Limit 1 reservation per registrant, additional rooms will be approved upon special request. Each hotel has a 30 day cancellation policy on all individual room reservations.

Date	Location
<b>July 27 – July 30, 2017</b>	<p><b>Executive Council Meeting &amp; Legislative Update</b>            The Breakers            Palm Beach, Florida            Room Rate: \$225  <b>Room Block Link: Sold Out – Email mobos@floridabar.org to be added to the waitlist for this hotel</b>  <b>Alternative Room Blocks are available at the following hotels:</b>  <b>Hilton West Palm Beach</b>            Room Rate: \$205            Room Block            Link: <a href="https://aws.passkey.com/gt/212377258?gtid=c2fb64f5e7718e07468df34e25e76c4a">https://aws.passkey.com/gt/212377258?gtid=c2fb64f5e7718e07468df34e25e76c4a</a>  <b>Hyatt Place West Palm Beach/Downtown</b>            Room Rate; \$105            Room Block            Link: <a href="https://westpalmbeach.place.hyatt.com/en/hotel/home.html?corp_id=G-FBAR/">https://westpalmbeach.place.hyatt.com/en/hotel/home.html?corp_id=G-FBAR/</a></p>
<b>October 11 – 15, 2017</b>	<p><b>Out of State Meeting/ Executive Council/ Boston, MA</b>            Fairmont Copley Plaza            Boston, MA            Guest Room Rate: \$375            Signature Room Rate: \$455*            Fairmont Gold Rooms: \$500*            Fairmont Gold Signature Rooms &amp; Junior Suites: \$525*            Fairmont Gold One Bedroom Suite: \$775*            Room Block Link: <a href="https://resweb.passkey.com/go/floridabarrptl">https://resweb.passkey.com/go/floridabarrptl</a></p>
<b>December 7 – 10, 2017</b>	<p><b>Executive Council &amp; Committee Meetings</b>            The Ritz-Carlton            Naples, FL            Room Rate: \$285  <b>Room Block Link: Please note at this time the group block is completely full. You may be placed on waitlist by calling the Reservation Office directly at 877-590-8187.</b></p>
<b>February 22 – 25, 2018</b>	<p><b>Executive Council &amp; Committee Meetings</b>            Casa Monica Hotel            St. Augustine, FL            Room Rate: \$269            Reservation Link: Not yet available</p>
<b>May 31 – June 3 , 2018</b>	<p><b>Executive Council Meeting &amp; Convention</b>            Tradewinds Island Resort on St. Pete Beach            St. Pete Beach, FL            Room Rate: \$249            Tropical View Hotel Room Rate: \$269*            Tropical View One Bedroom Suite: \$319*            Reservation Link: TBA</p>

\*Subject to availability



**RPPTL Financial Summary from Separate Budgets**  
**2016-2017 [July 1 - January 31] YEAR**  
**TO DATE REPORT**

**General Budget**

**YTD**

Revenue	\$ 1,065,521
Expenses	\$ 835,440
<b>Net:</b>	<b>\$ 230,081</b>

**CLI**

**YTD**

Revenue	\$ 14,670
Expenses	\$ 12,396
<b>Net:</b>	<b>\$ 2,274</b>

**Trust Officer Conference**

Revenue	\$ 3,270
Expenses	\$ 9,843
<b>Net:</b>	<b>\$ (6,573)</b>

**Legislative Update**

Revenue	\$ 52,760
Expenses	\$ 89,494
<b>Net:</b>	<b>\$ (36,734)</b>

**Convention**

Revenue	\$ 17
Expenses	\$ 13
<b>Net:</b>	<b>\$ 4</b>

**Roll-up Summary (Total)**

Revenue:	\$ 1,136,238
Expenses	\$ 947,187
<b>Net Operations</b>	<b>\$ 189,051</b>

<b>Beginning Fund Balance:</b>	<b>\$ 1,477,974</b>
<b>Current Fund Balance (YTD):</b>	<b>\$ 1,667,024</b>
<b>Projected June 2017 Fund Balance</b>	<b>\$ 1,414,883</b>



Dean Mead & Dunbar  
215 S. Monroe Street, Suite 815  
Tallahassee, Florida 32301

(850) 999-4100  
(850) 577-0095 Fax  
www.deanmead.com

Attorneys and Counselors at Law  
Orlando  
Fort Pierce  
Viera  
Gainesville  
Tallahassee

PETER M. DUNBAR  
MARTHA J. EDENFIELD  
BRITTANY O. FINKBEINER  
CARI L. ROTH  
pdunbar@deanmead.com  
medenfield@deanmead.com  
bfinkbeiner@deanmead.com  
croth@deanmead.com

### MEMORANDUM

TO: Steve Mezer and Sarah Butters, Co-Chairmen  
Legislative Review Committee, RPPTL Section

FROM: Pete Dunbar, Martha Edenfield, Brittany Finkbeiner and Cari Roth

DATE: February 15, 2017

RE: Real Property, Probate and Trust Law Section Issues for 2017

---

The tracking chart for the 2017 Session accompanies this memo. The Senate bills included in this report are numbered through **SB 968** and House bills numbered through **HB 827**; House “repealer” bills numbered through **HB 6019**; and House committee bills numbered through **7003**. The bill actions reflect all current activity through **February 15, 2017**.

The Section initiatives and other legislation of special interest to the Section are shown below in chronological order. Changes in future reports will be shown in **bold print** and the full text of each bill can be found on the legislative web sites. ([www.flsenate.gov](http://www.flsenate.gov); [www.myfloridahouse.com](http://www.myfloridahouse.com); and [www.leg.state.fl.us](http://www.leg.state.fl.us).)

#### SECTION PROBATE INITIATIVES & INTERESTS

Guardianship: CS/SB 172 by Senator Passidomo and HB 399 by Representative Diamond contains the Section’s initiatives on guardianship and includes the ability of a guardian to initiate divorce proceedings for the ward; removes the statutory cap on funeral expenses of the ward; and creates a notice-and-demand procedure for hearsay and other objections to the examining committee reports in proceedings. **CS/SB 172**

**received 3 committee references and has been amended approved by the first committee.** HB 399 received 3 committee references.

Temporary Care of a Child: SB 200 by Senator Passidomo and HB 363 by Representative White are companion bills that would authorize qualifying organizations to provide temporary care for children for family members and legal guardians. HB 200 received 3 committee references. **HB 363 received 3 committee references and is scheduled for its first hearing on February 16, 2017.**

Electronic Wills: CS/SB 206 by Senator Passidomo and HB 277 by Representative Grant create the Florida Electronic Wills Act and authorizes the electronic execution and storage of wills. The Section has technical concerns and has been asked by Senator Passidomo to provide its concerns with the legislation and amendatory language that will resolve those concerns. CS/SB 206 received 3 committee references and has been amended and passed by the first committee of reference. HB 277 received 2 committee references.

Public Guardians: SB 210 by Senator Passidomo provides a public record exemption for certain identifying information of current and former public guardian and their spouses and family members. **SB 210 received 3 committee references and is scheduled for its first hearing on February 21, 2017.** There is currently no House companion bill.

POLST: SB 228 by Senator Brandes would authorize a doctor to withhold life sustaining treatment to a patient (POLST). The Section has a standing position against POLST legislation without sufficient procedural safeguards currently not included in SB 228. SB 228 received 3 committee references and there is currently no House companion bill.

Elective Share: HB 267 by Representative Berman and SB 724 by Senator Passidomo are companion bills that contain the Section's elective share revisions that include the manner in which protected homestead is included in the elective share; the amount of the share based upon the length of marriage; the time for filing the election; and provisions addressing attorney's fees and unproductive property. HB 267 received 3 references. SB 724 is pending referral.

Trusts: HB 481 by Representative Moraitis and **SB \_\_\_\_ by Senator Young** are companion bills that contain the Section's trust initiatives that include a provision to resolve the inconsistency in the current law regarding notices to the Attorney General relating to charitable trusts; modernization of the statutory authority for decanting trusts; authorization of compensation for multiple trustees; clarifies that the settlor's intent is paramount when interpreting the terms of the trust; and clarifies the duty of a trustee concerning accounting during any period. **HB 481 received 2 references and the companion bill is pending in bill drafting.**

## SECTION REAL ESTATE INITIATIVES & INTERESTS

Limitation on Actions—Real Property: SB 204 by Senator Passidomo and HB 377 by Representative Leek are companion bills that amend paragraph (c) of subsection 95.11 (3) to provide that the completion of a contract for the services of an architect, professional engineer shall be the last date that services are provided or materials supplied. SB 204 received 3 committee references. **HB 377 received 3 committee references and is scheduled for its first hearing on February 16, 2017.**

Property Taxes—Condominiums: SB 226 by Senator Artilles and HB 289 by Representative Avila are companion bills that require delinquent taxes to be paid by a person claiming adverse possession; permits a property appraiser to waive penalties in certain circumstances; requires all condominium unit owners to opt in to a petition filed by the association before the value adjustment board; and provides circumstances for late filing of petitions. SB 226 received 3 committee references. HB 289 received 3 referrals.

Homeowners Associations: HB 295 by Representative Stone relates to mandatory homeowners associations and among its provisions, it extends the arbitration jurisdiction of the Division of Condominiums, Timeshares and Mobile Homes to homeowners associations in specified circumstances; provides for damages when a member is denied access to official records; revises the transition for control of the association board of directors; extends Division training to homeowners associations; requires the delivery of governing documents to a new purchaser; and creates new causes of action against the community developer. HB 295 is pending referral by the Speaker.

MRTA—Covenant Exemptions: SB 318 by Senator Passidomo and **HB 735 by Representative Edwards** are companion bills that add covenants of a mandatory property owners association as additional exceptions that may be extended under, and it authorizes the revitalization of covenants to all mandatory property owners association. SB 318 received 3 references. **HB 735 received 3 references.**

Estoppel Certificates: SB 398 by Senator Passidomo and HB 483 by Representative Donalds are companion bills that revise procedures for providing estoppel certificates by condominium, cooperative and homeowners associations; requires the delivery of certificates within 10 days; specifies the information to be contained in the certificate; provides that the certificate must be effective for 30 days; and provides for fees that may be charged for the certificate. **SB 398 received 3 referrals and is scheduled for its first hearing on February 22, 2017.** HB 483 received 3 committee references.

“Start/Stop” Notice of Termination: HB 685 by Representative Leek and SB 734 by Senator Powell are companion bills that contain the Section’s initiative to modify subsection 713.132 (3) to permit the filing of a notice of termination at any time whether or not construction ceases. SB 734 is pending referral. **HB 685 received 3 references.**

Community Associations: HB 653 by Representative Moraitis and SB 744 by Senator Passidomo are companion bills that make a series of revisions to the housing chapters (718, 719 and 720) that include extending the time for a response for records production from 5 to 10 days; eliminating the auditing exemption for communities of 50 units or less; eliminating the restriction on the waiver of financial reporting; clarifying the notice requirements for special assessments; providing for exemptions for fire sprinkler retrofitting; and eliminating the bulk buyer sunset for Part VII of the Condominium Act. **HB 653 received 3 references.** SB 744 is pending referral.

### OTHER LEGISLATION OF INTEREST

Judicial Term Limits: HJR 1 by Representative Sullivan and **SJR 482 by Senator Hutson** are companion measures that propose an amendment to Florida Constitution imposing a two-term limit on Justices of the Supreme Court and Judges on the District Courts of Appeal. The Section opposes the term limits initiative. HJR 1 will be heard in the final committee of reference on February 22, 2017. **SJR 482 received 3 references.**

Override of Judicial Rulings: **HJR 121 by Representative Gonzalez proposes amendment to the Florida Constitution permitting a legislative review and override of a judicial ruling that declares an act of the legislature to be void. HJR 121 received 3 committee references. There is currently no House companion.**

Homeowners Associations: HB 135 by Representative Cortes provides specific election procedures for the board of directors of homeowners associations in communities containing 7,500 or more parcels. HB 135 received 3 committee references and there is no pending Senate companion bill.

Homeowners Associations: HB 137 by Representative Cortes authorizes certain enumerated disputes arising in a homeowners association to be submitted to non-binding arbitration at the Division of Condominiums, Timeshares and Mobile Homes. HB 137 received 3 committee references and there is no pending Senate companion bill.

Vacation Rentals: SB 188 by Senator Steube and HB 425 by Representative La Rosa are companion bills that expand the current state preemption of regulation of vacation rentals by local government and eliminates the ability of counties and municipalities to regulate the use of vacation rentals based solely on their classification or occupancy. SB 188 received 3 committee references. HB 425 received 3 references.

Abuse of a Parent: **HB 431 by Representative Mercado criminalizes conduct by a child that is considered abuse of a parent; aggravated abuse of a parent; exploitation of the parent's; or emotional abuse of a parent. HB 431 received 3 committee references. There is currently no Senate companion bill.**

Mortgage Foreclosures: HB 471 by Representative Fant and SB 660 by Senator Passidomo are companion bills that authorize the submission of any document filed by a defendant in a bankruptcy proceeding to be submitted in a foreclosure proceeding that evidences the defendant's intent to surrender the property to the mortgagee. **HB 471 received 3 references by the Speaker. SB 660 is pending referral.**

Unclaimed Funds: SB 536 by Senator Brandes and HB 681 by Representative Clemons are companion measures that provide for the disposition of unclaimed funds from a judicial sale that are held by the Clerk. HB 681 received 3 references. SB 536 received 3 references.

Homeowners Association Fines and Assessments: HB 713 by Representative Slosberg and SB 950 by Senator Stewart would prohibit the levy of fines and special assessments against a parcel for a period of 6 months after the death of the parcel owner; would prohibit interest and late charges in the collection process to be incurred for a period of one year after the death of a parcel owner; and requires service of 5 notices on the executor of a parcel owner's estate. HB 713 received 3 references. SB 950 is pending referral.

Historic Condominiums and Cooperatives: SB 778 by Senator Garcia amends s. 196.1961 to provide an ad valorem tax exemption of up to 50 percent of the assessed value for a condominium or cooperative used for commercial purposes or used by a not-for-profit organization. SB 778 is pending referral by the President.

Vacation Rentals: HB 6003 by Representative Richardson eliminates the current state preemption of regulation of vacation rentals by local government and would restore the ability of counties and municipalities to regulate the duration and frequencies of vacation rentals. HB 6003 received 3 committee references and there is no pending Senate companion bill.

\*\*\*\*\*

**PMD - RPPTL**

Sorted by Bill Number

**HB 33****Relating to Real Property Rights of Aliens Ineligible for Citizenship** Jenne

Real Property Rights of Aliens Ineligible for Citizenship: Proposes amendment to s. 2, Art. I of State Constitution to delete provision authorizing the Legislature to regulate or prohibit ownership, inheritance, disposition, & possession of real property by aliens who are ineligible for citizenship.

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

11/23/2016 HOUSE Filed

1/9/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Agriculture & Property Rights Subcommittee; Judiciary Committee

1/9/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar****SB 338**

Relating to Real Property Rights of Aliens Ineligible for Citizenship (Rader)

01/25/2017 SENATE Referred to Judiciary; Community Affairs; Rules

**HB 35****Relating to Well Stimulation Treatments**

Jenne

Well Stimulation Treatments: Prohibits well stimulation treatments for exploration or production of oil or natural gas. Effective Date: July 1, 2017

**Current Committee of Reference:** Natural Resources & Public Lands Subcommittee

11/23/2016 HOUSE Filed

1/9/2017 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

1/9/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**Compare****SB 98**

Relating to Well Stimulation (Farmer)

SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**SB 108**

Relating to Well Stimulation (Farmer)

SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**SB 442**

Relating to Advanced Well Stimulation Treatment (Young)

02/01/2017 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**HB 451**

Relating to Advanced Well Stimulation Treatment (Miller (M))

02/06/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**HB 47****Relating to Texting While Driving**

Stark

Texting While Driving: Revises penalties for violations of Florida Ban on Texting While Driving Law; provides enhanced penalties for such violations when committed in school zone or school crossing; removes requirement that specified provisions be enforced as secondary action by law enforcement agency. Effective Date: July 1, 2017

**Current Committee of Reference:** Transportation & Infrastructure Subcommittee

11/23/2016 HOUSE Filed

1/9/2017 HOUSE Referred to Transportation & Infrastructure Subcommittee; Transportation & Tourism Appropriations Subcommittee; Government Accountability Committee

1/9/2017 HOUSE Now in Transportation & Infrastructure Subcommittee

**HB 49****Relating to Ad Valorem Taxation**

Eagle

Ad Valorem Taxation: Requires property appraisers to reduce the assessed value on residential property damaged or destroyed by natural disaster under certain conditions; requiring the property appraiser to submit written statement to the tax collector & specifying the contents thereof; provides duties of tax collector relating to reduction in taxes; requires annual notification to DOR & board of county commissioners of reduction in taxes; provides retroactive applicability; provides effective date. Effective Date: upon becoming a law

**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee

2/8/2017 HOUSE On Committee agenda - Local, Federal and Veterans Affairs Subcommittee, 02/15/17, 9:00 am, 12 H - PCS

2/15/2017 HOUSE Favorable with CS by Local, Federal & Veterans Affairs Subcommittee; 13 Yeas, 0 Nays

2/15/2017 PCS to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**Similar**

[SB 272](#) Relating to Ad Valorem Taxation (Hutson)  
01/25/2017 SENATE Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

[HB 69](#) **Relating to Use of Wireless Communications Devices while Driving** Slosberg  
Use of Wireless Communications Devices while Driving: Provides for primary enforcement of Florida Ban on Texting While Driving Law for drivers age 18 or younger; requires deposit of fines into Emergency Medical Services Trust Fund. Effective Date: July 1, 2017  
**Current Committee of Reference:** Transportation & Infrastructure Subcommittee  
12/2/2016 HOUSE Filed  
1/9/2017 HOUSE Referred to Transportation & Infrastructure Subcommittee; Transportation & Tourism Appropriations Subcommittee; Government Accountability Committee  
1/9/2017 HOUSE Now in Transportation & Infrastructure Subcommittee  
**Identical**

---

[SB 144](#) Relating to Use of Wireless Communications Devices While Driving (Garcia)  
02/07/2017 SENATE Temporarily postponed by Communications, Energy, and Public Utilities

[SB 76](#) **Relating to Limitations on Property Tax Assessments** Lee (T)  
Limitations on Property Tax Assessments ; Proposing an amendment to the State Constitution to remove a future repeal of provisions in Section 4 of Article VII which limit annual assessment increases for specified nonhomestead real property, etc.  
**Current Committee of Reference:** Appropriations Subcommittee on Finance and Tax  
2/1/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/03/17, 9:00 am, 117 K (No Votes Will Be Taken)  
2/2/2017 Removed from agenda - Office of EDR's Revenue Estimating Impact Conference, 02/03/17  
2/13/2017 SENATE On Committee agenda - Appropriations Subcommittee on Finance and Tax, 02/22/17, 10:00 am, 401 S

**Similar**

---

[HB 21](#) Relating to Limitations on Property Tax Assessments (Burton)  
02/14/2017 HOUSE On Committee agenda - Ways & Means Committee, 02/21/17, 1:00 pm, 17 H

[SB 80](#) **Relating to Public Records** Steube  
Public Records; Requiring a complainant to timely provide certain written notice in order to be entitled to attorney fees in certain civil actions for enforcement of ch. 119, F.S., etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Community Affairs  
1/30/2017 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/07/17, 10:00 am, 401 S  
2/7/2017 SENATE Favorable by Governmental Oversight and Accountability; 4 Yeas, 3 Nays  
2/8/2017 SENATE Now in Community Affairs

**Compare**

---

[HB 163](#) Relating to Public Records (Burgess)  
01/11/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee  
[SB 246](#) Relating to Public Records (Garcia)  
01/12/2017 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Judiciary; Rules

[SB 86](#) **Relating to Agricultural Land Classification and Assessment** Steube  
Agricultural Land Classification and Assessment; Providing an exception from a certain requirement for lands to be classified as agricultural for taxation purposes; requiring that land jointly used for commercial nonagricultural purposes and bona fide agricultural purposes directly related to apiculture be classified as agricultural, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Agriculture  
12/1/2016 SENATE Filed  
12/16/2016 SENATE Referred to Agriculture; Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

[SB 90](#) **Relating to Renewable Energy Source Devices** Brandes  
Renewable Energy Source Devices; Revising the definition of the term "renewable energy source device"; prohibiting the consideration of just value of property attributable to a renewable energy source device in determining the assessed value of any real property; exempting a renewable energy source device from the tangible personal property tax, etc. Effective Date: 1/1/2018  
**Current Committee of Reference:** Community Affairs

2/7/2017 SENATE Favorable by Communications, Energy, and Public Utilities; 5 Yeas, 0 Nays  
 2/8/2017 SENATE Now in Community Affairs  
 2/13/2017 SENATE On Committee agenda - Community Affairs, 02/21/17, 12:30 pm, 301 S

**SB 94****Relating to Property Insurance Appraisers and Property Insurance Appraisal Umpires** Artiles

Property Insurance Appraisers and Property Insurance Appraisal Umpires; Authorizing the Department of Financial Services to investigate property insurance appraisal umpires for violations of the insurance code; creating the "Property Insurance Appraisal Umpire Law"; providing qualifications for license as an umpire; authorizing the department to refuse, suspend, or revoke an umpire's license under certain circumstances; providing an appropriation and authorizing positions, etc. APPROPRIATION: \$136,337.00 Effective Date: 10/1/2017

**Current Committee of Reference:** Banking and Insurance

12/2/2016 SENATE Filed

12/16/2016 SENATE Referred to Banking and Insurance; Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

**Identical**


---

**HB 767** Relating to Property Insurance Appraisers and Property Insurance Appraisal Umpires (Fischer)  
 02/10/2017 HOUSE Filed

**SB 98****Relating to Well Stimulation** Farmer

Well Stimulation; Citing this act as the "Stop Fracking Act"; prohibiting persons from engaging in extreme well stimulation, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Environmental Preservation and Conservation

12/2/2016 SENATE Filed

12/16/2016 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**Compare**


---

**HB 35** Relating to Well Stimulation Treatments (Jenne)  
 01/09/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**SB 108** Relating to Well Stimulation (Farmer)  
 SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**Similar**


---

**SB 442** Relating to Advanced Well Stimulation Treatment (Young)  
 02/01/2017 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**HB 451** Relating to Advanced Well Stimulation Treatment (Miller (M))  
 02/06/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**HB 107****Relating to Criminal Offenses Involving Tombs and Memorials** Cortes (B)

Criminal Offenses Involving Tombs and Memorials: Creates & revises definitions; prohibits excavation, exposition, movement, removal, or other disturbance of contents of tomb or memorial; provides exceptions to prohibition against disturbance of contents of tomb or memorial for cemeteries exempted from certain regulation. Effective Date: July 1, 2017

**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee

2/8/2017 HOUSE Committee Substitute Text (C1) Filed

2/9/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

2/15/2017 HOUSE On Committee agenda - Local, Federal & Veterans Affairs Subcommittee, 02/22/17, 8:00 am, 12 H

**Similar**


---

**SB 844** Relating to Criminal Offenses Involving Tombs and Memorials (Simmons)  
 02/09/2017 SENATE Filed

**SB 108****Relating to Well Stimulation** Farmer

Well Stimulation; Proposing the creation of Section 30 of Article X of the State Constitution to establish public policy against certain types of well stimulation in order to protect the state's water resources, and to prohibit extreme well stimulation, etc.

**Current Committee of Reference:** Environmental Preservation and Conservation

12/5/2016 SENATE Filed

12/16/2016

SENATE Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations

**Compare**

---

<a href="#"><u>HB 35</u></a>	Relating to Well Stimulation Treatments (Jenne) 01/09/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee
<a href="#"><u>SB 98</u></a>	Relating to Well Stimulation (Farmer) SENATE Referred to Environmental Preservation and Conservation; Community 12/16/2016 Affairs; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations
<a href="#"><u>SB 442</u></a>	Relating to Advanced Well Stimulation Treatment (Young) 02/01/2017 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations
<a href="#"><u>HB 451</u></a>	Relating to Advanced Well Stimulation Treatment (Miller (M)) 02/06/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

[HB 115](#) **Relating to Cable and Video Service Agreements** Russell  
Cable and Video Service Agreements: Requires service agreements to specify in the agreements whether such agreements will be automatically renewed under specified circumstances. Effective Date: July 1, 2017  
**Current Committee of Reference:** Energy & Utilities Subcommittee  
12/19/2016 HOUSE Filed  
1/9/2017 HOUSE Referred to Energy & Utilities Subcommittee; Civil Justice & Claims Subcommittee; Commerce Committee  
1/9/2017 HOUSE Now in Energy & Utilities Subcommittee

**Identical**

---

[SB 218](#) Relating to Cable and Video Service Agreements (Thurston, Jr.)  
01/12/2017 SENATE Referred to Communications, Energy, and Public Utilities; Commerce and Tourism; Rules

[HB 121](#) **Relating to Legislative Review of Judicial Ruling Declaring a Legislative Act Void** Gonzalez  
Legislative Review of Judicial Ruling Declaring a Legislative Act Void: Proposes creation of s. 22 of Art. III of State Constitution to provide for legislative review of judicial ruling declaring a legislative act void.  
**Current Committee of Reference:** Civil Justice & Claims Subcommittee  
12/27/2016 HOUSE Filed  
1/11/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Rules & Policy Committee; Judiciary Committee  
1/11/2017 HOUSE Now in Civil Justice & Claims Subcommittee

[SB 124](#) **Relating to Homestead Tax Relief** Steube  
Homestead Tax Relief; Proposing an amendment to the State Constitution to authorize the Legislature to provide, by general law, ad valorem tax relief on homestead property to the parent or parents of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces, etc.  
**Current Committee of Reference:** Military and Veterans Affairs, Space, and Domestic Security  
12/8/2016 SENATE Filed  
12/20/2016 SENATE Referred to Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

[HB 133](#) **Relating to Housing Assistance** Cortes (J)  
Housing Assistance: Increases percentage of local housing distribution funds that may be used to provide rental housing. Effective Date: July 1, 2017  
**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee  
12/28/2016 HOUSE Filed  
1/11/2017 HOUSE Referred to Local, Federal & Veterans Affairs Subcommittee; Transportation & Tourism Appropriations Subcommittee; Government Accountability Committee  
1/11/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

[HB 135](#) **Relating to Homeowners' Associations** Cortes (J)  
Homeowners' Associations: Provides requirements for election of members of board of directors for associations in specified communities. Effective Date: July 1, 2017  
**Current Committee of Reference:** Agriculture & Property Rights Subcommittee  
12/28/2016 HOUSE Filed

- 1/11/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Judiciary Committee; Commerce Committee  
 1/11/2017 HOUSE Now in Agriculture & Property Rights Subcommittee

**HB 137****Relating to Homeowners' Associations**

Cortes (J)

Homeowners' Associations: Authorizes certain disputes to be submitted to mandatory nonbinding arbitration with Division of Florida Condominiums, Timeshares, & Mobile Homes; requires DBPR to establish fee structure for certain purposes. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

12/29/2016 HOUSE Filed

1/11/2017 HOUSE Referred to Careers & Competition Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee

1/11/2017 HOUSE Now in Careers & Competition Subcommittee

**Similar****HB 89**

Relating to Homeowners' Associations (Cortes (J))

12/19/2016 HOUSE Withdrawn prior to introduction

**SB 140****Relating to Openly Carrying a Handgun**

Steube

Openly Carrying a Handgun; Authorizing a compliant licensee to openly carry a handgun, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Judiciary

12/20/2016 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Rules

12/29/2016 SENATE On Committee agenda - Judiciary, 01/10/17, 2:00 pm, 110 S

1/4/2017 SENATE Meeting Cancelled - Judiciary, 01/10/17, 2:00 pm, 110 S

**Compare****SB 616**

Relating to Concealed Weapons or Firearms (Steube)

02/01/2017 SENATE Filed

**SB 618**

Relating to Concealed Weapons and Firearms (Steube)

02/01/2017 SENATE Filed

**SB 620**

Relating to Concealed Weapons or Firearms (Steube)

02/01/2017 SENATE Filed

**SB 622**

Relating to Concealed Weapons or Firearms (Steube)

02/01/2017 SENATE Filed

**SB 626**

Relating to Concealed Weapons or Firearms (Steube)

02/01/2017 SENATE Filed

**SB 640**

Relating to Concealed Weapons or Firearms (Steube)

02/01/2017 SENATE Filed

**SB 644**

Relating to Openly Carrying A Handgun (Steube)

02/01/2017 SENATE Filed

**HB 803**

Relating to Licenses to Carry Concealed Weapons or Firearms (Hahnfeldt)

02/13/2017 HOUSE Filed

**SB 908**

Relating to Licenses to Carry Concealed Weapons or Firearms (Baxley)

02/13/2017 SENATE Filed

**HB 6001**

Relating to Concealed Weapons and Firearms (Raburn)

01/09/2017 HOUSE Now in Criminal Justice Subcommittee

**HB 6005**

Relating to Licenses to Carry Concealed Weapons or Firearms (Plakon)

01/09/2017 HOUSE Now in Criminal Justice Subcommittee

**SB 144****Relating to Use of Wireless Communications Devices While Driving** Garcia

Use of Wireless Communications Devices While Driving; Providing for primary enforcement of the Florida Ban on Texting While Driving Law for drivers age 18 or younger; requiring deposit of fines into the Emergency Medical Services Trust Fund; providing an effective date, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Communications, Energy, and Public Utilities

12/20/2016 SENATE Referred to Communications, Energy, and Public Utilities; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations

1/30/2017 SENATE On Committee agenda - Communications, Energy, and Public Utilities, 02/07/17, 2:00 pm, 301 S

2/7/2017 SENATE Temporarily postponed by Communications, Energy, and Public Utilities

**Identical**

[HB 69](#) Relating to Use of Wireless Communications Devices while Driving (Slosberg)  
01/09/2017 HOUSE Now in Transportation & Infrastructure Subcommittee

[HB 151](#) **Relating to Proceedings Involving Minors or Certain Other Persons** Brodeur  
Proceedings Involving Minors or Certain Other Persons: Provides that judges may allow use of certain service animals, therapy animals, or facility dogs in proceedings involving abuse, abandonment, or neglect; allows such animals to be used when taking testimony of certain other persons. Effective Date: July 1, 2017  
**Current Committee of Reference:** Judiciary Committee  
2/9/2017 HOUSE Favorable with CS by Children, Families & Seniors Subcommittee; 14 Yeas, 0 Nays  
2/9/2017 HOUSE Committee Substitute Text (C2) Filed  
2/13/2017 HOUSE Now in Judiciary Committee

**Similar**


---

[SB 416](#) Relating to Use of Animals in Proceedings Involving Minors (Montford)  
02/13/2017 SENATE On Committee agenda - Judiciary, 02/21/17, 3:30 pm, 110 S

[HB 163](#) **Relating to Public Records** Burgess  
Public Records: Revises circumstances under which a court must assess & award reasonable costs of enforcement against an agency in a civil action to enforce ch. 119, F.S.; prohibits court from assessing & awarding reasonable costs of enforcement against an agency if certain conditions exist; specifies circumstances under which a complainant is not required to provide certain written notice of public record request. Effective Date: upon becoming a law  
**Current Committee of Reference:** Oversight, Transparency & Administration Subcommittee  
1/4/2017 HOUSE Filed  
1/11/2017 HOUSE Referred to Oversight, Transparency & Administration Subcommittee; Civil Justice & Claims Subcommittee; Government Accountability Committee  
1/11/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee

**Compare**


---

[SB 80](#) Relating to Public Records (Steube)  
02/08/2017 SENATE Now in Community Affairs

**Similar**


---

[SB 246](#) Relating to Public Records (Garcia)  
01/12/2017 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Judiciary; Rules

[HB 169](#) **Relating to Fictitious Name Registration** White  
Fictitious Name Registration: Revises information required to register fictitious name; revises requirements for change in registration; revises provisions concerning expiration of registration; prohibits renewal of registration if registered fictitious name is prohibited by specified provisions; specifies additional forms of business organization that may not be required to register; revises provisions concerning penalties for violations; specifies additional terms that may not be included in fictitious name. Effective Date: July 1, 2017  
**Current Committee of Reference:** Commerce Committee  
2/9/2017 HOUSE Committee Substitute Text (C1) Filed  
2/13/2017 HOUSE Reference to Transportation & Tourism Appropriations Subcommittee removed; Remaining reference: Commerce Committee  
2/13/2017 HOUSE Now in Commerce Committee

**Similar**


---

[SB 346](#) Relating to Fictitious Names (Stargel)  
02/13/2017 SENATE On Committee agenda - Commerce and Tourism, 02/21/17, 9:00 am, 110 S

[SB 172](#) **Relating to Guardianship** Passidomo  
Guardianship; Requiring each examining committee member in a proceeding to determine incapacity to file his or her report with the clerk of the court within a specified timeframe after appointment; eliminating the requirement that a court must first find that a ward's spouse has consented to dissolution of marriage before the court may authorize a guardian to exercise specified rights, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Judiciary  
2/6/2017 SENATE Favorable with CS by Children, Families, and Elder Affairs; 4 Yeas, 0 Nays  
2/7/2017 SENATE Committee Substitute Text (C1) Filed  
2/8/2017 SENATE Now in Judiciary

**Similar**


---

[HB 399](#) Relating to Guardianship (Diamond)

02/06/2017 HOUSE Now in Civil Justice &amp; Claims Subcommittee

- SB 188** **Relating to Vacation Rentals** Steube  
 Vacation Rentals; Providing that local laws, ordinances, and regulations adopted after a certain date may not restrict the use of, prohibit, or regulate vacation rentals based solely on their classification, use, or occupancy, etc. Effective Date: Upon becoming a law  
**Current Committee of Reference:** Regulated Industries  
 12/16/2016 SENATE Filed  
 1/10/2017 SENATE Referred to Regulated Industries; Community Affairs; Rules  
**Identical**  


---

**HB 425** Relating to Vacation Rentals (La Rosa)  
 02/06/2017 HOUSE Now in Agriculture & Property Rights Subcommittee
- SB 190** **Relating to Low-voltage Electric Fences** Ariles  
 Low-voltage Electric Fences; Providing requirements for a low-voltage electric fence to be permitted as a low-voltage alarm system project, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Community Affairs  
 2/8/2017 SENATE Favorable with CS by Regulated Industries; 8 Yeas, 0 Nays  
 2/10/2017 SENATE Committee Substitute Text (C1) Filed  
 2/10/2017 SENATE Now in Community Affairs  
**Similar**  


---

**HB 241** Relating to Low-voltage Electric Fences (Williamson)  
 02/15/2017 HOUSE On Committee agenda - Agriculture & Property Rights Subcommittee,  
 02/22/17, 1:15 pm, 12 H
- HB 191** **Relating to Commercial Lines Residential Coverage** Beshears  
 Commercial Lines Residential Coverage: Provides conditions under which specified commercial lines residential coverage is exportable. Effective Date: July 1, 2017  
**Current Committee of Reference:** Insurance & Banking Subcommittee  
 1/9/2017 HOUSE Filed  
 1/23/2017 HOUSE Referred to Insurance & Banking Subcommittee; Commerce Committee  
 1/23/2017 HOUSE Now in Insurance & Banking Subcommittee  
**Similar**  


---

**SB 208** Relating to Surplus Lines Insurance (Passidomo)  
 01/12/2017 SENATE Referred to Banking and Insurance; Commerce and Tourism; Rules
- SB 200** **Relating to Temporary Respite Care of a Child** Passidomo  
 Temporary Respite Care of a Child; Authorizing certain organizations to establish programs for the purpose of assisting parents and legal guardians in providing temporary respite care for a child; providing that placement of a child in temporary respite care does not, in the absence of evidence to the contrary, constitute abuse, neglect, or abandonment or placement in foster care; authorizing the Department of Children and Families to refer children to such programs under certain circumstances, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Children, Families, and Elder Affairs  
 12/20/2016 SENATE Filed  
 1/10/2017 SENATE Referred to Children, Families, and Elder Affairs; Judiciary; Rules  
**Similar**  


---

**HB 363** Relating to Temporary Care of a Child (White)  
 02/09/2017 HOUSE On Committee agenda - Children, Families & Seniors Subcommittee,  
 02/16/17, 9:00 am, 12 H
- SB 202** **Relating to Court Records** Brandes  
 Court Records; Providing an exemption from liability for the inadvertent release of certain information by the clerk of court, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Governmental Oversight and Accountability  
 2/7/2017 SENATE Favorable by Judiciary; 8 Yeas, 0 Nays  
 2/8/2017 SENATE Now in Governmental Oversight and Accountability  
 2/13/2017 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/21/17, 12:30 pm, 401 S  
**Identical**  


---

**HB 441** Relating to Court Records (Diamond)  
 02/06/2017 HOUSE Now in Civil Justice & Claims Subcommittee
- SB 204** **Relating to Actions Founded on Real Property Improvements** Passidomo

Actions Founded on Real Property Improvements; Specifying when a contract has been completed between a professional engineer, registered architect, or licensed contractor and his or her employer, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Judiciary

12/21/2016 SENATE Filed

1/12/2017 SENATE Referred to Judiciary; Regulated Industries; Rules

**Compare**

[HB 377](#)

Relating to Limitations on Actions other than for the Recovery of Real Property (Leek)

02/09/2017 HOUSE On Committee agenda - Civil Justice & Claims Subcommittee, 02/16/17, 9:00 am, 404 H

[SB 206](#)

**Relating to Electronic Wills**

Passidomo

Electronic Wills; Creating the "Florida Electronic Wills Act"; specifying requirements that must be satisfied in the preparation and execution of electronic wills; authorizing an electronic will that is properly executed in this or another state, or a certified paper original of such properly executed electronic will, to be offered for and admitted to probate in this state, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Banking and Insurance

1/24/2017 SENATE Favorable with CS by Judiciary; 9 Yeas, 0 Nays

1/26/2017 SENATE Committee Substitute Text (C1) Filed

1/31/2017 SENATE Now in Banking and Insurance

**Similar**

[HB 277](#)

Relating to Electronic Wills (Grant (J))

01/25/2017 HOUSE Now in Civil Justice & Claims Subcommittee

[SB 208](#)

**Relating to Surplus Lines Insurance**

Passidomo

Surplus Lines Insurance; Revising conditions for the export eligibility of commercial lines residential coverage, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Banking and Insurance

12/21/2016 SENATE Filed

1/12/2017 SENATE Referred to Banking and Insurance; Commerce and Tourism; Rules

**Similar**

[HB 191](#)

Relating to Commercial Lines Residential Coverage (Beshears)

01/23/2017 HOUSE Now in Insurance & Banking Subcommittee

[SB 210](#)

**Relating to Public Records/Public Guardians**

Passidomo

Public Records/Public Guardians; Providing an exemption from public records requirements for certain identifying and location information of current or former public guardians and the spouses and children thereof; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Children, Families, and Elder Affairs

12/21/2016 SENATE Filed

1/12/2017 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Rules

2/13/2017 SENATE On Committee agenda - Children, Families, and Elder Affairs, 02/21/17, 9:00 am, 401 S

[SB 218](#)

**Relating to Cable and Video Service Agreements**

Thurston, Jr.

Cable and Video Service Agreements; Requiring a service agreement to specify in the agreement whether such agreement will be automatically renewed under specified circumstances, etc.

Effective Date: 7/1/2017

**Current Committee of Reference:** Communications, Energy, and Public Utilities

12/29/2016 SENATE Filed

1/12/2017 SENATE Referred to Communications, Energy, and Public Utilities; Commerce and Tourism; Rules

**Identical**

[HB 115](#)

Relating to Cable and Video Service Agreements (Russell)

01/09/2017 HOUSE Now in Energy & Utilities Subcommittee

[HB 223](#)

**Relating to Tax on Commercial Real Property**

Ahern

Tax on Commercial Real Property: Provides certain exemptions from tax imposed on rental or license fees charged for use of commercial real property; provides for future repeal of tax.

Effective Date: July 1, 2017

**Current Committee of Reference:** Ways & Means Committee

1/11/2017 HOUSE Filed

1/23/2017 HOUSE Referred to Ways & Means Committee; Appropriations Committee

1/23/2017 HOUSE Now in Ways & Means Committee

**Similar**

[SB 838](#) Relating to Tax on Commercial Real Property (Perry)  
02/09/2017 SENATE Filed

**[SB 226](#)**

**Relating to Property Taxes**

Artiles

Property Taxes; Providing that a possessor of real property for 7 years must pay all delinquent taxes prior to claiming adverse possession; providing criteria under which a property appraiser may waive unpaid penalties and interest for improper nonpayment or reduction payment of ad valorem taxes by certain property owners claiming a homestead exemption; revising a provision authorizing a property appraiser to exempt certain tangible personal property from ad valorem taxation without filing an initial return, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Judiciary

2/7/2017 SENATE Temporarily Postponed by Judiciary

2/8/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17, 10:00 am, 117 K (No Votes Will Be Taken)

2/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**Similar**

[HB 289](#) Relating to Property Taxes (Donalds)  
02/08/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17, 10:00 am, 117 K (No Votes Will Be Taken)

**[HB 227](#)**

**Relating to Electrical and Alarm System Contracting**

Killebrew

Electrical and Alarm System Contracting: Specifies that provisions regulating electrical & alarm system contractors do not prevent such contractors from acting as prime contractor or from subcontracting work to other licensed contractors under certain circumstances. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

1/23/2017 HOUSE Referred to Careers & Competition Subcommittee; Commerce Committee

1/23/2017 HOUSE Now in Careers & Competition Subcommittee

2/15/2017 HOUSE On Committee agenda - Careers & Competition Subcommittee, 02/22/17, 1:15 pm, 212 K

**[SB 228](#)**

**Relating to Physician Orders for Life-sustaining Treatment**

Brandes

Physician Orders for Life-sustaining Treatment; Establishing the Physician Orders for Life-Sustaining Treatment (POLST) Program within the Department of Health; providing limited immunity for legal representatives and specified health care providers acting in good faith in reliance on POLST forms; authorizing emergency medical transportation providers to withhold or withdraw cardiopulmonary resuscitation or other medical interventions if presented with POLST forms that contain an order not to resuscitate, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Judiciary

1/3/2017 SENATE Filed

1/12/2017 SENATE Referred to Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations

**Linked**

[SB 722](#) Relating to Public Records/Clearinghouse for  
Compassionate and Palliative Care Plans (Brandes)  
02/06/2017 SENATE Filed

**[HB 241](#)**

**Relating to Low-voltage Electric Fences**

Williamson

Low-voltage Electric Fences: Redefines term "low-voltage alarm system project"; defines "low-voltage electric fence"; provides requirements for low-voltage electric fence to be permitted as low-voltage alarm system project. Effective Date: July 1, 2017

**Current Committee of Reference:** Agriculture & Property Rights Subcommittee

1/23/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Local, Federal & Veterans Affairs Subcommittee; Commerce Committee

1/23/2017 HOUSE Now in Agriculture & Property Rights Subcommittee

2/15/2017 HOUSE On Committee agenda - Agriculture & Property Rights Subcommittee, 02/22/17, 1:15 pm, 12 H

**Similar**

[SB 190](#) Relating to Low-voltage Electric Fences (Artiles)  
02/10/2017 SENATE Now in Community Affairs

**[SB 246](#)**

**Relating to Public Records**

Garcia

Public Records; Revising the circumstances under which a court must assess and award the reasonable costs of enforcement against an agency in a civil action to enforce ch. 119, F.S.; prohibiting a court from assessing and awarding the reasonable costs of enforcement against an agency if certain conditions exist; specifying circumstances under which a complainant is not required to provide certain written notice of a public records request, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Governmental Oversight and Accountability

1/5/2017 SENATE Filed

1/12/2017 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Judiciary; Rules

**Compare**

---

[SB 80](#) Relating to Public Records (Steube)  
02/08/2017 SENATE Now in Community Affairs

**Similar**

---

[HB 163](#) Relating to Public Records (Burgess)  
01/11/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee

**[SB 264](#)**

**Relating to Self-storage**

Artiles

Self-storage; Providing that a lien sale may be conducted on certain websites; providing that a self-storage facility owner is not required to have a license to post property for online sale; authorizing an owner to impose and collect a late fee from a tenant under certain circumstances; specifying that late fees in a specified amount are deemed reasonable and do not constitute a penalty, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Regulated Industries

2/9/2017 SENATE Committee Substitute Text (C1) Filed

2/10/2017 SENATE Now in Regulated Industries

2/13/2017 SENATE On Committee agenda - Regulated Industries, 02/22/17, 12:30 pm, 301 S

**Similar**

---

[HB 357](#) Relating to Self-Service Storage Facilities (Moraitis)  
02/15/2017 HOUSE On Committee agenda - Careers & Competition Subcommittee, 02/22/17, 1:15 pm, 212 K

**[HB 267](#)**

**Relating to Estates**

Berman

Estates; Provides that a decedent's interest in the protected homestead is included in elective estate; revises circumstances under which decedent's interest in protected homestead is excluded from elective estate; provides for valuation of protected homestead; provides that elective share percentage is determined by length of marriage; requires interest payments on certain unpaid contribution amounts; revises period of time for extension of election; provides for award of fees and costs and payment sources in certain elective share proceedings; provides that trustee may be required to make certain property productive of income; provides applicability. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/17/2017 HOUSE Filed

1/25/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Agriculture & Property Rights Subcommittee; Judiciary Committee

1/25/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar**

---

[SB 724](#) Relating to Estates (Passidomo)  
02/06/2017 SENATE Filed

**[SB 268](#)**

**Relating to Housing Discrimination**

Rouson

Housing Discrimination; Removing housing discrimination as a cause of action for certain relief and damages stemming from violations of the Florida Civil Rights Act of 1992; revising the conditions under which an aggrieved person may commence a civil action in any appropriate court against a specified respondent to enforce specified rights; providing that the aggrieved person does not need to take specified actions before bringing a civil action, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** Judiciary

1/6/2017 SENATE Filed

1/25/2017 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Rules

**Compare**

---

[HB 659](#) Relating to Housing Discrimination (Raschein)  
02/15/2017 HOUSE Now in Careers & Competition Subcommittee

[SB 742](#) Relating to Housing Discrimination (Latvala (J))

02/06/2017 SENATE Filed

- SB 272** **Relating to Ad Valorem Taxation** Hutson  
 Ad Valorem Taxation; Requiring a property appraiser to reduce the assessed value of a residential property damaged or destroyed by a natural disaster under certain conditions; requiring a property appraiser who determines a property is eligible for a reduction to submit a written statement to the tax collector and specifying the contents thereof; requiring the tax collector to notify the Department of Revenue and the board of county commissioners of the total reduction in taxes, etc. Effective Date: Upon becoming a law  
**Current Committee of Reference:** Community Affairs  
 1/6/2017 SENATE Filed  
 1/25/2017 SENATE Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations
- Similar**
- 
- HB 49** Relating to Ad Valorem Taxation (Eagle)  
 02/15/2017 PCS to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)
- HB 277** **Relating to Electronic Wills** Grant (J)  
 Electronic Wills: Creates "Florida Electronic Wills Act"; specifies requirements for preparation & execution of electronic wills; authorizes electronic will properly executed in this or another state, or certified paper original of such properly executed electronic will, to be offered for & admitted to probate in this state. Effective Date: July 1, 2017  
**Current Committee of Reference:** Civil Justice & Claims Subcommittee  
 1/18/2017 HOUSE Filed  
 1/25/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Judiciary Committee  
 1/25/2017 HOUSE Now in Civil Justice & Claims Subcommittee
- Similar**
- 
- SB 206** Relating to Electronic Wills (Passidomo)  
 01/31/2017 SENATE Now in Banking and Insurance
- HB 279** **Relating to Reimbursement of Certain Taxes** Stevenson  
 Reimbursement of Certain Taxes: Authorizes partial reimbursement of ad valorem taxes paid on homestead properties rendered uninhabitable from damage inflicted by hurricanes in 2016; authorizes reimbursement of sales taxes paid for mobile homes destroyed from damage inflicted by hurricanes in 2016; provides procedures for applying & receiving reimbursements; provides procedures for appealing denials of reimbursement requests; requires DOR to determine total reimbursement payments & to disburse checks from specified trust fund; provides penalty for giving false information; requires undeliverable reimbursement checks be forwarded to certifying property appraiser for delivery; provides appropriations; provides for certifying forward unexpended funds. Effective Date: July 1, 2017  
**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee  
 1/18/2017 HOUSE Filed  
 1/25/2017 HOUSE Referred to Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; Government Accountability Committee  
 1/25/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee
- Similar**
- 
- SB 390** Relating to Reimbursement of Certain Taxes (Hutson)  
 02/01/2017 SENATE Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations
- HB 285** **Relating to Onsite Sewage Treatment and Disposal System Inspections** Fine  
 Onsite Sewage Treatment and Disposal System Inspections: Requires that onsite sewage treatment & disposal systems be inspected by specified professionals at point of sale in real estate transactions; deletes provisions prohibiting local governments & specified ordinances from mandating such evaluations. Effective Date: July 1, 2017  
**Current Committee of Reference:** Agriculture & Property Rights Subcommittee  
 1/18/2017 HOUSE Filed  
 1/25/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Natural Resources & Public Lands Subcommittee; Commerce Committee  
 1/25/2017 HOUSE Now in Agriculture & Property Rights Subcommittee
- HB 289** **Relating to Property Taxes** Donalds

Property Taxes: Revises provision concerning delinquent taxes prior to claiming adverse possession; revises provisions related to payment of ad valorem taxes & ad valorem assessments under specified situations; revises provisions authorizing property appraisers to waive unpaid penalties & interest; revises property value owned by certain persons that is exempt from taxation; revises publication requirements for certain public hearings by local governments. Effective Date: July 1, 2017

**Current Committee of Reference:** Agriculture & Property Rights Subcommittee

1/25/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Ways & Means Committee; Commerce Committee

1/25/2017 HOUSE Now in Agriculture & Property Rights Subcommittee

2/8/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17, 10:00 am, 117 K (No Votes Will Be Taken)

**Similar**

[SB 226](#) Relating to Property Taxes (Articles)

02/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**[SB 294](#)**

**Relating to Condominium, Cooperative, and Homeowners' Associations**

Bracy

Condominium, Cooperative, and Homeowners' Associations; Requiring associations to meet specified financial reporting requirements if they fail to provide unit owners or members with requested financial information; providing that associations that fail to provide such information may not exercise a specified reporting option for a specified period, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Regulated Industries

1/6/2017 SENATE Filed

1/25/2017 SENATE Referred to Regulated Industries; Judiciary; Rules

**Compare**

[HB 653](#) Relating to Community Associations (Moraitis)

02/15/2017 HOUSE Now in Careers & Competition Subcommittee

[SB 744](#) Relating to Community Associations (Passidomo)

02/07/2017 SENATE Filed

**[HB 295](#)**

**Relating to Homeowners' Associations**

Stone

Homeowners' Associations: Revises uses of Florida Condominiums, Timeshares, & Mobile Homes Trust Fund; increases damages to which member of homeowners' association is entitled for denial of access to official records; provides cause of action for member against community association manager or management firm; prohibits reimbursement to community association manager or management firm for certain fines; provides & revises reporting requirements; provides that fine may not become lien against parcel; revises provisions relating to election of officers; provides presuit mediation for election & recall disputes; provides for binding arbitration by DBPR for certain disputes between parcel owner & homeowners' association; requires DBPR to provide training & educational programs; authorizes DBPR to enforce & ensure compliance with Homeowners' Association Act & specified rules; provides DBPR with jurisdiction to investigate certain complaints; provides cause of action against developers by HOA or nondeveloper members of HOA. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

1/19/2017 HOUSE Filed

1/25/2017 HOUSE Referred to Careers & Competition Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee

1/25/2017 HOUSE Now in Careers & Competition Subcommittee

**[SB 318](#)**

**Relating to Covenants and Restrictions of Property Owners' Associations**

Passidomo

Covenants and Restrictions of Property Owners' Associations; Creating the "Marketable Record Titles Act"; authorizing a property owners' association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; exempting a specified summary notice from certain notice content requirements; providing recording requirements for an association, etc. Effective Date: 10/1/2017

**Current Committee of Reference:** Regulated Industries

1/10/2017 SENATE Filed

1/25/2017 SENATE Referred to Regulated Industries; Community Affairs; Rules

**Similar**

[HB 735](#) Relating to Covenants and Restrictions of Property Owners (Edwards)

02/15/2017 HOUSE Now in Civil Justice & Claims Subcommittee

- HB 325** **Relating to Fire Safety** McClain  
 Fire Safety; Provides that installation & maintenance of automatic fire sprinkler system in specified nonresidential farm buildings is not required. Effective Date: July 1, 2017  
**Current Committee of Reference:** Agriculture & Property Rights Subcommittee  
 1/20/2017 HOUSE Filed  
 2/6/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Commerce Committee  
 2/6/2017 HOUSE Now in Agriculture & Property Rights Subcommittee
- SB 334** **Relating to Prejudgment Interest** Steube  
 Prejudgment Interest; Requiring a court to include interest in a final judgment in an action from which a plaintiff recovers economic or noneconomic damages; requiring a court to include interest on attorney fees and costs in the final judgment, if recovered, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Judiciary  
 1/11/2017 SENATE Filed  
 1/25/2017 SENATE Referred to Judiciary; Rules  
 2/13/2017 SENATE On Committee agenda - Judiciary, 02/21/17, 3:30 pm, 110 S  
**Similar**  


---

[HB 469](#) Relating to Prejudgment Interest (Harrison)  
 02/06/2017 HOUSE Now in Civil Justice & Claims Subcommittee
- SB 338** **Relating to Real Property Rights of Aliens Ineligible for Citizenship** Rader  
 Real Property Rights of Aliens Ineligible for Citizenship; Proposing an amendment to the State Constitution to delete a provision authorizing laws that regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship. etc.  
**Current Committee of Reference:** Judiciary  
 1/11/2017 SENATE Filed  
 1/25/2017 SENATE Referred to Judiciary; Community Affairs; Rules  
**Similar**  


---

[HB 33](#) Relating to Real Property Rights of Aliens Ineligible for  
 Citizenship (Jenne)  
 01/09/2017 HOUSE Now in Civil Justice & Claims Subcommittee
- SB 346** **Relating to Fictitious Names** Stargel  
 Fictitious Names; Revising filing requirements for registration of a fictitious name; requiring certain persons to register a fictitious name under certain circumstances within a specified time; exempting limited liability companies from specified registration requirements under certain circumstances, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Commerce and Tourism  
 1/11/2017 SENATE Filed  
 1/25/2017 SENATE Referred to Commerce and Tourism; Governmental Oversight and Accountability; Rules  
 2/13/2017 SENATE On Committee agenda - Commerce and Tourism, 02/21/17, 9:00 am, 110 S  
**Similar**  


---

[HB 169](#) Relating to Fictitious Name Registration (White)  
 02/13/2017 HOUSE Now in Commerce Committee
- HB 355** **Relating to Emergency Scenes** Hager  
 Emergency Scenes: Prohibits removal of tangible personal property from an emergency scene in certain circumstances. Effective Date: October 1, 2017  
**Current Committee of Reference:** Criminal Justice Subcommittee  
 1/23/2017 HOUSE Filed  
 2/6/2017 HOUSE Referred to Criminal Justice Subcommittee; Judiciary Committee  
 2/6/2017 HOUSE Now in Criminal Justice Subcommittee
- HB 357** **Relating to Self-Service Storage Facilities** Moraitis  
 Self-Service Storage Facilities: Provides that lien sale may be conducted on certain websites; provides that facility or unit owner is not required to hold license to post property for online sale; limits maximum value of certain property; provides options for disposition of motor vehicles or watercraft claimed to be subject to lien; requires specified notice to lienholders & owners of motor vehicles or watercraft subject to lien; authorizes facility or unit owner to charge tenant certain fees under certain conditions. Effective Date: July 1, 2017  
**Current Committee of Reference:** Careers & Competition Subcommittee  
 2/6/2017 HOUSE Referred to Careers & Competition Subcommittee; Civil Justice & Claims Subcommittee; Commerce Committee  
 2/6/2017 HOUSE Now in Careers & Competition Subcommittee

2/15/2017 HOUSE On Committee agenda - Careers & Competition Subcommittee, 02/22/17, 1:15 pm, 212 K

**Similar**

[SB 264](#) Relating to Self-storage (Artiles)  
02/13/2017 SENATE On Committee agenda - Regulated Industries, 02/22/17, 12:30 pm, 301 S

**[HB 363](#)**

**Relating to Temporary Care of a Child**

White

Temporary Care of a Child: Authorizes certain organizations to establish programs to provide temporary respite care for child by volunteer respite family; provides requirements for & limitations to such programs. Effective Date: July 1, 2017

**Current Committee of Reference:** Children, Families & Seniors Subcommittee

2/6/2017 HOUSE Referred to Children, Families & Seniors Subcommittee; Civil Justice & Claims Subcommittee; Health & Human Services Committee

2/6/2017 HOUSE Now in Children, Families & Seniors Subcommittee

2/9/2017 HOUSE On Committee agenda - Children, Families & Seniors Subcommittee, 02/16/17, 9:00 am, 12 H

**Similar**

[SB 200](#) Relating to Temporary Respite Care of a Child (Passidomo)  
01/10/2017 SENATE Referred to Children, Families, and Elder Affairs; Judiciary; Rules

**[HB 377](#)**

**Relating to Limitations on Actions other than for the Recovery of Real Property**

Leek

Limitations on Actions other than for the Recovery of Real Property: Specifies date of completion for specified contracts for limitation of action purposes; provides applicability. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Agriculture & Property Rights Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

2/9/2017 HOUSE On Committee agenda - Civil Justice & Claims Subcommittee, 02/16/17, 9:00 am, 404 H

**Compare**

[SB 204](#) Relating to Actions Founded on Real Property Improvements (Passidomo)  
01/12/2017 SENATE Referred to Judiciary; Regulated Industries; Rules

**[HB 389](#)**

**Relating to Building Safety**

Willhite

Building Safety: Revising provisions requiring installation of carbon monoxide detectors in certain buildings. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

1/23/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Careers & Competition Subcommittee; Commerce Committee

2/6/2017 HOUSE Now in Careers & Competition Subcommittee

**[SB 390](#)**

**Relating to Reimbursement of Certain Taxes**

Hutson

Reimbursement of Certain Taxes; Authorizing partial reimbursement of ad valorem taxes paid on homestead properties that are rendered uninhabitable from damage inflicted by a hurricane during 2016; requiring that the property owner provide documentation that the property was uninhabitable; providing for reimbursement of the state sales tax paid on the purchase of a mobile home to replace a mobile home that experienced major damage from a hurricane during 2016, etc. APPROPRIATION: \$6,060,000.00 Effective Date: 7/1/2017

**Current Committee of Reference:** Community Affairs

1/19/2017 SENATE Filed

2/1/2017 SENATE Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

**Similar**

[HB 279](#) Relating to Reimbursement of Certain Taxes (Stevenson)  
01/25/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

**[SB 398](#)**

**Relating to Estoppel Certificates**

Passidomo

Estoppel Certificates; Revising requirements relating to the issuance of an estoppel certificate to specified persons; requiring a condominium, cooperative, or homeowners' association to designate a street or e-mail address on its website for estoppel certificate requests; prohibiting an association from charging a preparation and delivery fee or making certain claims if it fails to deliver an estoppel certificate within certain timeframes, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Regulated Industries

1/19/2017 SENATE Filed

2/1/2017 SENATE Referred to Regulated Industries; Judiciary; Rules  
 2/13/2017 SENATE On Committee agenda - Regulated Industries, 02/22/17, 12:30 pm, 301 S

**Identical**

[HB 483](#) Relating to Estoppel Certificates (Donalds)  
 02/06/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**[HB 399](#)****Relating to Guardianship**

Diamond

Guardianship: Requires each examining committee member in proceeding to determine incapacity to file report with clerk of court within specified time; requires clerk to serve each report on specified persons within specified time; revises time before hearing on petition within which specified parties must be served; authorizes petitioner & alleged incapacitated person to move for continuance if service is not timely & to object to introduction of all or any part of report; specifies that admissibility of report is governed by rules of evidence; requires that adjudicatory hearing be conducted within specified time; eliminates requirement that court must first find that ward's spouse has consented to dissolution of marriage before authorizing guardian to exercise specified rights; removes cap on funeral expenses. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/23/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Children, Families & Seniors Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar**

[SB 172](#) Relating to Guardianship (Passidomo)  
 02/08/2017 SENATE Now in Judiciary

**[HB 401](#)****Relating to Notaries Public**

Abruzzo

Notaries Public: Expands list of forms of identification which notary public may rely on in notarizing signature on document to include veteran health information card. Effective Date: July 1, 2017

**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee

2/6/2017 HOUSE Referred to Local, Federal & Veterans Affairs Subcommittee; Government Accountability Committee

2/6/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

2/15/2017 HOUSE On Committee agenda - Local, Federal & Veterans Affairs Subcommittee, 02/22/17, 8:00 am, 12 H

**Identical**

[SB 440](#) Relating to Notaries Public (Gibson)  
 02/13/2017 SENATE On Committee agenda - Military and Veterans Affairs, Space, and Domestic Security, 02/21/17, 12:30 pm, 37 S

**[HB 419](#)****Relating to Permits for Mangrove Alteration and Trimming**

Altman

Permits for Mangrove Alteration and Trimming: Authorizes DEP to issue permits for mangrove alteration & trimming to owners of certain residential property; provides conditions for issuance of such permits. Effective Date: July 1, 2017

**Current Committee of Reference:** Natural Resources & Public Lands Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

2/6/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**[SB 420](#)****Relating to Flood Insurance**

Brandes

Flood Insurance; Revising the intervals at which specified standards and guidelines for projecting certain rate filings must be revised by the Florida Commission on Hurricane Loss Projection Methodology; authorizing an insurer to issue flood insurance policies on a flexible basis; specifying a condition for an eligible surplus lines insurer before a surplus lines agent may be excepted from a diligent-effort requirement when exporting flood insurance contracts or endorsements to the insurer, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Banking and Insurance

1/23/2017 SENATE Filed

2/1/2017 SENATE Referred to Banking and Insurance; Community Affairs; Rules

2/13/2017 SENATE On Committee agenda - Banking and Insurance, 02/21/17, 12:30 pm, 110 S

**Similar**

[HB 813](#) Relating to Flood Insurance (Lee Jr. (L))  
 02/14/2017 HOUSE Filed

<a href="#"><u>HB 425</u></a>	<b>Relating to Vacation Rentals</b>	La Rosa
	Vacation Rentals: Provides that local laws, ordinances, & regulations adopted after certain date may not restrict use of, prohibit, or regulate vacation rentals based solely on classification, use, or occupancy. Effective Date: upon becoming a law	
	<b>Current Committee of Reference:</b> Agriculture & Property Rights Subcommittee	
	1/24/2017 HOUSE Filed	
	2/6/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Careers & Competition Subcommittee; Commerce Committee	
	2/6/2017 HOUSE Now in Agriculture & Property Rights Subcommittee	
	<b>Identical</b>	
	<hr/>	
	<a href="#"><u>SB 188</u></a>	Relating to Vacation Rentals (Steube)
		01/10/2017 SENATE Referred to Regulated Industries; Community Affairs; Rules
 <a href="#"><u>HB 431</u></a>	 <b>Relating to Abuse of a Parent</b>	 Mercado
	Abuse of a Parent: Defines "child" & "parent" for purposes of crimes of abuse of parent, aggravated abuse of parent, exploitation of parent's assets, & emotional abuse of parent; provides elements of such crimes; authorizes alternative sentencing; requires reporting of abuse of parent or exploitation of parent's assets to central abuse hotline of DCF; provides immunity for person who files, or participates in investigation resulting from, such report. Effective Date: October 1, 2017	
	<b>Current Committee of Reference:</b> Criminal Justice Subcommittee	
	1/24/2017 HOUSE Filed	
	2/6/2017 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee	
	2/6/2017 HOUSE Now in Criminal Justice Subcommittee	
 <a href="#"><u>SB 440</u></a>	 <b>Relating to Notaries Public</b>	 Gibson
	Notaries Public; Expanding the list of forms of identification which a notary public may rely on in notarizing a signature on a document to include a veteran health information card, etc. Effective Date: 7/1/2017	
	<b>Current Committee of Reference:</b> Military and Veterans Affairs, Space, and Domestic Security	
	1/23/2017 SENATE Filed	
	2/1/2017 SENATE Referred to Military and Veterans Affairs, Space, and Domestic Security; Commerce and Tourism; Rules	
	2/13/2017 SENATE On Committee agenda - Military and Veterans Affairs, Space, and Domestic Security, 02/21/17, 12:30 pm, 37 S	
	<b>Identical</b>	
	<hr/>	
	<a href="#"><u>HB 401</u></a>	Relating to Notaries Public (Abruzzo)
		02/15/2017 HOUSE On Committee agenda - Local, Federal & Veterans Affairs Subcommittee, 02/22/17, 8:00 am, 12 H
 <a href="#"><u>HB 441</u></a>	 <b>Relating to Court Records</b>	 Diamond
	Court Records: Provides exemption from liability for inadvertent release of certain information by clerk of court. Effective Date: July 1, 2017	
	<b>Current Committee of Reference:</b> Civil Justice & Claims Subcommittee	
	1/24/2017 HOUSE Filed	
	2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Oversight, Transparency & Administration Subcommittee; Judiciary Committee	
	2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee	
	<b>Identical</b>	
	<hr/>	
	<a href="#"><u>SB 202</u></a>	Relating to Court Records (Brandes)
		02/13/2017 SENATE On Committee agenda - Governmental Oversight and Accountability, 02/21/17, 12:30 pm, 401 S
 <a href="#"><u>SB 442</u></a>	 <b>Relating to Advanced Well Stimulation Treatment</b>	 Young
	Advanced Well Stimulation Treatment; Prohibiting the performance of advanced well stimulation treatments; clarifying that permits for drilling or operating a well do not authorize the performance of advanced well stimulation treatments, etc. Effective Date: Upon becoming a law	
	<b>Current Committee of Reference:</b> Environmental Preservation and Conservation	
	1/24/2017 SENATE Filed	
	2/1/2017 SENATE Referred to Environmental Preservation and Conservation; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations	
	<b>Compare</b>	
	<hr/>	
	<a href="#"><u>HB 35</u></a>	Relating to Well Stimulation Treatments (Jenne)
		01/09/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

[SB 108](#) Relating to Well Stimulation (Farmer)  
SENATE Referred to Environmental Preservation and Conservation; Community  
12/16/2016 Affairs; Appropriations Subcommittee on the Environment and Natural Resources;  
Appropriations

**Similar**

[SB 98](#) Relating to Well Stimulation (Farmer)  
SENATE Referred to Environmental Preservation and Conservation; Community  
12/16/2016 Affairs; Appropriations Subcommittee on the Environment and Natural Resources;  
Appropriations

**Identical**

[HB 451](#) Relating to Advanced Well Stimulation Treatment (Miller (M))  
02/06/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**[HB 451](#)****Relating to Advanced Well Stimulation Treatment** Miller (M)

Advanced Well Stimulation Treatment: Prohibits performance of advanced well stimulation  
treatments; clarifies that permits for drilling or operating wells do not authorize performance of  
advanced well treatments; provides applicability. Effective Date: upon becoming a law

**Current Committee of Reference:** Natural Resources & Public Lands Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural  
Resources Appropriations Subcommittee; Government Accountability Committee

2/6/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**Compare**

[HB 35](#) Relating to Well Stimulation Treatments (Jenne)  
01/09/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

[SB 108](#) Relating to Well Stimulation (Farmer)  
SENATE Referred to Environmental Preservation and Conservation; Community  
12/16/2016 Affairs; Appropriations Subcommittee on the Environment and Natural Resources;  
Appropriations

**Similar**

[SB 98](#) Relating to Well Stimulation (Farmer)  
SENATE Referred to Environmental Preservation and Conservation; Community  
12/16/2016 Affairs; Appropriations Subcommittee on the Environment and Natural Resources;  
Appropriations

**Identical**

[SB 442](#) Relating to Advanced Well Stimulation Treatment (Young)  
02/01/2017 SENATE Referred to Environmental Preservation and Conservation; Appropriations  
Subcommittee on the Environment and Natural Resources; Appropriations

**[HB 463](#)****Relating to Sales and Use Taxes** Raschein

Sales and Use Taxes: Provides that separately itemized ad valorem tax charges paid by certain  
tenants & licensees are not subject to sales & use tax; specifies method for calculating amount  
not subject to such tax. Effective Date: January 1, 2018

**Current Committee of Reference:** Ways & Means Committee

2/6/2017 HOUSE Now in Ways & Means Committee

2/8/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17,  
10:00 am, 117 K (No Votes Will Be Taken)

2/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17,  
1:30 pm, 117 K (No Votes Will Be Taken)

**Similar**

[SB 704](#) Relating to Tax on Sales, Use, and Other Transactions  
(Garcia)  
02/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact  
Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**[HB 469](#)****Relating to Prejudgment Interest** Harrison

Prejudgment Interest: Requires court to include interest on monetary damages & attorney fees &  
costs in final judgment; specifies dates on which interest shall begin to accrue; provides  
applicability. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Appropriations Committee; Judiciary  
Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar**

[SB 334](#) Relating to Prejudgment Interest (Steube)  
02/13/2017 SENATE On Committee agenda - Judiciary, 02/21/17, 3:30 pm, 110 S

**[HB 471](#)****Relating to Mortgage Foreclosures**

Fant

Mortgage Foreclosures: Authorizes certain lienholders to use certain documents as admission in action to foreclose mortgage; provides that submission of certain documents in foreclosure action creates certain presumptions; authorizes lienholder to make request for judicial notice;. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Insurance & Banking Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar**

[SB 660](#) Relating to Foreclosure Proceedings (Passidomo)  
02/02/2017 SENATE Filed

**[HB 481](#)****Relating to Trusts**

Moraitis

Trusts: Deletes requirement that trust be for benefit of trust's beneficiaries; provides that Attorney General has standing in certain proceedings; deletes restriction on purpose for which trust is created; authorizes authorized trustee to appoint principal of trust to second trust under certain circumstances; provides requirements for second trust & its beneficiaries; provides requirements for supplemental needs trust; prohibits distributing principal of trust in manner that would reduce specified tax benefits; provides that each cotrustee is entitled to reasonable compensation; provides for retroactive application. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**[HB 483](#)****Relating to Estoppel Certificates**

Donalds

Estoppel Certificates: Revises requirements relating to issuance of estoppel certificate to specified persons; requires condominium, cooperative, or homeowners' association to designate street or e-mail address on its website for estoppel certificate requests; specifies delivery requirements for estoppel certificate; requires that estoppel certificate contain certain information; provides effective period for estoppel certificate based upon date of issuance & form of delivery; provides that association waives specified claim against person or such person's successors or assigns who in good faith rely on estoppel certificate; prohibits association from charging preparation & delivery fee or making certain claims if it fails to deliver estoppel certificate within certain timeframes; revises fee requirements; authorizes statement of moneys due to be delivered in one or more estoppel certificates; provides limits on total fee charged for preparation & delivery of estoppel certificates. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Careers & Competition Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Identical**

[SB 398](#) Relating to Estoppel Certificates (Passidomo)  
02/13/2017 SENATE On Committee agenda - Regulated Industries, 02/22/17, 12:30 pm, 301 S

**[SB 484](#)****Relating to Tax on Sales, Use, and Other Transactions**

Hukill

Tax on Sales, Use, and Other Transactions; Reducing the tax levied on rental or license fees charged for the use of real property, etc. Effective Date: 1/1/2018

**Current Committee of Reference:** Community Affairs

2/8/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17, 10:00 am, 117 K (No Votes Will Be Taken)

2/9/2017 SENATE Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations

2/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**[HB 497](#)****Relating to Domestic Animals**

Killebrew

Domestic Animals: Specifies liability for compensatory damages for injury or death of domestic animals; provides applicability. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Identical**

---

[SB 690](#) Relating to Domestic Animals (Baxley)  
02/03/2017 SENATE Filed

**SB 502**

**Relating to Florida Statutes**

Benacquisto

Florida Statutes; Deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded, etc. Effective Date: Except as otherwise provided by this act, this act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted

**Current Committee of Reference:** Rules

2/10/2017 SENATE Filed

2/13/2017 SENATE Referred to Rules

2/13/2017 SENATE On Committee agenda - Rules, 02/22/17, 3:30 pm, 110 S

**SB 504**

**Relating to Florida Statutes**

Benacquisto

Florida Statutes; Deleting provisions which have become inoperative by noncurrent repeal or expiration and, pursuant to s. 11.242(5)(b) and (i), F.S., may be omitted from the 2017 Florida Statutes only through a reviser's bill duly enacted by the Legislature, etc. Effective Date: On the 60th day after adjournment sine die of the session of the Legislature in which enacted

**Current Committee of Reference:** Rules

2/10/2017 SENATE Filed

2/13/2017 SENATE Referred to Rules

2/13/2017 SENATE On Committee agenda - Rules, 02/22/17, 3:30 pm, 110 S

**HB 511**

**Relating to Service of Process**

Killebrew

Service of Process: Revises authority of special process servers; requires that civil witness subpoenas be served by certain persons; requires that electronic service be made only by certain authorized individuals; revises requirements for documenting service of process; revises requirements for service on limited liability companies; revises requirements for return-of-service forms; authorizes certain persons to electronically sign return-of-service forms; revises authority of certified process servers; authorizes use of electronic means for constructive service by publication; requires that electronic service by publication be made only in certain circumstances by certain authorized individuals. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

1/24/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Judiciary Committee

2/6/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**SB 514**

**Relating to Fees of the Department of Business and Professional Regulation**

Stargel

Fees of the Department of Business and Professional Regulation; Revising the amount of the additional delinquency fee a board or the department must impose under certain circumstances; revising the surcharge rate assessed on certain permits, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Regulated Industries

1/26/2017 SENATE Filed

2/9/2017 SENATE Referred to Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

**Identical**

---

[HB 741](#) Relating to Department of Business and Professional Regulation Fees (Trumbull)  
02/15/2017 HOUSE Now in Careers & Competition Subcommittee

**SB 518**

**Relating to Elder Abuse Fatality Review Teams**

Gibson

Elder Abuse Fatality Review Teams; Authorizing the establishment of elder abuse fatality review teams to review fatal and near-fatal incidents of elder abuse; exempting certain information and records acquired by a review team from discovery or introduction into evidence in specified actions or proceedings; prohibiting a person from being required to testify regarding records or information produced or presented during meetings or other activities of a review team; assigning

the review teams to the Department of Children and Families for administrative purposes, etc.

Effective Date: 7/1/2017

**Current Committee of Reference:** Children, Families, and Elder Affairs

1/26/2017 SENATE Filed

2/9/2017 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules

**Compare**

---

[HB 705](#) Relating to Pub. Rec. and Meetings/Elder Abuse Fatality Review Teams (Watson (B))  
02/15/2017 HOUSE Now in Children, Families & Seniors Subcommittee

**Identical**

---

[HB 703](#) Relating to Elder Abuse Fatality Review Teams (Watson (B))  
02/15/2017 HOUSE Now in Children, Families & Seniors Subcommittee

**Linked**

---

[SB 520](#) Relating to Public Records And Public Meetings/Elder Abuse Fatality Review Teams (Gibson)  
02/09/2017 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Appropriations; Rules

**[SB 536](#)**

**Relating to Unclaimed Funds Held by the Clerks of Court** Brandes

Unclaimed Funds Held By The Clerks Of Court; Repealing provisions relating to the deposit of unclaimed funds with the Chief Financial Officer to the credit of the State School Fund; requiring the clerk to report as unclaimed property a surplus under certain circumstances; repealing provisions relating to qualifications and appointment of a surplus trustee in foreclosure actions, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Banking and Insurance

1/26/2017 SENATE Filed

2/9/2017 SENATE Referred to Banking and Insurance; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

**Similar**

---

[HB 681](#) Relating to Unclaimed Funds Held by the Clerks of Court (Clemons (C))  
02/15/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee

**[SB 548](#)**

**Relating to Comprehensive Case Information System** Bracy

Comprehensive Case Information System; Requiring that the Comprehensive Case Information System be developed, operated, and maintained by the Florida Association of Court Clerks and Comptrollers, Inc., as agent of the clerks of the circuit court; authorizing the association to transfer ownership and operation of the system to an intergovernmental authority created by the clerks of the circuit court pursuant to a specified act, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Criminal Justice

1/27/2017 SENATE Filed

2/9/2017 SENATE Referred to Criminal Justice; Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations

**[HB 551](#)**

**Relating to Onsite Sewage Treatment and Disposal Systems** Stone

Onsite Sewage Treatment and Disposal Systems: Specifies appropriation from Land Acquisition Trust Fund for grant program to offset property owner costs to retrofit certain onsite sewage treatment & disposal systems, connect certain properties to central sewer systems, & for certain dredging & stormwater improvements; directs DEP to develop specified onsite sewage treatment & disposal system remediation plans under certain conditions. Effective Date: July 1, 2017

**Current Committee of Reference:** Natural Resources & Public Lands Subcommittee

1/26/2017 HOUSE Filed

2/6/2017 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; Government Accountability Committee

2/6/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**Similar**

---

[SB 874](#) Relating to Nutrient Pollution from Onsite Sewage Treatment and Disposal Systems (Young)  
02/10/2017 SENATE Filed

**[HB 563](#)**

**Relating to Mobile Homes** Jones

Mobile Homes: Requires mobile home park owner to maintain specified homeowner information; requires park owner to disclose information to unit of local government for certain purposes.

Effective Date: July 1, 2017

**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee  
 1/27/2017 HOUSE Filed  
 2/9/2017 HOUSE Referred to Local, Federal & Veterans Affairs Subcommittee; Agriculture & Property Rights Subcommittee; Government Accountability Committee  
 2/9/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

**SB 564** **Relating to Landlords and Tenants** Campbell  
 Landlords and Tenants; Providing criminal penalties for specified prohibited practices by a landlord relating to maintenance of the premises, retaliatory conduct, and other protections, etc.  
 Effective Date: 10/1/2017  
**Current Committee of Reference:** Criminal Justice  
 1/27/2017 SENATE Filed  
 2/9/2017 SENATE Referred to Criminal Justice; Judiciary; Rules

**SB 582** **Relating to Regulatory Boards** Latvala (J)  
 Regulatory Boards; Requiring the Department of Business and Professional Regulation to indemnify, defend, and hold harmless from claims, actions, demands, suits, investigations, damages, and liability all current and former board members and any companies or businesses with which they have or had specified affiliations, but only if their service meets a specified requirement, etc. Effective Date: Upon becoming a law  
**Current Committee of Reference:** Regulated Industries  
 1/30/2017 SENATE Filed  
 2/9/2017 SENATE Referred to Regulated Industries; Judiciary; Appropriations

**HB 595** **Relating to Consumer Finance Loans** Santiago  
 Consumer Finance Loans: Creates "Access to Responsible Credit Pilot Program" within OFR; provides requirements & conditions for lenders to make loans under the program; requires lenders & OFR to file certain reports. Effective Date: October 1, 2017  
**Current Committee of Reference:** Insurance & Banking Subcommittee  
 1/31/2017 HOUSE Filed  
 2/9/2017 HOUSE Referred to Insurance & Banking Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee  
 2/9/2017 HOUSE Now in Insurance & Banking Subcommittee  
**Similar**  


---

**SB 872** Relating to Consumer Finance Loans (Rouson)  
 02/10/2017 SENATE Filed

**SB 596** **Relating to Utilities** Hutson  
 Utilities; Creating the "Advanced Wireless Infrastructure Deployment Act"; prohibiting the Department of Transportation and certain local governmental entities, collectively referred to as the "authority," from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way under certain circumstances; providing that approval of, and charges by, an authority are not required for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** Communications, Energy, and Public Utilities  
 1/30/2017 SENATE Filed  
 2/9/2017 SENATE Referred to Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Rules  
**Identical**  


---

**HB 687** Relating to Utilities (La Rosa)  
 02/15/2017 HOUSE Now in Energy & Utilities Subcommittee

**HB 597** **Relating to Florida Hurricane Catastrophe Fund** Santiago  
 Florida Hurricane Catastrophe Fund: Revises provisions regarding Hurricane Catastrophe Trust Fund, insurer options for purchasing optional market stabilization coverage layers, SBA advisory council, formula for determining Citizen's Property Insurance Corporation cash build-up factor, & insurance reimbursement premiums for insurance fraud purposes. Effective Date: July 1, 2017  
**Current Committee of Reference:** Insurance & Banking Subcommittee  
 1/31/2017 HOUSE Filed  
 2/9/2017 HOUSE Referred to Insurance & Banking Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee  
 2/9/2017 HOUSE Now in Insurance & Banking Subcommittee

**SB 610** **Relating to Firearms** Steube

Firearms; Requiring a business, organization, or entity that prohibits a concealed weapon or firearm licensee from carrying a weapon or firearm onto its property to assume certain responsibility for the safety and defense of such licensee; providing a cause of action for a concealed weapon or firearm licensee who incurs injury, death, damage, or loss as the result of certain acts or attacks occurring on the property of such business, organization, or entity or on other specified properties, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** Judiciary

1/31/2017 SENATE Filed

2/9/2017 SENATE Referred to Judiciary; Appropriations; Rules

**Identical**

---

[HB 819](#) Relating to Firearms (Byrd)  
02/14/2017 HOUSE Filed

**[HB 615](#)**

**Relating to Professional Regulation**

Renner

Professional Regulation: Creates the Occupational Opportunity Act; revises length of time active duty servicemember may remain in good standing with administrative board; requires that spouse or surviving spouse be kept in good standing & be exempt from licensure renewal provisions; requires DBPR to issue professional license to spouse or surviving spouse of active duty member; provides requirements related to application, fees, & renewal; provides for fee waiver for specified persons. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

2/2/2017 HOUSE Filed

2/9/2017 HOUSE Referred to Careers & Competition Subcommittee; Local, Federal & Veterans Affairs Subcommittee; Commerce Committee

2/9/2017 HOUSE Now in Careers & Competition Subcommittee

**[SB 616](#)**

**Relating to Concealed Weapons or Firearms**

Steube

Concealed Weapons or Firearms; Authorizing a concealed weapons or concealed firearms licensee to temporarily surrender a weapon or firearm if the licensee approaches courthouse security or management personnel upon arrival and follows their instructions, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/1/2017 SENATE Filed

**Compare**

---

[SB 140](#) Relating to Openly Carrying a Handgun (Steube)  
01/04/2017 SENATE Meeting Cancelled - Judiciary, 01/10/17, 2:00 pm, 110 S

**[SB 634](#)**

**Relating to Involuntary Examinations Under the Baker Act**

Campbell

Involuntary Examinations Under the Baker Act; Authorizing physician assistants and advanced registered nurse practitioners to execute a certificate under certain conditions stating that he or she has examined a person and finds the person appears to meet the criteria for involuntary examination, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/1/2017 SENATE Filed

**Identical**

---

[HB 645](#) Relating to Involuntary Examinations Under the Baker Act  
(Lee Jr. (L))  
02/15/2017 HOUSE Now in Health Quality Subcommittee

**[HB 639](#)**

**Relating to Emergency Assessments for Property Insurance**

Shaw

Emergency Assessments for Property Insurance: Revises limitations on certain emergency assessments levied by Citizens Property Insurance Corporation & limits the corporation's authority to pledge certain account's emergency assessment to secure issuance of bonds or other security; revises limitation on Florida Insurance Guaranty Association's obligations for policies covering condominium or homeowners' associations; requires OIR to levy specified additional emergency assessments against certain insurers for specified purposes. Effective Date: upon becoming a law

**Current Committee of Reference:** Insurance & Banking Subcommittee

2/6/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Insurance & Banking Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee

2/15/2017 HOUSE Now in Insurance & Banking Subcommittee

**Identical**

---

[SB 728](#) Relating to Property Insurance (Rouson)  
02/06/2017 SENATE Filed

- HB 645** **Relating to Involuntary Examinations Under the Baker Act** Lee Jr. (L)  
 Involuntary Examinations Under the Baker Act: Authorizes physician assistants & advanced registered nurse practitioners to execute certificate under certain conditions. Effective Date: July 1, 2017  
**Current Committee of Reference:** Health Quality Subcommittee  
 2/6/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Health Quality Subcommittee; Civil Justice & Claims Subcommittee; Health & Human Services Committee  
 2/15/2017 HOUSE Now in Health Quality Subcommittee  
**Identical**
- 
- SB 634** Relating to Involuntary Examinations Under the Baker Act  
 (Campbell)  
 02/01/2017 SENATE Filed
- HB 653** **Relating to Community Associations** Moraitis  
 Community Associations; Revises provisions relating condominium association reporting requirements and notices; Revises provisions relating to required condominium & cooperative association bylaws; revises time period for classification as bulk assignee or bulk buyer; revises provisions relating to evidence of condominium & cooperative association compliance with fire & life safety code; revises unit & common elements required to be retrofitted; revising provisions relating to association vote to forego retrofitting; revises provisions relating to cooperative association board membership & notices; revises provisions relating to homeowners' association board membership, notices, & budget. Effective Date: 7/1/2017  
**Current Committee of Reference:** Careers & Competition Subcommittee  
 2/6/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Careers & Competition Subcommittee; Civil Justice & Claims Subcommittee; Commerce Committee  
 2/15/2017 HOUSE Now in Careers & Competition Subcommittee  
**Compare**
- 
- SB 294** Relating to Condominium, Cooperative, and Homeowners' Associations (Bracy)  
 01/25/2017 SENATE Referred to Regulated Industries; Judiciary; Rules
- Similar**
- 
- SB 744** Relating to Community Associations (Passidomo)  
 02/07/2017 SENATE Filed
- HB 659** **Relating to Housing Discrimination** Raschein  
 Housing Discrimination: Removes housing discrimination as cause of action for certain relief & damages resulting from violations of Florida Civil Rights Act of 1992; revises provisions of the Fair Housing Act to prohibit discrimination on the basis of sexual orientation & gender identity; revises conditions under which aggrieved person may commence civil action against specified respondent; prohibits aggrieved person from commencing specified civil action if such person has consented to conciliation agreement, with exception, or if administrative law judge has commenced hearing on record on allegation. Effective Date: upon becoming a law  
**Current Committee of Reference:** Careers & Competition Subcommittee  
 2/6/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Careers & Competition Subcommittee; Judiciary Committee; Commerce Committee  
 2/15/2017 HOUSE Now in Careers & Competition Subcommittee  
**Compare**
- 
- SB 268** Relating to Housing Discrimination (Rouson)  
 01/25/2017 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Rules
- HB 623** Relating to Prohibited Discrimination (Diamond)  
 02/09/2017 HOUSE Now in Careers & Competition Subcommittee
- SB 666** Relating to Prohibited Discrimination (Clemens (J))  
 02/02/2017 SENATE Filed
- Similar**
- 
- SB 742** Relating to Housing Discrimination (Latvala (J))  
 02/06/2017 SENATE Filed
- SB 660** **Relating to Foreclosure Proceedings** Passidomo  
 Foreclosure Proceedings; Authorizing a lienholder to submit specified documents in a foreclosure proceeding as evidence of an admission by a defendant; authorizing the lienholder to request that the court take judicial notice of a final order entered in a bankruptcy case; providing that the

submission of certain documents creates specified rebuttable presumptions under certain circumstances, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/2/2017 SENATE Filed

**Similar**

---

[HB 471](#) Relating to Mortgage Foreclosures (Fant)  
02/06/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**[SB 672](#)**

**Relating to Certificates of Nonviable Birth** Bean

Certificates of Nonviable Birth; Creating the "Grieving Families Act"; requiring certain health care practitioners and health care facilities to electronically file a registration of nonviable birth within a specified timeframe; requiring the Department of Health to issue a certificate of nonviable birth within a specified timeframe upon the request of a parent, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/3/2017 SENATE Filed

**Compare**

---

[HB 103](#) Relating to Public Records/Nonviable Birth Records (Cortes (B))  
02/15/2017 HOUSE Favorable by Health Quality Subcommittee; 13 Yeas, 0 Nays

**Similar**

---

[HB 101](#) Relating to Certificates of Nonviable Birth (Cortes (B))  
02/15/2017 HOUSE Favorable with CS by Health Quality Subcommittee; 13 Yeas, 0 Nays

**Linked**

---

[SB 674](#) Relating to Public Records/Nonviable Birth Records (Bean)  
02/03/2017 SENATE Filed

**[HB 677](#)**

**Relating to Justifiable Use of Force** Byrd

Justifiable Use of Force: Specifies person who is attacked or threatened with use of force in dwelling, residence, or vehicle in which person has right to be has no duty to retreat & has right to stand his or her ground by using or threatening to use force upon reasonable belief of necessity to prevent imminent death, great bodily harm, or forcible felony; removes provisions relating to using or threatening to use force. Effective Date: July 1, 2017

**Current Committee of Reference:** Criminal Justice Subcommittee

2/7/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Criminal Justice Subcommittee; Judiciary Committee

2/15/2017 HOUSE Now in Criminal Justice Subcommittee

**[HB 681](#)**

**Relating to Unclaimed Funds Held by the Clerks of Court** Clemons (C)

Unclaimed Funds Held by the Clerks of Court: Repeals provisions relating to deposit of unclaimed funds with CFO to credit of State School Fund; requires clerk to report certain unclaimed property as surplus; provides reporting requirements; specifies entity entitled to surplus; repeals provisions relating to qualifications & appointment of surplus trustee in foreclosure actions; revises service charges that clerk may receive & deduct from surplus. Effective Date: July 1, 2017

**Current Committee of Reference:** Oversight, Transparency & Administration Subcommittee

2/7/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Oversight, Transparency & Administration Subcommittee; Appropriations Committee; Government Accountability Committee

2/15/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee

**Similar**

---

[SB 536](#) Relating to Unclaimed Funds Held by the Clerks of Court (Brandes)  
02/09/2017 SENATE Referred to Banking and Insurance; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations

**[HB 685](#)**

**Relating to Construction Liens** Leek

Construction Liens: Revises requirements relating to recording of notice of termination. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

2/7/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Careers & Competition Subcommittee; Civil Justice & Claims Subcommittee; Commerce Committee

2/15/2017 HOUSE Now in Careers & Competition Subcommittee

**Identical**

---

[SB 734](#) Relating to Construction Liens (Powell)

02/06/2017 SENATE Filed

- HB 687** **Relating to Utilities** La Rosa  
 Utilities; Prohibits DOT & local governmental entities from regulating/prohibiting collocation of small wireless facilities in public rights-of-way; provides requirements for collocation permit application, processing, & issuance; prohibits requirement of approval/fees for certain purposes; prohibits collocation on certain private property w/o consent of property owner; prohibits certain exclusive collocation arrangements; provides requirements for rates, fees, & terms; prohibits adoption/enforcement of certain regulations & imposition of certain taxes/fees/charges. Effective Date: 7/1/2017  
**Current Committee of Reference:** Energy & Utilities Subcommittee  
 2/7/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Energy & Utilities Subcommittee; Commerce Committee  
 2/15/2017 HOUSE Now in Energy & Utilities Subcommittee  
**Identical**  
SB 596 Relating to Utilities (Hutson)  
 02/09/2017 SENATE Referred to Communications, Energy, and Public Utilities; Governmental Oversight and Accountability; Rules
- HB 691** **Relating to Florida Building Code** Jacobs  
 Florida Building Code: Prohibits certain technical amendments to Florida Building Code adopted by local government from being rendered void in certain circumstances; specifies that such amendments are subject to review or modification when new edition of Code is issued. Effective Date: July 1, 2017  
**Current Committee of Reference:** Careers & Competition Subcommittee  
 2/7/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Careers & Competition Subcommittee; Local, Federal & Veterans Affairs Subcommittee; Commerce Committee  
 2/15/2017 HOUSE Now in Careers & Competition Subcommittee
- HB 699** **Relating to Internet Identifiers** Mariano  
 Internet Identifiers: Revises definition of term "Internet identifier"; defines "social Internet communication"; requires sexual predators & sexual offenders to register each Internet identifier's corresponding website homepage or application software name with FDLE through sheriff's office; requires sexual predators & sexual offenders to report any change to certain information after initial in-person registration in specified manner. Effective Date: upon becoming a law  
**Current Committee of Reference:** Criminal Justice Subcommittee  
 2/7/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Criminal Justice Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee  
 2/15/2017 HOUSE Now in Criminal Justice Subcommittee  
**Compare**  
SB 686 Relating to Public Records/Internet Identifiers (Baxley)  
 02/03/2017 SENATE Filed  
**Identical**  
SB 684 Relating to Internet Identifiers (Baxley)  
 02/03/2017 SENATE Filed  
**Linked**  
HB 701 Relating to Pub. Rec./Internet Identifiers of Sexual Predators or Offenders (Mariano)  
 02/15/2017 HOUSE Now in Criminal Justice Subcommittee
- HB 703** **Relating to Elder Abuse Fatality Review Teams** Watson (B)  
 Elder Abuse Fatality Review Teams: Authorizes establishment of elder abuse fatality review teams to review fatal & near-fatal incidents of elder abuse; specifies duties & purpose; provides immunity from liability for acts conducted in furtherance of review team's duties; exempts certain information & records acquired by review team from discovery or introduction into evidence in specified proceedings; prohibits person from being required to testify regarding records or information produced or presented during meetings or other activities of review team; assigning teams to DCF for administrative purposes. Effective Date: July 1, 2017  
**Current Committee of Reference:** Children, Families & Seniors Subcommittee  
 2/7/2017 HOUSE Filed  
 2/15/2017 HOUSE Referred to Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee  
 2/15/2017 HOUSE Now in Children, Families & Seniors Subcommittee

**Compare**


---

[SB 520](#) Relating to Public Records And Public Meetings/Elder Abuse Fatality Review Teams (Gibson)  
02/09/2017 SENATE Referred to Children, Families, and Elder Affairs; Governmental Oversight and Accountability; Appropriations; Rules

**Identical**


---

[SB 518](#) Relating to Elder Abuse Fatality Review Teams (Gibson)  
02/09/2017 SENATE Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; Appropriations; Rules

**Linked**


---

[HB 705](#) Relating to Pub. Rec. and Meetings/Elder Abuse Fatality Review Teams (Watson (B))  
02/15/2017 HOUSE Now in Children, Families & Seniors Subcommittee

**[SB 704](#)****Relating to Tax on Sales, Use, and Other Transactions** Garcia

Tax on Sales, Use, and Other Transactions; Providing a limited exception from the tax on rental or license fees charged for the use of real property for certain ad valorem tax charges; providing that tax charges in excess of a specified limit are subject to tax; requiring ad valorem tax charges for multiple tenants or licensees of a parcel of property or portions of a property to be calculated in a specified manner under certain circumstances, etc. Effective Date: 1/1/2018

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

2/8/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/10/17, 10:00 am, 117 K (No Votes Will Be Taken)

2/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**Similar**


---

[HB 463](#) Relating to Sales and Use Taxes (Raschein)  
02/15/2017 Bill to be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 02/17/17, 1:30 pm, 117 K (No Votes Will Be Taken)

**[HB 713](#)****Relating to Homeowners' Associations** Slosberg

Homeowners' Associations: Prohibits certain fines, special assessments, & interest & late charges from being imposed against certain parcels; provides liability for attorney fees & costs; provides notice requirements. Effective Date: July 1, 2017

**Current Committee of Reference:** Agriculture & Property Rights Subcommittee

2/8/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Agriculture & Property Rights Subcommittee; Civil Justice & Claims Subcommittee; Commerce Committee

2/15/2017 HOUSE Now in Agriculture & Property Rights Subcommittee

**Similar**


---

[SB 950](#) Relating to Homeowners' Associations (Stewart)  
02/15/2017 SENATE Filed

**[SB 716](#)****Relating to Real Estate Appraisers** Passidomo

Real Estate Appraisers; Requiring the Department of Business and Professional Regulation to transmit a specified roster to a certain appraisal committee; revising which persons are included in a specified requirement for information in an application for appraisal management company registration; authorizing the board to deny an application for renewal of an appraisal management company's registration on specified grounds, etc. Effective Date: 10/1/2017

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**[HB 717](#)****Relating to Imported or Domestic Drywall** Slosberg

Imported or Domestic Drywall: Extends repeal date of authority of property appraisers to adjust assessed value of specified properties affected by imported or domestic drywall. Effective Date: July 1, 2017

**Current Committee of Reference:** Local, Federal & Veterans Affairs Subcommittee

2/8/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Local, Federal & Veterans Affairs Subcommittee; Ways & Means Committee; Government Accountability Committee

2/15/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

**Similar**


---

[SB 948](#)

Relating to Assessment of Properties Affected by Imported  
or Domestic Drywall (Stewart)  
02/15/2017 SENATE Filed

**SB 722****Relating to Public Records/Clearinghouse for Compassionate and Palliative Care Plans** Brandes

Public Records; Creating an exemption from public records for personal identifying information in compassionate and palliative care plans filed with the Clearinghouse for Compassionate and Palliative Care Plans managed by the Agency for Health Care Administration or its designee; authorizing the disclosure of such information to certain entities and individuals; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity, etc. Effective Date: On the same date that SB 228 or similar legislation takes effect if such legislation is adopted in the same legislative session or an extension thereof and becomes a law

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**Linked**


---

**SB 228** Relating to Physician Orders for Life-sustaining Treatment (Brandes)  
01/12/2017 SENATE Referred to Judiciary; Appropriations Subcommittee on Health and Human Services; Appropriations

**SB 724****Relating to Estates** Passidomo

Estates; Revising the circumstances under which the decedent's property interest in the protected homestead is excluded from the elective estate; providing for the valuation of the decedent's protected homestead under certain circumstances; requiring the payment of interest on any unpaid portion of a person's required contribution toward the elective share with respect to certain property, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**Similar**


---

**HB 267** Relating to Estates (Berman)  
01/25/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**SB 734****Relating to Construction Liens** Powell

Construction Liens; Revising requirements relating to the recording of a notice of termination of an improvement to real property, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**Identical**


---

**HB 685** Relating to Construction Liens (Leek)  
02/15/2017 HOUSE Now in Careers & Competition Subcommittee

**HB 735****Relating to Covenants and Restrictions of Property Owners** Edwards

Covenants and Restrictions of Property Owners: Specifies situations in which county/municipality may use its police powers to amend/release/terminate certain development permit documents; prohibits county/municipality from delegating its police powers to third parties in certain instances; revises interests & rights protected by filing for record within specified timeframe; revises & provides provisions relating to covenants/restrictions, including extinguishment, validity of notice, length of time certain covenants/restrictions are preserved, filing of notices, notice content requirements, requirements of property associations, & validity & enforceability of covenant & restrictions; provides for retroactive applicability. Effective Date: July 1, 2017

**Current Committee of Reference:** Civil Justice & Claims Subcommittee

2/9/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Civil Justice & Claims Subcommittee; Local, Federal & Veterans Affairs Subcommittee; Judiciary Committee

2/15/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**Similar**


---

**SB 318** Relating to Covenants and Restrictions of Property Owners' Associations (Passidomo)  
01/25/2017 SENATE Referred to Regulated Industries; Community Affairs; Rules

**SB 736****Relating to International Financial Institutions** Mayfield

International Financial Institutions; Redefining the term "financial institution" to include international trust entities and limited service affiliates; specifying conditions under which

confidential books and records of international trust entities may be disclosed to their home-country supervisors; deleting international trust companies from requirements for carrying on financial institution business; providing an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international banking corporations, etc. Effective Date: 1/1/2018

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**Compare**

- 
- [HB 437](#) Relating to Pub.Rec./International Financial Institutions (Raulerson)  
02/06/2017 HOUSE Now in Insurance & Banking Subcommittee
- [HB 769](#) Relating to International Financial Institutions (Moraitis)  
02/10/2017 HOUSE Filed
- [HB 771](#) Relating to Pub. Rec./International Financial Institutions (Moraitis)  
02/10/2017 HOUSE Filed

**Similar**

- 
- [HB 435](#) Relating to International Financial Institutions (Raulerson)  
02/06/2017 HOUSE Now in Insurance & Banking Subcommittee

**Linked**

- 
- [SB 738](#) Relating to Public Records/International Financial Institutions (Mayfield)  
02/06/2017 SENATE Filed

[HB 741](#)

**Relating to Department of Business and Professional Regulation**

Trumbull

**Fees**

Department of Business and Professional Regulation Fees: Revises delinquency fee that professional board or DBPR imposes on delinquent status licensee; revises surcharge that DBPR assesses on building permits. Effective Date: July 1, 2017

**Current Committee of Reference:** Careers & Competition Subcommittee

2/9/2017 HOUSE Filed

2/15/2017 HOUSE Referred to Careers & Competition Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee

2/15/2017 HOUSE Now in Careers & Competition Subcommittee

**Identical**

- 
- [SB 514](#) Relating to Fees of the Department of Business and Professional Regulation (Stargel)  
02/09/2017 SENATE Referred to Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

[SB 742](#)

**Relating to Housing Discrimination**

Latvala (J)

Housing Discrimination; Removing housing discrimination as a cause of action for certain relief and damages stemming from violations of the Florida Civil Rights Act of 1992; defining the terms "gender identity" and "sexual orientation"; Effective Date: Upon becoming a law

**Current Committee of Reference:** No Current Committee

2/6/2017 SENATE Filed

**Compare**

- 
- [SB 268](#) Relating to Housing Discrimination (Rouson)  
01/25/2017 SENATE Referred to Judiciary; Governmental Oversight and Accountability; Rules
- [HB 623](#) Relating to Prohibited Discrimination (Diamond)  
02/09/2017 HOUSE Now in Careers & Competition Subcommittee
- [SB 666](#) Relating to Prohibited Discrimination (Clemens (J))  
02/02/2017 SENATE Filed

**Similar**

- 
- [HB 659](#) Relating to Housing Discrimination (Raschein)  
02/15/2017 HOUSE Now in Careers & Competition Subcommittee

[SB 744](#)

**Relating to Community Associations**

Passidomo

Community Associations; Authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to required condominium and cooperative association bylaws; prohibiting a board member from voting via e-mail; specifying the voting interests that are eligible to vote to waive or reduce funding of reserves, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/7/2017 SENATE Filed

**Compare**

[SB 294](#) Relating to Condominium, Cooperative, and Homeowners' Associations (Bracy)  
01/25/2017 SENATE Referred to Regulated Industries; Judiciary; Rules

**Similar**

[HB 653](#) Relating to Community Associations (Moraitis)  
02/15/2017 HOUSE Now in Careers & Competition Subcommittee

**[HB 747](#)**

**Relating to Mortgage Brokering** Stark  
Mortgage Brokering: Provides exemption from regulation under parts I & II of ch. 494, F.S., for certain securities dealers, investment advisors, & associated persons. Effective Date: July 1, 2017  
**Current Committee of Reference:** Insurance & Banking Subcommittee  
2/9/2017 HOUSE Filed  
2/15/2017 HOUSE Referred to Insurance & Banking Subcommittee; Government Operations & Technology Appropriations Subcommittee; Commerce Committee  
2/15/2017 HOUSE Now in Insurance & Banking Subcommittee

**Similar**

[SB 830](#) Relating to Mortgage Brokering (Baxley)  
02/09/2017 SENATE Filed

**[HB 753](#)**

**Relating to Contaminated Site Cleanup** Stone  
Contaminated Site Cleanup: Provides exceptions to certain application & cost-share requirements for advanced cleanup; specifies prioritization of requests; requires & authorizes DEP to make determinations & initiate activities relating to advanced clean up; increases amount of funds available for advanced cleanup work; requires certain funds be made available for certain tax credit authorizations. Effective Date: July 1, 2017  
**Current Committee of Reference:** No Current Committee  
2/9/2017 HOUSE Filed

**[SB 756](#)**

**Relating to Rent and Repossession** Rodriguez (J)  
Rent and Repossession; Requiring a court to conduct a trial within a specified time for certain actions involving repossession of a dwelling unit; authorizing the court to order a tenant to pay certain rent into the registry of the court during pendency of a proceeding if the tenant requests a continuance of a certain duration or a jury trial; requiring the court to schedule the case for immediate trial if such payment is not made, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** No Current Committee  
2/7/2017 SENATE Filed

**[SB 762](#)**

**Relating to Child Protection** Baxley  
Child Protection; Prohibiting a time-sharing plan from requiring visitation at a recovery residence between specified hours; authorizing a certified recovery residence to allow a minor child to visit a recovery residence, excluding visits during specified hours, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** No Current Committee  
2/7/2017 SENATE Filed  
**Identical**

[HB 329](#) Relating to Child Protection (Harrell)  
02/06/2017 HOUSE Now in Civil Justice & Claims Subcommittee

**[SB 764](#)**

**Relating to Tax Exemptions For First Responders And Surviving Spouses** Baxley  
Tax Exemptions For First Responders And Surviving Spouses; Providing an exemption from ad valorem taxation for certain first responders under specified conditions; providing an exemption from ad valorem taxation for certain surviving spouses of first responders who have died; specifying the documentation required to receive the exemption, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** No Current Committee  
2/7/2017 SENATE Filed

**Similar**

[HB 455](#) Relating to Tax Exemptions for First Responders and Surviving Spouses (Metz)  
02/06/2017 HOUSE Now in Ways & Means Committee

**[HB 765](#)**

**Relating to Sales Tax Exemptions for Agricultural Products** McClain  
Sales Tax Exemptions for Agricultural Products: Revises maximum sales price of certain farm trailers exempt from the sales & use tax; exempts certain animal health products & agricultural items from tax. Effective Date: July 1, 2017

**Current Committee of Reference:** No Current Committee  
2/10/2017 HOUSE Filed

**HB 767** **Relating to Property Insurance Appraisers and Property Insurance Appraisal Umpires** Fischer

Property Insurance Appraisers and Property Insurance Appraisal Umpires: Creating "Property Insurance Appraisal Umpire Law"; provides licensing requirements, continuing education requirements & prohibited acts for umpires; revises the Florida Insurance Code to include umpires; authorizes DFS to refuse, suspend, or revoke umpire's license under certain circumstances; providing appropriation & authorizing positions. Effective Date: October 1, 2017

**Current Committee of Reference:** No Current Committee  
2/10/2017 HOUSE Filed

**Identical**

---

**SB 94** Relating to Property Insurance Appraisers and Property Insurance Appraisal Umpires (Articles)  
12/16/2016 SENATE Referred to Banking and Insurance; Regulated Industries; Appropriations Subcommittee on General Government; Appropriations

**HB 769** **Relating to International Financial Institutions** Moraitis

International Financial Institutions: Revises requirements for confidential books & records of financial institutions; revises examination requirements; authorizes & prohibits certain limited service affiliate activities; provides OFR with certain powers; provides limited service affiliate registration requirements; provides applicability of financial institutions codes; provides registrant reporting & recordkeeping requirements; authorizes office to conduct an examination or investigation of limited service affiliate; provides powers of office; provides fee requirements; provides for suspension, revocation, or voluntary surrender of registration; provides registration renewal requirements; provides that international trust entity's limited service affiliate is not required, in response to subpoena, to produce certain books or records. Effective Date: January 1, 2018

**Current Committee of Reference:** No Current Committee  
2/10/2017 HOUSE Filed

**Compare**

---

**HB 435** Relating to International Financial Institutions (Raulerson)  
02/06/2017 HOUSE Now in Insurance & Banking Subcommittee

**HB 437** Relating to Pub.Rec./International Financial Institutions (Raulerson)  
02/06/2017 HOUSE Now in Insurance & Banking Subcommittee

**SB 736** Relating to International Financial Institutions (Mayfield)  
02/06/2017 SENATE Filed

**SB 738** Relating to Public Records/International Financial Institutions (Mayfield)  
02/06/2017 SENATE Filed

**Linked**

---

**HB 771** Relating to Pub. Rec./International Financial Institutions (Moraitis)  
02/10/2017 HOUSE Filed

**SB 778** **Relating to Ad Valorem Tax Exemption for Historic Condominiums and Cooperatives** Garcia

Ad Valorem Tax Exemption for Historic Condominiums and Cooperatives; Expanding an ad valorem tax exemption for certain historic property to include historic condominiums and cooperatives; providing an exception from the criterion that property under the exemption be regularly open to the public, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee  
2/7/2017 SENATE Filed

**SB 780** **Relating to Adoption Benefits** Stargel

Adoption Benefits; Revising the definition of the term "state agency" to include charter schools and the Florida Virtual School for the purpose of extending adoption benefits to qualifying adoptive employees of such schools, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee  
2/7/2017 SENATE Filed

**Identical**

---

**HB 749** Relating to Adoption Benefits (Combee)

02/15/2017 HOUSE Now in Children, Families &amp; Seniors Subcommittee

- HB 791** **Relating to Pub. Rec./Petitions for Involuntary Assessment and Stabilization, Court Orders, Related Records, and Personal Identifying Information** Abruzzo  
 Pub. Rec./Petitions for Involuntary Assessment and Stabilization, Court Orders, Related Records, and Personal Identifying Information: Provides exemption from public records requirements for petition for involuntary assessment & stabilization of substance abuse impaired person, court orders, & related records, & personal identifying information on certain court dockets; provides for retroactive application; provides statement of public necessity. Effective Date: July 1, 2017  
**Current Committee of Reference:** No Current Committee  
 2/13/2017 HOUSE Filed  
**Similar**
- 
- SB 886** Relating to Public Records/Substance Abuse Impaired Persons (Powell)  
 02/13/2017 SENATE Filed
- SB 802** **Relating to Regulated Professions and Occupations** Passidomo  
 Regulated Professions and Occupations; Requiring an individual applicant to apply for licensure in the name of the business organization that he or she proposes to operate under; requiring that a license be in the name of a qualifying agent rather than the name of a business organization; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; requiring the board to certify an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances, etc. Effective Date: 10/1/2017  
**Current Committee of Reference:** No Current Committee  
 2/8/2017 SENATE Filed
- SB 812** **Relating to Insurance Policy Transfers** Perry  
 Insurance Policy Transfers; Authorizing an insurer to transfer a personal lines residential or commercial residential property insurance policy to another authorized insurer upon expiration of the policy term if specified conditions are met, etc. Effective Date: 7/1/2017  
**Current Committee of Reference:** No Current Committee  
 2/8/2017 SENATE Filed  
**Similar**
- 
- HB 805** Relating to Insurance Policy Transfers (Ingoglia)  
 02/13/2017 HOUSE Filed
- HB 813** **Relating to Flood Insurance** Lee Jr. (L)  
 Flood Insurance: Revises intervals at which specified standards & guidelines for projecting certain rate filings must be revised by Florida Commission on Hurricane Loss Projection Methodology; authorizes insurer to issue flood insurance policies on flexible basis; specifies condition for eligible surplus lines insurer before surplus lines agent may be excepted from diligent-effort requirement when exporting flood insurance contracts/endorsements to insurer. Effective Date: July 1, 2017  
**Current Committee of Reference:** No Current Committee  
 2/14/2017 HOUSE Filed  
**Similar**
- 
- SB 420** Relating to Flood Insurance (Brandes)  
 02/13/2017 SENATE On Committee agenda - Banking and Insurance, 02/21/17, 12:30 pm, 110 S
- SB 818** **Relating to Timeshares** Hutson  
 Timeshares; Revising the definition of the term "interestholder" to clarify that the term does not include certain parties to a certain multisite timeshare plan; revising requirements for the termination of a timeshare plan; specifying the percentage of votes required to extend the term of a timeshare plan under certain circumstances, etc. Effective Date: Upon becoming a law  
**Current Committee of Reference:** No Current Committee  
 2/9/2017 SENATE Filed  
**Similar**
- 
- HB 829** Relating to Timeshare Plans (La Rosa)  
 02/15/2017 HOUSE Filed
- HB 819** **Relating to Firearms** Byrd  
 Firearms: Requires business, organization, or entity that prohibits concealed weapon or firearm licensee from carrying weapon or firearm onto its property to assume certain responsibility for safety & defense of such licensee; provides that such responsibility extends to conduct of certain

people & animals; provides cause of action for concealed weapon or firearm licensee who incurs injury, death, damage, or loss as result of certain acts or attacks occurring on property of such business, organization, or entity. Effective Date: July 1, 2017

**Current Committee of Reference:** No Current Committee

2/14/2017 HOUSE Filed

**Identical**

[SB 610](#) Relating to Firearms (Steube)

02/09/2017 SENATE Referred to Judiciary; Appropriations; Rules

**[SB 822](#)**

**Relating to Intrusion And Burglar Alarms**

Hutson

Intrusion and Burglar Alarms; Providing an exclusion from the requirement for a verification call prior to alarm dispatch for specified premises, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/9/2017 SENATE Filed

**Identical**

[HB 473](#) Relating to Intrusion and Burglar Alarms (Sullivan)

02/06/2017 HOUSE Now in Careers & Competition Subcommittee

**[SB 830](#)**

**Relating to Mortgage Brokering**

Baxley

Mortgage Brokering; Providing an exemption from regulation under provisions for certain securities dealers, investment advisers, and associated persons, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/9/2017 SENATE Filed

**Similar**

[HB 747](#) Relating to Mortgage Brokering (Stark)

02/15/2017 HOUSE Now in Insurance & Banking Subcommittee

**[SB 850](#)**

**Relating to Public Housing Authority Insurance**

Rouson

Public Housing Authority Insurance; Authorizing a certain legal entity in which a public housing authority holds an ownership interest or participates in its governance to form a specified self-insurance fund with other such entities or public housing authorities, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/10/2017 SENATE Filed

**Identical**

[HB 421](#) Relating to Public Housing Authority Insurance (Shaw)

02/06/2017 HOUSE Now in Insurance & Banking Subcommittee

**[SB 854](#)**

**Relating to Task Force on Affordable Housing**

Brandes

Task Force on Affordable Housing; Creating a task force on affordable housing; requiring members of the task force to serve without compensation; directing the task force to develop recommendations for the state's affordable housing needs, subject to certain requirements, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/10/2017 SENATE Filed

**[SB 864](#)**

**Relating to Public Records**

Baxley

Public Records; Requiring that requests to inspect or copy records in the custody of a law enforcement agency be made to a certain individual, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/10/2017 SENATE Filed

**Identical**

[HB 331](#) Relating to Public Records (McClain)

02/06/2017 HOUSE Now in Oversight, Transparency & Administration Subcommittee

**[SB 874](#)**

**Relating to Nutrient Pollution from Onsite Sewage Treatment and Disposal Systems**

Young

Nutrient Pollution from Onsite Sewage Treatment and Disposal Systems; Specifying an appropriation from the Land Acquisition Trust Fund to reduce nutrient pollution by offsetting or partially offsetting property owner costs incurred to retrofit certain onsite sewage treatment and disposal systems, to connect certain properties to central sewer systems, and for certain muck dredging and stormwater improvements; authorizing the Department of Environmental Protection to make certain grants; requiring the department, as part of a basin management action plan, to develop onsite sewage treatment and disposal system remediation plans under certain conditions, etc. APPROPRIATION: Indeterminate Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/10/2017 SENATE Filed

**Similar**

[HB 551](#) Relating to Onsite Sewage Treatment and Disposal Systems (Stone)  
02/06/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**SB 878****Relating to Supreme Court Reporting Requirements** Lee (T)

Supreme Court Reporting Requirements; Requiring the Supreme Court to issue an annual report regarding certain cases; specifying data to be included in such report; providing for future legislative review and repeal, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/10/2017 SENATE Filed

**Identical**

[HB 301](#) Relating to Supreme Court Reporting Requirements (White)  
02/14/2017 HOUSE On Committee agenda - Judiciary Committee, 02/21/17, 4:00 pm, 404 H

**SB 940****Relating to Growth Management** Perry

Growth Management; Requiring local governments to address the protection of private property rights in their comprehensive plans; requiring the comprehensive plan to include a private property rights element that sets forth principles, guidelines, standards, and strategies to achieve certain objectives; requiring the state land planning agency to approve the private property rights element adopted by each local government if it is substantially in a specified form, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/15/2017 SENATE Filed

**SB 948****Relating to Assessment of Properties Affected by Imported or Domestic Drywall** Stewart

Assessment of Properties Affected by Imported or Domestic Drywall; Extending the expiration date of provisions specifying requirements for property appraisers to adjust assessed values of certain properties that are affected by certain imported or domestic drywall, etc. Effective Date: Upon becoming a law

**Current Committee of Reference:** No Current Committee

2/15/2017 SENATE Filed

**Similar**

[HB 717](#) Relating to Imported or Domestic Drywall (Slosberg)  
02/15/2017 HOUSE Now in Local, Federal & Veterans Affairs Subcommittee

**SB 950****Relating to Homeowners' Associations** Stewart

Homeowners' Associations; Prohibiting certain fines, special assessments, and interest and late charges from being imposed against certain parcels; providing liability for attorney fees and costs; providing notice requirements, etc. Effective Date: 7/1/2017

**Current Committee of Reference:** No Current Committee

2/15/2017 SENATE Filed

**Similar**

[HB 713](#) Relating to Homeowners' Associations (Slosberg)  
02/15/2017 HOUSE Now in Agriculture & Property Rights Subcommittee

**HB 6003****Relating to Vacation Rentals** Richardson

Vacation Rentals: Authorizes local laws, ordinances, & regulations to prohibit vacation rentals or regulate duration & frequency of rental of vacation rentals. Effective Date: July 1, 2017

**Current Committee of Reference:** Agriculture & Property Rights Subcommittee

12/2/2016 HOUSE Filed

1/9/2017 HOUSE Referred to Agriculture &amp; Property Rights Subcommittee; Careers &amp; Competition Subcommittee; Commerce Committee

1/9/2017 HOUSE Now in Agriculture &amp; Property Rights Subcommittee

**HB 6019****Relating to Division of Historical Resources** Stevenson

Division of Historical Resources: Revises provisions governing Division of Historical Resources responsibilities in issuing permits for survey, excavation, & salvage activities on certain state-owned lands; repeals provisions relating to abrogation of offensive & derogatory geographic place names & division's authority to implement program for certain artifacts. Effective Date: upon becoming a law

**Current Committee of Reference:** Natural Resources & Public Lands Subcommittee

1/18/2017 HOUSE Filed

1/25/2017 HOUSE Referred to Natural Resources & Public Lands Subcommittee; Government  
Accountability Committee

1/25/2017 HOUSE Now in Natural Resources & Public Lands Subcommittee

**Identical**

SB 214 Relating to Division of Historical Resources (Steube)

SENATE Referred to Governmental Oversight and Accountability; Appropriations  
01/12/2017 Subcommittee on Transportation, Tourism, and Economic Development;  
Appropriations

**SB 7000 Relating to Florida Building Commission**

Community Affairs

Florida Building Commission; Requiring the commission to use the most recent published edition  
of the Florida Building Code as the foundation code; requiring the commission to review, rather  
than update, the Florida Building Code every years; deleting a provision that specifies how long  
amendments or modifications to the foundation code remain effective, etc. Effective Date:

7/1/2017

**Current Committee of Reference:** Appropriations Subcommittee on General Government

1/24/2017 SENATE Submitted as Committee Bill by Community Affairs; 8 yeas, 0 Nays

1/24/2017 SENATE Committee Bill Text Filed

2/9/2017 SENATE Referred to Appropriations Subcommittee on General Government; Appropriations

**SB 7008 Relating to Department of Veterans' Affairs Direct-support  
Organization**

Military and Veterans Affairs, Space,  
and Domestic Security

Department of Veterans' Affairs Direct-support Organization; Abrogating the scheduled repeal of  
provisions governing a direct-support organization established by the department, etc. Effective  
Date: 7/1/2017

**Current Committee of Reference:** Military and Veterans Affairs, Space, and Domestic Security

1/30/2017 SENATE On Committee agenda - Military and Veterans Affairs, Space, and Domestic Security,  
02/07/17, 10:00 am, 37 S

2/7/2017 SENATE Submitted as Committee Bill by Military and Veterans Affairs, Space, and Domestic  
Security; 5 Yeas, 0 Nays

2/7/2017 SENATE Committee Bill Text Filed

## 2016-17 CLE COURSE SCHEDULE

\*AS OF 11/17/16

Date	Course Title	Course No.	Location
March 3, 2017	<a href="#">Trust and Estate Symposium</a>	2288	Fort Lauderdale
March 16-18, 2017	<a href="#">Construction Law Institute</a>	2290	JW Orlando, Grand Lakes
March 16-18, 2017	<a href="#">Construction Law Certification Review</a>	2291	JW Orlando, Grand Lakes
April 7, 2017	<b>Wills, Trusts and Estates Certification Review Course</b>	2300	Hyatt Airport Orlando
April 28, 2017	<b>Condo &amp; Planned Development Law &amp; Certification Review Course</b>	2312	Tampa- TBD
April 28, 2017	<b>Guardianship Seminar</b>	2300	St. Thomas University
June 2, 2017	<b>RPPTL Convention Seminar</b>	2317	Hyatt Coconut Point
August 24 -27, 2017	<b>ATO 2017</b>	2322	The Breakers