



Administrative Law Section



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Administrative Law Section Executive Council Conference Call

March 12, 2008 – 4:00 p.m.

AGENDA

- I. CALL TO ORDER – Andy Bertron, Chair
- II. SECTION LEGISLATIVE POSITIONS
 - A. Rollover of Current Positions 1-5
 - B. Revised Language for Current Position 6
 - C. New Position - Funding Support for DOAH
 1. Proposed Position
 2. Master List of TFB Legislative Positions
- III. TASK FORCE ON ATTORNEY-CLIENT PRIVILEGE
 - A. Invitation to Comment
 - B. Draft Statement of the Government Lawyers Section
 - C. Draft ALS Response to The Florida Bar

Administrative Law Section
2006-2008 Legislative Biennium
July 28, 2006

1. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
2. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
3. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.
4. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.
5. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.
6. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

**Administrative Law Section
Legislative Position**

Current Position

6. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

Revision

6. Opposes amendments to Chapter 120, *Florida Statutes*, or other legislation, that limits, restricts, or penalizes full participation in the administrative process, ~~in the absence of without compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.~~

Recommended Position

6. Opposes amendments to Chapter 120, *Florida Statutes*, or other legislation, that limit, restrict, or penalize full participation in the administrative process without compelling justification.

II B (1)

Proposed Legislative Position

Supports adequate funding of the Division of Administrative Hearings and other existing state administrative dispute resolution forums in order to ensure efficient resolution of administrative disputes.

Legislative Activity

Legislative Positions

Here you will find the master list of all Bar, section, division and committee positions for the 2004-2006 legislative biennium.

Master List of Legislative Positions

Detailed below is the master list of legislative positions for the **2006-2008 Legislative Biennium**, to date.

The list contains all current positions of The Florida Bar, sections and committees.

I. FLORIDA BAR LEGISLATIVE POSITIONS

II. SECTION LEGISLATIVE POSITIONS

Administrative Law Section

Appellate Practice Law Section

Business Law Section

Criminal Law Section

Elder Law Section

Entertainment, Arts & Sports Law Section

Family Law Section

Government Lawyer Section

Health Law Section

International Law Section

Public Interest Law Section

Real Property, Probate and Trust Law Section

Tax Section

Trial Law Section

Workers' Compensation Section

Out of State Division

Young Lawyers Division

III. COMMITTEE LEGISLATIVE POSITIONS

Code and Rules of Evidence

ITC 2 (1)

Legal Needs of Children Committee

I. FLORIDA BAR LEGISLATIVE POSITIONS

September 29, 2006

1. The Florida Bar supports the adoption of Amendment 3, "Requiring Broader Public Support for Constitutional Amendments or Revisions", as a measure toward protecting the integrity of Florida's Constitution.

December 8, 2006

2. Opposes amendments to the Florida Constitution that would alter the authority of the Supreme Court of Florida to regulate the admission of persons to the practice of law or the discipline of persons admitted.

3. Opposes amendment of Article V, Section 2(a) of the Florida Constitution that would alter the Supreme Court's authority to adopt rules for practice and procedure in all courts, or that would change the manner by which such rules may be repealed by the legislature.

4. Supports adequate funding of the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel.

5. Supports adequate funding for civil legal assistance to indigent persons through the Florida Access to Civil Legal Assistance Act.

6. Supports language in the Legislative Appropriations Act to permit the payment of government attorneys' Florida Bar membership fees and continuing legal education costs from funds within budget entities.

II C 2(2)

7. Supports legislation to require that a child have a meaningful opportunity to consult with an attorney before waiving his/her right to counsel in a delinquency proceeding.

8. Supports legislation to create reasonable financial student loan assistance for all government lawyers and legal aid attorneys who have served in that capacity for more than 3 years.

9. Opposes the indiscriminate use of chains and shackles in juvenile court proceedings, and encourages the adoption of a ban on the indiscriminate use of chains and shackles in juvenile court proceedings through court rule, legislation and executive branch policy.

January 26, 2007

10. Supports legislation consistent with the Supreme Court of Florida's December 14, 2006 certification of need for new judges.

February 12, 2007

11. Supports immediate Congressional action to enact a substantial pay increase for the federal judiciary consistent with the recent analysis by Paul Volcker, former chair of the National Commission on the Public Service, which recognized the inadequacy of federal judicial salaries and that increases in federal judicial salaries have not even kept pace with increases in average American worker wages.

April 16, 2007

12. Supports legislation that would waive civil court costs and fees for a person whose income is equal to or below 150 percent of then-current federal poverty guidelines.

June 1, 2007

TC2(3)

13. The Florida Bar strongly supports the preservation of, and opposes policies and procedures that have the effect of eroding, the attorney-client privilege and work product doctrine, both of which are essential to maintaining the confidential relationship between client and attorney required to encourage clients to discuss their legal matters fully and candidly with their counsel so as to:

- (1) promote compliance with law through effective counseling,
- (2) ensure effective advocacy for the client,
- (3) ensure access to justice and
- (4) promote the proper and efficient functioning of the American adversary system of justice.

February 1, 2008

14. Supports legislation consistent with the Supreme Court of Florida's January 17, 2008 certification of need for new judges.

II. SECTION LEGISLATIVE POSITIONS

Administrative Law Section

July 28, 2006

1. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.
2. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.
3. Opposes exemptions or exceptions to the

II C 2(4)

Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.

4. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.

5. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.

6. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

Appellate Practice Law Section

January 26, 2007

1. Opposes amendment of Article V, Section 2(a) of the Florida Constitution that would alter the Supreme Court's authority to adopt rules for practice and procedure in all courts, or that would change the manner by which such rules may be repealed by the legislature.

2. Supports maintaining an independent judiciary.

3. Supports pay raises for appellate judges and support personnel consistent with the Florida Supreme Court 2007

TTC 2 (5)

budget request.

4. Supports legislation consistent with the recommendations of the DCA Workload and Assessment Committee and the recommendations of the Supreme Court in the Certification Opinion as to additional judges, but opposed the creation of a new DCA or the changing of the boundaries of the current courts.

Business Law Section

July 28, 2006

1. Opposes legislation that would re-enact the Bulk Sales Act, Article 6 of the Uniform Commercial Code.

2. Supports adequate funding of the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel.

3. Opposes legislation to impose income tax on limited liability companies and subchapter 5 corporations.

4. Supports legislation consistent with the Supreme Court of Florida's November 30, 2004 certification of need for additional judges.

5. Supports the passage of Revised Article I of the Uniform Commercial Code, as developed by the National Conference of Commissioners on Uniform State Laws (NCCULS), with the exception of s. 1-301 re choice of laws, with an effective date of "upon becoming law."

6. Supports passage of a Revised Model Trademark Act, Ch. 495, Florida Statutes.

September 29, 2006

7. Supports amendment to §222.25 F. S. to provide an exemption from legal process of not to exceed \$4,000 in personal property, provided a resident debtor does not

IC 2(6)

claim or receive the benefits of a homestead exemption under Article X, Section 4 of the Florida Constitution.

8. Supports proposed technical, clarifying and modernizing revisions to Chapter 617 F. S. re not for profit corporations. The scope of such amendments includes changes to Ch. 617 that will conform that chapter to changes made in Ch. 607 re for profit corporations since 1990.

December 8, 2006

9. Supports legislation to update or modernize the assignment for benefit of creditors in Chapter 727, Florida Statutes.

February 21, 2007

10. Support "glitch" amendments of a technical, corrective and clarifying nature to Florida Statutes Chapter 620 re: Uniform Limited Partnership Act.

11. Support the funding and allocation of appropriated and necessary resources to fund complex business litigation pilot projects in the 9th, 11th, 13th, and 15th judicial circuits, provided that pilot project funding is to be in addition to existing court funding.

12. Support legislation to eliminate duplicate names among limited liability companies, paralleling existing Delaware corporate law: (1) providing that an LLC name not distinguishable from the name of an existing corporation or partnership without permission of the prior name holder not be permitted; (2) providing a "grandfather" clause that would permit existing names on record to remain; (3) applying to both domestic and foreign corporations; and (4) conforming the amendments to partnership and corporate statutes.

ICC 2(7)

13. Supports RPPTL position "supports limitation of creditor remedies against partner interest in general and limited liability partnerships and member interests in limited liability companies to charging liens and to prohibit foreclosure against such interests" provided that single member LLC's are eliminated from the scope of the legislation.

October 5, 2007

14. Supports the replacement of word "files" and "filing" with "serves" and "serving" wherever they appear in subsection (1) of §768.79, the Offer of Judgment and Demand for Judgment Statute.

15. Supports glitch amendments of a technical, corrective and clarifying nature to Florida Statutes, Chapter 607 re: Corporations and Chapter 608 re: Limited Liability Companies.

16. Supports the creation of §702.55 Florida Statutes, providing for notice to homeowner in mortgage foreclosure action of possibility of relief under U. S. Bankruptcy Code.

February 1, 2008

17. Supports HB 17 re regulation of auctioneers.

Criminal Law Section

TBA

Elder Law Section

July 28, 2006

1. Supports legislation that protects individual rights by removing all barrier language which imposes greater restrictions on incapacitated persons, as discussed in

II C 2 (8)

Browning.

2. Opposes legislation that would limit awards, attorney's fees and costs in liability actions brought against nursing homes or assisted living facilities.
3. Supports legislation that would increase staffing ratios, governmental oversight and Medicaid reimbursement rates to improve the general quality of care for elderly and disabled persons residing in nursing homes.
4. Opposes legislation that would restrict or revoke driving privileges based solely upon aging factors.
5. Supports legislation that would enhance enforcement of existing provisions to revoke driving privileges from persons who are determined to be impaired.
6. Opposes any legislative effort which would eliminate or diminish the rights of residents of nursing homes and other long term care facilities, as currently provided under Chapter 400, F.S.
7. Opposes any legislation that would allow the Clerks of Court in any and/or all circuits to assess and collect audit fees or other fees in guardianship or probate cases that would be a percentage of the total amount or value of the respective guardianship or probate estate.
8. Opposes any legislation that would decrease current Court authority and control over guardianship or probate matters while increasing, correspondingly or otherwise, the Clerk of Courts authority over these same matters.
9. Supports adding public guardians to the definition of professional guardians, and streamlining the registration process for professional guardians.
10. Supports SB 472 (2006) regarding Florida's

IT C 2 (9)

Guardianship law as originally filed on 10/25/05, with two exceptions: (1) the proposed amendments to §744.441 (19), Florida Statutes; and (2) the proposed amendments to §744.474(20) Florida Statutes.

11. Supports creating Chapter 736, Florida Statutes, to codify the law of trusts and makes conforming revisions to other Florida Statutes.

February 19, 2008

12. Opposes the adoption of summary guardianship proceedings outside the protections of Chapter 744, Florida Statutes.

February 28, 2008

13. Supports the development and implementation of a public education program stressing the need for screenings for memory impairment and the importance of early diagnosis and treatment of Alzheimer's disease and related disorders; and supports the mandate that the Department of Elder Affairs conduct, or provide support for, a study on the benefits of memory screenings and the scientific evidence on the techniques for memory screening.

Entertainment, Arts & Sports Law Section

July 28, 2006

1. Supports full and complete state funding for the arts and the arts education programs in Florida, as well as the continued existence of the Corporations Trust Fund, and urges the Florida legislature to continue and increase the funding of these arts programs and organizations.

Family Law Section

July 28, 2006

TC 2(10)

1. Supports amendments to Florida's domestic violence laws that would include:

- a. amending §741.30(6)(c), *Florida Statutes*, to substitute the term "permanent" instead of "final" with regard to judgments on injunctions for protection against domestic violence;
- b. amending §741.30(6)(a)7, *Florida Statutes*, to authorize the court to enter relief to protect minor children of a domestic violence victim as well as the victim;

2. Opposes legislation that would seek to remove from the courts in any way the establishment, modification or enforcement of family support, and/or that would seek to place consideration, effectuation or adjudication of these issues under the jurisdiction of the Department of Revenue or any other governmental or administrative body.

3. Supports modification of child support guidelines, Chapter 61, *Florida Statutes*, to eliminate the 25% reduction from the total cost of child care prior to allocating that cost between the parents, and to allow consideration of any available tax credit received by one parent as a result of child care expenses when determining allocation of costs.

4. Supports adequate funding for dependency courts and for all Chapter 39, F.S. proceedings relating to children.

5. Supports the establishment and funding of programs to provide dependency mediation services in each judicial circuit.

6. Opposes creation of an evidentiary privilege for parent-child communications.

TC2C11

7. Supports amendment of §61.13(1), *Florida Statutes*, to clarify that a court may require either or both parents to carry life insurance or to otherwise secure child support obligations.

8. Supports legislation amending s.119.07(3)(i)(1), *Florida Statutes*, to extend to General Masters and Child Support Hearing Officers the exemption from public disclosure granted therein.

9. Supports legislation amending §119.07(3)(i)(1), *Florida Statutes*, to exempt from public disclosure the home addresses, telephone numbers, places of employment, and names and locations of schools and day care facilities of grandchildren of Justices, District Court of Appeal Judges, Circuit Court Judges, County Court Judges, General Masters and Child Support Hearing Officers.

10. Opposes removing or deleting the word "imminent" from §741.30(1)(a), *Florida Statutes*.

11. Supports amending Chapter 61, *Florida Statutes*, by adding a new § 61.406, *Florida Statutes*, authorizing an award of reasonable fees and costs to a duly appointed guardian ad litem, and further authorizing the guardian to apply for and enforce such an award in his or her own name without the necessity of counsel.

12. Supports amending § 742.045, *Florida Statutes*, allowing the award of appellate fees and costs in paternity matters, consistent with existing language of § 61.16, *Florida Statute*.

13. Opposes any proposed legislation that disturbs the finality of judgments determining parentage of children without consideration or inclusion of a statute of repose, a best interests of child standard consistent with established public policy of the State, and the elements and burden of

IV C 2 (12)

proof of fraud.

14. Supports amending § 61.13(3), Florida Statutes, by adding as a factor for consideration of shared parental responsibility and primary residence of a child "the willingness of a parent to confer and cooperate with the other parent."

16. Supports an amendment to §61.121, Florida Statutes, (Rotating Custody) inserting a second sentence that reads:" There shall be no presumption for or against an award of rotating custody."

17. Supports an amendment to §61.30 (1) (a), Florida Statutes (Child Support Guidelines; Retroactive Child Support), deleting the words ""or mediation agreement"" in the second to last sentence.

18. Opposes any extension of administrative procedures for a determination of paternity outside of the constitutionally established judiciary branch of state government.

19. Supports the amendment of §63.042, Florida Statutes, to permit a court to excuse the consent of an adoptive parent's spouse when the court finds that an adoption is in the best interests of the child. The court, rather than the Department of Children & Families, should be vested with the authority to determine whether an adoptive parent's disability should prohibit the person from adopting.

20. Supports the elimination of any language concerning non-adoption issues such as §63.043, Florida Statutes, regarding the screening for the sickle cell trait.

21. Supports adequate funding of the state courts system, state attorneys' offices, public defenders' offices and court-appointed counsel

22. Supports amending *Florida Statutes*, Chapters 61 and

II C 2(13)

742, Florida Statutes, to make it clear that the court has the appropriate discretion and authority to, upon good cause shown by a party, modify temporary support orders on a retroactive basis, even in the absence of a showing of a substantial change in circumstances.

23. Opposes legislation deleting the term "repeat violence" in F. S. 784.046 for purposes of protective injunctions.

24. Supports the creation of a parenting coordination statute that would apply in certain family law cases.

25. Supports the statutory recognition of collaborative law as a form of alternative dispute resolution in family law cases and the establishment of a privilege regarding the disclosure of information related to collaborative proceedings.

26. Supports legislation to create a reputable presumption for the purposes of imputation of income in a child support case that every parent in the State of Florida can earn minimum wage.

27. Supports the establishment of supervised visitation program standards and Senate Bill 466.

28. Opposes House Bill 152 and senate Bill 1181 and the termination or modification of alimony based upon a finding that a *de facto* marriage exists.

29. Supports 2006 Senate Bill 408 amending Florida Statutes Chapter 63 on Adoption.

30. Supports the amendment of Florida Statutes 61.08 and 61.14 to fix certain "glitches" created by the 2005 amendment of the Florida Statutes which provided for the termination or modification of alimony based upon a finding that a *de facto* marriage occurred.

II C 2 (14)

31. Supports amendment to Florida Statutes section 61.13 (1)(a)(1), (2) and (3) to require that the trial court set forth in every order establishing or modifying child support a schedule containing specific findings designating the child support award for multiple children based upon current net income, so that as each child attains the age of majority or otherwise emancipates, the aggregate number of remaining minor children for whom child support is being paid is accordingly reduced, to the appropriate child support amount as set forth on the schedule, until such time as the total child support obligation is extinguished.

32. Supports an amendment to Florida Statutes 61.14 to include subparagraphs (1)(a)1, (2), (3) (a) and (b), as well as (4) to enable a court to temporarily reduce support under certain defined circumstances post-judgment.

33. Supports the amendment to Florida Statutes section 61.30 (16) to adjust the child support statutory guidelines no less than every 3 years to ensure that Federal Poverty Guidelines are properly adjusted within those statutory guidelines.

34. Supports the creation of a remedy to set aside a determination of paternity for the express purpose for terminating prospective court ordered child support under certain defined circumstances.

35. Supports the amendment of Florida Statutes Chapter 61 to include a section modeled, in part, on the Uniform Premarital Agreement Act.

36. Supports amending §61.30(6) F.S. which would provide that when the parents combined income exceeds

II C 2 (15)

the child support guidelines schedule amounts that the percentages contained at the end of subparagraph (6) not be used as a basis for awarding child support beyond the reasonable needs of the parties' children.

37. Supports amending §61.30 11(a)10 F. S. and §61.30 11(b) F. S. to require mandatory deviation in the calculation of child support and the continuing utilization of the "gross-up" method for child support calculation when the particular parenting arrangement provides that parties' children spend a substantial amount of time with the non-custodial parent. The threshold for determination of "substantial time-sharing" should be reduced from 40% to 20% of the overnights.

38. Supports an amendment to §61.30 11 (d) F.S. which would codify current case law addressing the formula for calculating child support in split custody cases.

39. Strongly opposes any amendment to 61.30 F.S. which would delegate the obligation to review and if appropriate, reconfigure the child support guidelines schedule in Florida Statutes, Chapter 61, to the Supreme Court of the State of Florida or the State of Florida, Department of Revenue.

40. Opposes the incorporation of Family Team Conferencing as an alternative dispute resolution mechanism unless it incorporates the appropriate procedural safeguards.

41. Opposes any amendment to the current definition of parent under Chapter 39, Florida Statutes unless it is consistent with the definition set forth in Florida Statutes Chapter 63.

42. Supports the inclusion of the definition of "incarcerated parent" in Chapter 3, Florida Statutes and

II C 2 (16)

Chapter 39, Florida Statutes.

43. Supports an amendment to §827.03 F. S. to incorporate a fourth category of child abuse provided that the definition of corporal punishment is amended to define excessive corporal punishment as consistent with definitions thereof set forth in § 39.01 (30)(a) 4 a.-k.; as well as the incorporation of the phrases "permanent or temporary" in reference to i. disfigurement and j. loss or impairment of a body part or function.

44. Supports the inclusion of limiting language in setting aside paternity based upon fraud or misrepresentation for child support termination purposes.

45. Opposes Senate Bill 2012 unless the current language intended to amend § 39.407(5) is deleted thereby leaving the authority of the judiciary to order that a child receive developmental disability services intact under Florida Statutes Chapter 39.

September 29, 2006

46 Supports an amendment to § 61.13 (1)(a)(1),(2) and (3) to require that the trial court set forth in an order establishing or modifying child support a schedule containing specific findings designating the child support award for multiple children based upon current net income so that as each child attains the age of majority, the aggregate number of remaining minor children for whom child support is being paid is accordingly reduced, to the appropriate child support amount as set forth on the schedule, until such time as the total child support obligation is extinguished.

47. Supports an amendment to §61.30(2)(b) to include subparagraphs 1.,2., 3. and 4. which defines the criteria

II C 2 (17)

for imputation of income for child support calculation purposes under the statutory child support guidelines, assigns the evidentiary burden to the party seeking to impute the income; makes mandatory the obligation to make findings of fact when imputation of income occurs; creates a rebuttable presumption pertaining to imputation of the minimum wage to parties residing in the State of Florida and outside of the State of Florida; and finally limits those circumstances when a court may not impute income beyond minimum wage requirements.

48. Supports the adoption of legislation that will enhance parental responsibility for and time-sharing of children involved in dissolution of marriage, domestic violence and paternity matters, when in a non-intact family unit, including: (1) the elimination of labels and presumptions previously associated with custody and visitation issues; (2) the promotion of co-parenting between parents so long as domestic violence does not prevent such co-parenting concepts; and (3) minimizing the detriment (emotional, financial or otherwise) that might arise from prolonged litigation that is often inherent when parents are adversaries in proceedings involving their child(ren)

49. Supports the adoption of legislation that will authorize the courts to enhance current "traditional" in-person and telephonic time-sharing and communication via "virtual visitation" by parents with their child(ren) utilizing technology currently available [including but not limited to electronic mail (e-mail), web-cam, video conferencing, other wired or wireless technologies via the Internet], or such other prospective technology. When considering whether or not to order "virtual visitation" the court should consider certain factors, including but not limited to (a) the child(ren)'s best interests in connection therewith;

II C 2 (18)

(b) the parents' finances; (c) whether the equipment and/or technology is reasonable available, financially and otherwise, to the parents and child(ren); and (d) any other relevant factors.

50. Supports an amendment to Chapter 39 F. S. applying Florida's Putative Father Registry to all termination of parental rights actions. An unmarried biological father's consent is on required when he acts to protect his parental rights by legally establishing his rights or registering with Florida's Putative Father Registry prior to the date the petition to terminate parental rights is filed with the court.

51. Supports amendment to Chapter 39 F. S. which would clearly set forth the intent that application of the Florida Putative Father Registry would differ in Dependency/Shelter proceedings and Termination of Parental Rights Proceedings as the interests of the child were different in each proceeding.

52. Supports an amendment to Chapter 39 F. S. which would provide juvenile judges with the authority to enter legally recordable paternity judgments, child support order and income deduction orders.

53. Supports amendment to Chapter 339 F. S. that applying Florida's Putative Father Registry to Dependency/Shelter proceeding by personally providing a father identified as a result of §39.503 F. S. inquiry with a disclosure on his paternal responsibility to register with Florida Putative Father Registry, support his child and legally establish his rights to the child. Such a father would have 30 days from personal receipt of the disclosure to assert his rights by registering with Florida's Putative Father Registry.

II C 2(19)

August 17, 2007

54. Supports legislation intended to clarify the nature of marital and non-marital assets in *Florida Statutes Chapter 61* proceedings.

55. Supports legislation intended to end the confusion caused by conflicting case law involving the manner and methodology for asserting and calculating special equity in property in *Florida Statutes Chapter 61* proceedings.

October 5, 2007

56. Supports legislation to create §61.075 (6)(a)(7) Florida Statutes, to clarify the burden of proof to overcome the gift presumption and require proof by a clear and convincing showing to demonstrate that real or personal property held in joint tenancy by the entities is marital property.

57. Supports legislation to create a presumption in Florida Statutes Chapter 61 proceedings by the addition of §61.075 (6)(a)(6) to provide that personal property titled jointly by the parties as tenants by the entireties shall be presumed to be a marital asset. However, that presumption may be overcome by a challenging party who has the burden of proof to rebut that presumption by establishing that the personal property, in whole, or in part, is non-marital in nature.

58. Supports legislation to create §61.075(5) to provide trial courts the discretion to make interim partial equitable distribution awards when justified by extraordinary circumstances and upon a sworn motion setting forth such good cause.

II C 2(20)

59. Supports legislation to allow the trial court to modify child support relative to military service members called into service.

60. Supports legislation allowing trial courts to temporarily reduce, suspend or abate child support in temporary circumstances necessitating a reduction of support.

Government Lawyer Section

July 28, 2006

1. Supports language in the Legislative Appropriations Act to permit the payment of government attorneys' Florida Bar membership fees and continuing legal education costs from funds within budget entities, and further supports amendment to general law to authorize all Florida government agencies to pay their government attorneys' Florida Bar membership fees and continuing education costs.

2. Supports amendment to §119.07(3)(x), *Florida Statutes*, to exempt from disclosure under the public records law, the home addresses and telephone numbers of all current and former government agency employees.

3. Supports full legislative funding of the Prosecutor/Public Defender Training Program.

4. Supports legislative intent language to clarify that statutory restrictions or prohibitions on the private practice of law by government lawyers (other than judges and their staff) do not preclude such lawyers from providing pro bono legal services as contemplated by the Supreme Court of Florida in *Amendments to Rules Regulating The Florida Bar*, 630 So. 2d 501 (Fla. 1993), which establishes an aspirational goal of 20 hours per year of such services by each Florida lawyer.

II C 2(21)

Health Law Section

July 28, 2006

1. Supports confidentiality of Physician Recovery Network records.
2. Supports, for administrative disciplinary proceedings before regulatory boards within the Division of Medical Quality Assurance of the Department of Health, the adoption of a statute of limitations of no less than four years from the time of the conduct giving rise to the complaint, or from the time the conduct is discovered or should have been discovered, but in no event should the statute of limitations be extended more than seven years -
- said limitations being inapplicable in cases involving:
fraud, concealment or intentional misrepresentation of fact by the investigated licensee which affect discovery of the alleged misconduct within the limitations period; a complainant whose minority, incapacity or other legal impediment prevented discovery of the alleged misconduct within the limitations period; claims of sexual activity between a licensee and patient; or alleged conduct that involves fraud or misrepresentation of a material fact in the context of an original or renewal license application.
3. The Health Law Section opposes legislation that imposes onerous financial burdens on health care licensees:
 - who elect or are required to participate in the state's impaired practitioner program;
 - who elect to exercise rights provided pursuant to Chapter 120, F.S.;
 - who are subjected to the unilateral assessment of costs, rather than those limited to a non-prevailing party; or
 - who are subjected to mandatory disciplinary fines

II C 2(22)

incapable of discretionary adjustment by an agency.

4. Supports amendment of §456.072, Florida Statutes; to provide the Board of Medicine with discretion regarding the imposition of costs against any party; to permit assessment of costs on an individual basis; to provide a mechanism for determining such costs; and to exclude attorneys' fees from costs, as in matters of civil litigation.

5. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation, that undermines the rule-making requirements of the Administrative Procedure Act by allowing statements of agency policy without formal rule-making.

6. Opposes any amendment to Chapter 120, *Florida Statutes*, or other legislation to deny, limit or restrict points of entry to administrative proceedings under Chapter 120, *Florida Statutes*, by substantially affected persons.

7. Opposes exemptions or exceptions to the Administrative Procedure Act, but otherwise supports a requirement that any exemption or exception be included within Chapter 120, *Florida Statutes*.

8. Supports voluntary use of mediation to resolve matters in administrative proceedings under Chapter 120, *Florida Statutes*, and supports confidentiality of discussions in mediation; but opposes mandatory mediation and opposes imposition of involuntary penalties associated with mediation.

9. Supports uniformity of procedures in administrative proceedings under Chapter 120, *Florida Statutes*, and supports modification of such procedures only through amendment of or exceptions to the Uniform Rules of Procedure.

II C 2(23)

10. Opposes amendment to Chapter 120, *Florida Statutes*, that limits, restricts, or penalizes full participation in the administrative process, in the absence of compelling justification or non-anecdotal evidence which demonstrates that the existing provisions of law are not adequately protecting the administrative due process rights of all participants.

International Law Section

July 28, 2006

1. Supports amending 685.101 F.S. and 685.102 F.S. to give Florida courts jurisdiction to hear contractual disputes involving parties choosing Florida as governing law as a forum for dispute resolution, even where no other contacts may exist with Florida.
2. Supports amending § 55.502 F.S. to correct a glitch by conforming language defining "judgments" to the language of the uniform Foreign Money Recognition Act which includes judgments rendered by courts of U. S. possessions not located within a state of the U S.
3. Supports enabling the Secretary of State to accept service as an agent of a Florida corporation where no other agents are present in this state.

Public Interest Law Section

July 28, 2006

1. Supports legislation recognizing the state's legal obligation to provide medical, mental health and developmental services to all children in state custody who need such services.
2. Supports adequate funding for mandated programs

II C 2 (24)

under the state's Families in Need of Services and Children in Need of Services legislation pursuant to Chapter ~~39~~ 984, *Florida Statutes*.

3. Supports legislation prohibiting discrimination in employment, housing and accommodations on the basis of sexual orientation.

4. Opposes any legislation that would eliminate, impair, or change the Interest on Trust Accounts (IOTA) Program.

5. Supports extending jurisdiction of the juvenile courts through age 21 for young adults who remain in foster care beyond their 18th birthday.

6. Supports legislation to clarify that children in shelter or foster care be accorded the protections of § 39.4085, *Florida Statutes*.

7. Supports legislation to extend child health insurance coverage, including special health care needs, dental care, presumptive eligibility and continuous eligibility, to all children who are eligible for coverage under KidCare.

8. Supports legislation to allow relatives with custody of a child pursuant to any court order to receive financial assistance under the Relative Caregiver Program.

9. Supports legislation to restore a convicted felon's right to vote one year after completion and satisfaction of all sentences, unless a majority of the Board of Executive Clemency objects.

10. Supports a legislative prohibition against executing a mentally retarded capital felon.

11. Supports legislation providing for court-appointed attorneys for children who are subject to abuse and neglect proceedings, to advocate for the children's interests in legal proceedings affecting their placement and needed services.

II C 2 (25)

12. The Public Interest Law Section resolves to call upon the state of Florida to not carry out the death penalty until Florida implements policies and procedures that are consistent with the following policies intended to 1) ensure that death penalty cases are administered fairly and impartially, in accordance with due process, and 2) minimize the risk that innocent persons may be executed through:

a. Implementing the American Bar Association's "Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases" (adopted February 1999) and ABA policies intended to encourage competency of counsel in capital cases (adopted February 1979, February 1988, February 1990, and August 1996);

b. Preserving, enhancing, and streamlining state and federal courts' authority and responsibility to exercise independent judgment on the merits of constitutional claims in state post-conviction and federal habeas corpus proceedings; and

c. Striving to eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant.

FURTHER RESOLVED, that in adopting this recommendation, apart from the policies enunciated above, the Public Interest Law Section of The Florida Bar take no position on the death penalty, other than that relating to offenders who are mentally retarded or under the age of 18 at the time of the offenses.

13. Supports legislation that would give a criminal court

II C 2(26)

judge greater latitude to impose the most appropriate sanction on a juvenile offender.

14. Opposes the expansion of the use of detention for purposes other than in response to charges for alleged acts of delinquency of a child.

15. Supports legislation that would allow children, convicted and sentenced in criminal court, to serve their sentences under the jurisdiction of the Department of Juvenile Justice.

16. Consistent with the final report of the Special Committee on the Legal Needs of Children, supports legislation giving the public access to information to properly scrutinize the Department of Children and Family Services' and the Department of Juvenile Justices' performance of its statutory duties to protect children from harm while protecting the confidentiality of the individual children and families involved.

17. Consistent with the final report of the Special Committee on the Legal Needs of Children, supports legislation to provide for procedures to ensure that psychotropic medications are administered to children in the custodial care of the Department of Children and Families or in the juvenile justice system only when medically necessary and appropriate, rather than to control behavior of children who simply need mental health counseling or non-medication services.

18. Consistent with the final report of the Special Committee on the Legal Needs Advocate of Children, supports legislation providing for the creation of a "Statewide Office of the Children's" to provide attorneys for all children needing court representation, but particularly those children who are subject to abuse, abandonment, or neglect proceedings through:

II C 2 (27)

- 1) providing legal counsel to ensure that the child's legal positions, needs, and wishes are meaningfully represented to the court,
 - 2) ensuring/providing for expansion of the Florida Guardian Ad Litem Program to ensure that every child in dependency has a guardian ad litem (GAL), whether staff GAL or volunteer GAL,
 - 3) ensuring that the Office of the Children's Advocate is independent from all other participants in dependency litigation, as well as insulated from undue influence by other agencies and by branches of government
 - 4) preserving the discretion of the court to appoint private attorneys to serve as legal counsel for children when the court deems that appointment appropriate.
19. Consistent with the final report of the Special Committee on the Legal Needs of Children supports the following principles concerning school discipline:
- a. schools should have strong policies against gun possession and be safe places for students to learn and develop;
 - b. in cases involving alleged student misbehavior, school officials should exercise sound discretion that is consistent with principles of due process and considers the individual student and the particular circumstances of misconduct; and
 - c. alternatives to expulsion or referral for prosecution should be developed that will improve student behavior and school climate without making

II C 2 (28)

schools dangerous.

20. Opposes, in principle, "zero tolerance" policies that have a discriminatory effect, or mandate either expulsion or referral of students to juvenile or criminal court, without regard to the circumstances or nature of the offense or the student's history.

21. Supports legislation that would revise Florida Statutes which mandate a ""zero tolerance"" policy for Florida schools.

22. Supports modification of the statutory provisions of the Road to Independence Act to enhance and expand the transition program to provide an option for continuation of foster care to youth ages 18 through 23, and to provide reasonable accommodations for youth with disabilities.

23. Supports legislation stating that persons with any disabilities should not be deprived of any right guaranteed by law and should be free from any discrimination because of such disability.

24. Supports the repeal or amendment of 775.0837 F. S. Habitual Misdemeanor offenders to the extent that it affects Florida's homeless population.

25. Supports legislation to reduce the use, by the state and private providers, of physical restraints on minors.

26. Supports legislation that prohibits the use of Tasers on minors.

27. Supports legislation to facilitate unaccompanied, abused, neglected, or abandoned immigrant minor's ability to access services including juvenile visas.

28. Supports legislation to require that a child have a meaningful opportunity to consult with an attorney before

II C 2 (29)

waiving his/her right to counsel in a delinquency proceeding.

29. Supports legislation to assure that state funding, resources and policies are directed to provide adequate housing for extremely low income persons, including persons with special needs.

30. Opposes the indiscriminate use of chains and shackles in juvenile court proceedings, and encourages the adoption of a ban on the indiscriminate use of chains and shackles in juvenile court proceedings through court rule, legislation and executive branch policy.

October 5, 2007

31. Supports adding "homelessness" as a protected category to Florida's existing hate crimes law at § 775.085 F. S.

Real Property, Probate and Trust Law Section

July 28, 2006

1. Opposes any legislation limiting property owners' rights or limiting attorneys' fees in condemnation proceedings.

2. Opposes any efforts to enact a statutory will.

3. Supports a constitutional amendment removing the restriction on devise of homestead property; also to provide that homestead rights are limited to the head of a family with a surviving spouse or dependent heir.

4. Supports legislation to resolve the cloud on Florida land titles resulting from potential claims that portions of property that appear from the face of deed in the chain of title to have been conveyed into private ownership are subject to a claim of ownership by the State of Florida as

II C 2 (30)

sovereignty lands, and further supports a commission to review the issue.

5. Supports amendments to Chapter 718, *Florida Statutes*, Condominiums, and Chapter 719 *Florida Statutes*, Cooperatives, to require that engineers, architects and other design professionals and manufacturers warrant the fitness of the work they perform on condominiums or cooperatives.

6. Supports amendment to §695.26(3)(a), *Florida Statutes*, to provide that its requirements do not apply to instruments executed before July 1, 1995.

7. Opposes any portion of the National Association of Insurance Commissioners Title Insurers Model Act and Title Insurance Agent Model Act that may adversely affect Florida attorneys' ability to participate in real estate closing and the issuance of title insurance.

8. Supports amendment to Chapter 723, *Florida Statutes*, specifying that each mobile home owner/owners shall have only one vote at elections or meetings, and to allow association bylaws to specify less than a majority for a quorum.

9. Supports amendment to §162.09(3), *Florida Statutes*, to clarify the relative priority of recorded municipal code enforcement liens created pursuant to the Local Government Code Enforcement Boards Act.

10. Supports amendment to §673.3121, *Florida Statutes*, to provide a cross reference in it to §673.4111, *Florida Statutes*, stating that if an official check is not paid, then the person entitled to enforce the official check is entitled to compensation from the obligated bank for refusing to pay.

11. Supports legislation to amend the Baker Act to include

II C 2(31)

a provision under which a guardian may request that the court grant the guardian the authority to involuntarily hospitalize a ward pursuant to the Baker Act.

12. Supports legislation to amend § 744.108, *Florida Statutes*, to allow fees for court proceedings determining compensation of guardians or their attorneys to be paid from the guardianship estate in the same manner as personal representative fees are paid from a decedent's estate.

13. Opposes efforts to create a lien on real property for work that does not add value to the property, and would permit liens against the property of a person other than the party owing a debt.

14. Opposes §718.1255, *Florida Statutes*, or targeted budget reductions or other governmental action having the purpose or effect of diminishing or eliminating the jurisdiction of the Arbitration Division of the Department of Business and Professional Regulation's Division of Land Sales.

15. Supports legislation to amend F.S. §733.2121(1) to delete the requirement that any notice to creditors state that claims must be filed against the estate within the two-year time period set forth in F.S. §733.710.

16. Supports legislation to amend F.S. §744.444(16) to allow a guardian, without court approval, to pay from the assets of the guardianship estate the costs and fees of persons -- including attorneys, auditors, investment advisers or agents -- employed by the guardian to advise or assist the guardian in the performance of his or her duties.

17. Supports legislation to amend F.S. §394.467 to add as criteria for involuntary placement the substantial and

ITC 2(32)

imminent likelihood of inflicting serious emotional or psychological harm on another person, and the causation of significant damage to property in the recent past with substantial and imminent likelihood of doing so again.

18. Supports legislation to amend F.S. §744.3145 to streamline the educational requirements for parents appointed as guardians of the property of their minor children.

19. Supports legislation to amend F.S. §725.06 to make contracts for indemnity for acts of omissions of an indemnitee unenforceable except in certain limited situations and/or to the extent of insurance coverage.

20. Supports the regulatory approval of a proposed ALTA Junior Loan Policy Form, but opposes legislation that would exclude from the statutory definition of title insurance the insuring of mortgage liens covering second mortgages and home equity line mortgages.

21. Opposes SB 2300 (condominium association pre-litigation disclosures) which imposes burdensome pre-suit disclosures for condominium homeowners associations members, but supports changes to mitigate some of these requirements.

22. Supports amendment of §55.141, *Florida Statutes*, to also allow the clerk of court to issue a satisfaction of judgment, rather than only the judgment holder

23. Supports legislation to repeal §734.1025, *Florida Statutes*, because the dollar amount for summary administrations found in § 735.201-2063, *Florida Statutes*, has been increased thus, making §734.102, *Florida Statutes*, duplicative.

24. Support legislation to amend §201.02, *Florida Statutes*, to clarify and better define the circumstances

II C 2 (33)

under which the documentary stamp tax will apply to instruments conveying real property to and from various entities.

25. Supports legislation to amend §558.001, Florida Statutes, relating to construction defects, to make compliance requirements more practical, clarifying vague provisions, and maintaining consistency with similar statutes enacted in other states.

26. Oppose legislative restrictions on condominium associations' rights to govern themselves and their own documents, but do not oppose further disclosure requirements to a purchaser concerning rental provisions.

27. Opposes proposed §518.117, Florida Statutes, and related amendments abrogating a trustee's duties of loyalty and duties of full and fair disclosure in connection with affiliated investments by a corporate trustee.

28. Opposes legislation amending Part 1 of Chapter 394, Florida Statutes authorizing the court to order involuntary outpatient placement but provides no funding for needed mental health treatment.

29. Opposes legislation requiring multiple disclosures by sellers of real property, creating contract rescission rights for buyers and seller liability for damages.

30. Supports legislation to preserve homeowner association governance and/or assessment regimes notwithstanding extinguishment of community covenants and restrictions by the Marketable Record Title Act.

31. Supports an amendment to F. S. 222.01 to provide persons with the same procedure for determination of real property homestead status against foreign judgments as currently is provided against domestic judgments.

32. Supports condominium unit owner's ability to exercise

II C 2(34)

self-government and undertake fair and efficient community administration, including the exercise of basic contract and investment decisions.

33. Supports the revision of 718.117 F. S. process for terminating condominium property.

34. Supports amending 29.007 F. S. to provide authority to appoint and compensate attorneys and professional guardians to serve as guardian advocates and guardian ad litem for indigents in civil commitment and treatment proceedings in proceedings under the mental retardation statutes (ch. 393), Baker Act (ch. 394) and Marchman Act (ch. 397).

35. Supports amending §701.02 (Assignment of Mortgages) to conform it to revised UCC Article 9 and provide that:

1. perfection of UCC security interest in a pledged mortgage is governed solely by the UCC and not by §701.02, and
2. filing of a UCC financing statement is not "notice" under §701.02 and does not affect reliance rights of creditors and bona fide purchasers without notice with respect to instruments executed by the "mortgagee of record" as determined under §701.02.

36. Supports amending §704.01(2) to provide landlocked landowners with a statutory way of necessity.

37. Opposes Section 2 of Senate Bill 298 creating §117.055, which requires that notaries keep a detailed journal of all notarial acts including: the date, time and type of notarial act; the date, type and description of each document; the name of the signer; and description of the evidence of identity.

II C 2 (35)

38. Supports changes to the Florida Construction Lien Laws governing conditional payment bonds and changing procedures for determining whether a claim will be covered by such bonds.

39. Technical Assistance - The section does not oppose House Bill 113 as originally drafted, but favors additional changes to numerous construction bond and lien statutes.

40. Opposes legislation requiring parties to record notices, warnings or reports regarding the physical condition of land or improvements in the public records regarding the title to real property.

41. Opposes SB 1520's definition of "travel club" which would remove one type of timeshare program from the traditional regulatory supervision of the Department of Business and Professional Regulation.

42. Supports amending §732.2025 F. S. to eliminate the reference to the provisions of §738.12 F. S. and adds to the definition of an elective share trust, a marital deduction unitrust. Amends §732.2032 F. S. so that it no longer references a dollar amount but rather the annual exclusion amount. Amends § 732.2075 F. S. to reference transfers in which either a charitable gift tax deduction or income tax deduction is allowed. Amends § 222.21 F. S. to allow collections against IRA's to satisfy the elective share.

43. Supports adding definitions for "descendants" and "collateral heirs" to § 731.201 F. S. General definitions; deleting the "lineal" from § 732.102, §732.103, §732.104, §732.108, §732.401, §732.507 and §732.603 F. S.; adds the words "one or more" to §732.401(1) and §732.4015 (1) and adds the words "or children" to §732.4015(1) F.S.

HC 2(36)

44. Supports legislation to clarify the law to ensure that communications between a lawyer and client acting as a fiduciary in estate- and trust-related matters are privileged to the same extent as if the client were not acting as a fiduciary.
45. Supports legislation to amend §734.101 F. S. so that the procedural and timing provisions under §734.101 F.S. are consistent with § 655.936 F. S.
46. Supports legislation to amend §731.110 F. S. to statutorily require that a will not be admitted to probate or a personal representative appointed if a caveat has been filed by an interested person other than a creditor until that person is served by formal notice as required by the Florida Probate Rules.

September 29, 2006

47. Opposes amendment to §733.302, F. S., to expand the class of non-residents which may serve as personal representative because of a concern that any addition to the class may subject the entire statute to a renewed constitutional challenge.
48. Supports an amendment to §198.13 F. S. to eliminate the requirement of a personal representative of an estate to file a Florida estate tax return with the Department of Revenue, also elimination of the requirement of an individual who would otherwise be responsible for filing a return reporting a generation-skipping transfer with the Florida Department of Revenue if a state generation-skipping transfer with the Florida Dept. of Revenue if a state generation-skipping transfer tax credit is not allowable pursuant to the Code as of a decedent's date of death.

II C 2(37)

49. Supports the amendment of Chapter 713 F. S. to change seventeen (17) construction lien law statutes to clarify the statutes and to conform to existing case law.

December 8, 2006

50. Supports legislation which codifies the common law and makes enforceable an arbitration clause in a will or trust requiring beneficiaries, a fiduciary, or any combination thereof, to resolve disputes by arbitration other than the validity of all or a part of a will or trust.

51. Supports the creation of §733.620 F. S. to permit the testator of a will to provide for the exculpation from liability of a personal representative in the same manner as a settler of a trust can provide for the exculpation of a trustee in a trust.

52. Supports the amendment of § 627.404 F. S. to make explicit the requirement of an insurable interest, detail those who may have an insurable interest in the life of another, clearly require the insured's consent to the purchase of a policy of insurance by another, and address the liability of the insurer in the absence of the necessary insurable interest.

53. Support technical amendments to the Florida Trust Code Florida Statutes Chapter 736 and related provisions.

54. Supports amendments to § 689.071 F. S. to conform the cross-references that already appeared in the Florida Land Trust Act to the new Florida Trust Code.

55. Supports legislation requiring the distinguishability of limited liability company names

56. Supports amendments to §§701.04 and 701.041 F. S. in order to clarify ambiguities in the current statutes and

II C 2(38)

remove the requirement that a premium be promulgated and charged for the preparation, execution and recording of the affidavit of release contemplated by §701.041 F. S.

57. Opposes proposed omnibus amendments to Florida Statutes Chapter 617, the Florida Not for Profit Corporation Act. The changes intended to facilitate to charitable corporate governance with voluntary membership would impair other non profit corporations' governance with required membership.

58. Supports technical corrections to Florida Land Trust Act (2006).

January 26, 2007

59. Supports legislation to maintain the integrity of the recording system in the State of Florida.

60. Supports limitation of creditor remedies against partner interest in general and limited liability partnerships and member interests in limited liability companies to charging liens and to prohibit foreclosure against such interests.

61. Supports legislation to provide that the charge by a condominium association or homeowners' association for an estoppel certificate is an obligation of the owner of the unit for whose benefit the estoppel certificate is requested and not the obligation of the closing agent; and to provide for enforcement of any assessment for the charge made for such an estoppel certificate.

February 21, 2007

62. Opposes HB 743 containing proposed changes to the Florida Trust Code that would erode Florida Consumer's rights by enlarging a corporate trustee's ability to engage

II C 2(39)

in conflict of interest transactions with its own fiduciary accounts, providing a statute of repose and shortening the statute of limitations in circumstances where the trustee has failed to account and concealed its breach of trust from the beneficiaries, exonerating a co-trustee from liability for a directed co-trustee's breach of trust, and would enlarge the provisions concerning fiduciary exculpatory provisions compromised with the Florida Banker's Association last year.

63. Opposes changes to Florida Statute 732.103 that would extend the intestate distribution scheme to the level of the decendant's great-grandparents.

March 20, 2007

64. Supports legislation permitting consumers to negotiate rates for title insurance services within statutory parametes and suggests revisions to proposed legislation relating to such legislation.

65. Opposes the passage of Senate Bill 2004 and House Bill 1455.

March 30, 2007

66. Supports proposed amendments to Florida Statutes Chapter 718, the Condominium Act. The proposed changes are intended to clarify that changes to a developer prospectus' estimated operating budgets prepared in good-faith that are beyond the control of the developer do not trigger rescission rights under Section 718.503(1), Florida Statutes.

67. Supports legislation to permit condominium unit owners to further subdivide or partition their interest in the condominium and common elements appurtenant thereto pursuant to a sub-declaration of condominium,

II C 2 (40)

