

**Forum on Board Certification – Candidate Eligibility, Qualifications, and
Standards for Recertification**

RPPTL Executive Council Meeting

Thursday, December 4, 2025

1:00 - 2:30 p.m.

Queen Room, Four Seasons Resort, Orlando, Florida

Zoom: [Meeting Registration - Zoom](#)

In 2024, Standing Committees for board certification specialty areas were requested by the Florida Bar Board of Legal Specialization and Education (BLSE) to define the “minimal qualifications” for board certification candidates within their specialty areas. In 2025, the BLSE provided further guidance on developing these qualifications at its annual Town Hall meeting. The RPPTL Section has many board-certified members, including past and current members of these standing certification committees. The Construction Law Committee will host a forum at the RPPTL December Executive Council meeting to discuss these issues along with potential action items.

Agenda:

- 1) Presentation by [BLSE Vice Chair Hon. William Burgess](#) regarding “minimally qualified” candidate standard (see attached pre-read on this topic)
 - a. Materials
 - i. *Assessing Cognitive Complexity and Determining Minimal Qualification for Board Certification*, Hon. William H. Burgess, III (May 11, 2025)
 - ii. *The “Minimally Qualified” Candidate – From Theory to Practice*, Standing Committee – Construction Law Certification (Aug. 6, 2025)
- 2) Discussion amongst Section certification areas (RE, Construction, Condo/PUD, WTE, Insurance Coverage) on implementation of “minimally qualified” standard ([moderated by CLC Vice Chair Brett Henson](#))
 - a. Materials
 - i. Summary and Exam Specifications for Real Estate, Construction, Condominium and Planned Unit Development, and Wills, Trusts, & Estates
 - ii. Summary and Study Guides for Real Estate and Condominium and Planned Unit Development

- iii. Excerpt regarding “subject matter overlap” from Florida Insurance Coverage Law Certification Standing Committee
 - iv. Summary and Exam Specifications for Insurance Coverage (Texas and Ohio)
- 3) Discussion amongst Section certification areas regarding evaluation of prospective candidates’ “substantial involvement” during certification and re-certification process (moderated by CLC Chair Bruce Partington)
 - a. Materials
 - i. Summary and Substantial Involvement Exhibits for Real Estate, Construction, Condominium and Planned Unit Development, and Wills, Trusts, and Estates
 - ii. Summary Chart of all Florida Certification Areas
- 4) Discussion amongst certification areas regarding CLE requirements for certification, including potential “practical skills” CLE requirement (moderated by CLC Vice Chair Jason Quintero).
 - a. Materials
 - i. Course outlines for Real Estate, Construction, Condominium and Planned Unit Development, and Wills, Trusts, and Estates Advanced Certification Review Courses
- 5) Action Items

Assessing Cognitive Complexity and Determining Minimal Qualification for Board Certification

Hon. William H. Burgess, III
May 11, 2025

Introduction

Professional certification systems are intended to provide the public with a reliable source of competent legal specialization.

The purpose of a certification examination is to identify attorneys qualified to be awarded the designation of “Florida Bar Board Certified Lawyer,” by validly, reliably, and fairly testing the knowledge, skills, and judgments that are common to specialists in each field.¹

The examination includes multiple-choice questions and short answer or essay questions. In the multiple-choice questions part of the examination, the examinees are given three or four answer options per question and are asked to choose only the *correct* answer, not the *best* answer. A generic instruction to examinees for the essay portion of the examination is as follows:

Your answer should demonstrate your ability to analyze the facts presented by the question, select the material facts from the immaterial facts, discern the points upon which the matter turns, and identify and resolve the factual and legal issues. It should show your knowledge and understanding of the pertinent principles and theories of law, their relationship to each other, and their qualifications and limitations. Your answer should then evidence your ability to apply the law to the facts given and reason logically in a lawyer-like manner to a sound conclusion from the given premise. Demonstrate your proficiency in using and applying legal principles rather than merely reciting principles from memory. An answer containing only a statement of your conclusions will receive little credit. State fully your analysis and reasoning that supports your conclusions. Discuss all issues thoroughly. Do not, however, volunteer information or discuss legal doctrines that are not necessary or pertinent to the solution of the problem. This examination tests knowledge of the current law.²

A common passing standard of 70% is set for all area exams and may not change from year to year. If appropriate, the difficulty of an area examination must be adjusted so that the passing standard reflects the appropriate level of competence. Committees must grade on a compensatory basis, where a low score on one part of the examination may be compensated for by a higher score on another part.³ Specific guidance for grading essay questions is as follows:

Essay questions shall be graded based upon the holistic method using a score of 0 to 6, with 6 as the highest score. When practical, short answer questions should also be graded on the same holistic method. As stated above, the passing standard for each area examination is 70%. Pursuant

¹The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), p. 1.

²The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), p. 2.

³The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), p. 9.

to the holistic method of grading, a passing score is 4. A holistic score of 4 must be scaled so that it equals 70% of the points awarded for the question. For example, if the most points an examinee can be awarded for an essay question answer is 20 points, and the examinee scores a holistic grade of 4, then the examinee must receive 14 points.⁴

Without a reliable, evidence-based definition of minimal qualification, it cannot be asserted that the system for certifying lawyers is providing the public with a reliable source of competent legal specialists.

All that having been said, it appears that the area committees, and members of The Florida Bar’s Board of Legal Specialization and Evaluation (BLSE), would benefit from an understanding of the Bloom and Webb models of cognitive complexity in relationship to forming statements defining what a “minimally qualified” candidate for board certification is. Identifying the type of thinking, or cognitive skills, and the associated depth of knowledge, would also be a useful tool for determining the requirements to be minimally qualified for certification in the various areas of the law that are within the board certification program. This would undoubtedly also be helpful for drafting examination questions, reviewing them, pretesting them, grading them, and reviewing challenges to grades.

Minimal Qualification

A board certified specialist is someone who specializes in a specific area of the law. In order to become certified, he or she is not required to be a master of all content relevant to that area of specialization in order to pass the area-specific examination. Rather, the standard is what the applicant or candidate is expected to know and be able to do immediately upon becoming board certified. The point of passage on the examination, therefore, should be set at the *minimal qualification* of knowledge and skill for board certification. This means that elements beyond entry level is such as additional knowledge and skills learned over time and abilities that are nice to possess but which are not immediate requirements for safe and effective practice in the applicable specialist field after becoming board certified, should not be required of the candidate or applicant.

One of the sources of misunderstanding in determining the meaning of “minimal qualification” is the conflation of eligibility and qualification: *Qualification* and *eligibility* are not the same thing. *Eligibility* for board certification means the candidate meets the basic requirements to sit for the certification exam, while *qualification* for board certification indicates the candidate has not only met the eligibility criteria but have also successfully passed the required examination, demonstrating a higher level of expertise in the candidate’s chosen specialty.

⁴The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), p. 9.

Eligibility represents the basic requirements to apply to take the board certification examination. It does not signify *competency* in the specialty, but only *the right to attempt to pass the examination*. Qualification is achieved by passing the board certification examination after meeting all eligibility requirements and indicates a higher level of knowledge and expertise in the candidate's specialty and represents the full status of being board certified.

Another challenge is the conflation of “minimum” and “minimal” in the context of board certification: Minimum is a word defined by quantities, while minimal is a word defined by qualities or degrees. *Minimum* means the smallest *quantity* needed, while *minimal* means the lowest *quality* needed. Minimum is absolute; minimal is more flexible, and can imply something more than the minimum.

By way of illustration, in 2020, research by the Institute for the Advancement of the American Legal System (IAALS) identified 12 building blocks, or functions, of “minimum competence” for lawyers that allow them to practice effectively, that is, to represent clients with little or no supervision and enable them to build continuously on that foundation, increasing competence throughout their careers. These building blocks were:⁵

- The ability to act professionally and in accordance with the rules of professional conduct;
- An understanding of legal processes and sources of law;
- An understanding of threshold concepts in many subjects;
- The ability to interpret legal materials;
- The ability to interact effectively with clients;
- The ability to identify legal issues;
- The ability to conduct research;
- The ability to understand the “big picture” of client matters;
- The ability to manage a law-related workload responsibly;
- The ability to cope with the stresses of legal practice;

⁵Deborah Jones Merritt and Logan Cornett, “Building a Better Bar: The Twelve Building Blocks of Minimum Competence,” *Institute for the Advancement of the American Legal System* (Denver CO: December 2020), pp. 31-62.

- The ability to pursue self-directed learning.

Thus, the ability to perform all of these skills represents *minimum* qualification to be a lawyer; the performance of these functions at the lowest degree acceptable would represent *minimal* competence. A determination of minimal qualification for board certification would be a finding of the “floor” below which a person *eligible* to go through the process for board certification is not *qualified* to be certified.

Board certification is intended to identify practitioners who have a level of competence in a specialized area of the law beyond that of the ordinary practitioner, but the standard must be achievable by more than a very select few whose knowledge and abilities far exceed the minimal level needed for qualification. Pursuant to this goal, the minimal qualifications in each specialized area of the law must be clearly identified so that drafters of an examination will structure it appropriately. Explaining the varying degrees of knowledge, competence, and skill that a minimally qualified candidate must possess to become board certified will enable the area committees to consciously draft their examinations in such a manner as to eliminate candidates who meet those qualifications.

The process of identifying the theoretical minimally qualified candidate for board certification in a specialized area of the law thus begins with identification of the knowledge, competence, and skill in that particular area of specialization and proceeds to a definition of the degree to which those characteristics are required at the threshold level of board certification. When determining the proper combination of threshold knowledge, competence and skill, it is important that the area committee be careful to use proper syntax, avoid ambiguity, and frame their examination questions in terms that convey their expectations of examinees. For example, a minimally qualified candidate for board certification in appellate practice may be required to have *full knowledge* of the “harmless error rule,” but may only be required to *understand* the “tipsy coachman doctrine, and may only have to *recognize* a more obscure doctrine such as the “two-issue rule.”

Knowledge, Understanding, and Wisdom

The board certification examination is a test of knowledge, understanding, and to a degree, wisdom.

Knowledge is the awareness of facts, truths, or principles; the state of knowing. To “know” is to perceive as fact or truth; to apprehend clearly and with certainty through observation, inquiry, or information. The suffix “ledge” is the action, practice or state of something. Knowledge is stagnant; it is merely a consciousness that exists about something.

Whereas knowledge refers to the acquisition of facts and information, understanding refers to the ability to comprehend and interpret information. Knowledge is like awareness of the

pieces of a puzzle, whereas understanding is the arranging of the pieces. It is possible to know something without understanding it.

To *understand* means to perceive and comprehend the nature and significance of something.⁶ It is the action of perceiving, processing, interpreting, and then applying of an awareness of something. Understanding is both quantitative and qualitative, and generally can range from superficial (information is memorized but underlying meaning or principles remain unknown) to deep (patterns and connections are recognized, interpretations and inferences are made, and comprehension is full) to transferable (knowledge and skill are applied to new situations and contexts in a creative way).

Understanding is also hierarchal, with levels building upon one another, from lowest to highest, for which the McHenry four-level model of understanding is useful:⁷

Understanding is the bridge between knowledge and wisdom. *Wisdom* is the state of being wise, that is, having the power of discernment and judging properly as to what is true or right; possessing discernment, judgment, or discretion. It is about knowing when and how to use knowledge, putting situations in perspective, how to impart this perspective to others, and having the ability to use knowledge in a profound way.

Stage 1: Know. This stage is the most foundational stage of understanding and comprises the recognition or recall of facts. Examples include vocabulary definitions, conscious awareness of pertinent facts, and recitation of specific formulae. This stage involves learning that is source-dependent and that accumulates but does not build. This stage is most closely analogous to Bloom's Remembering (2001), Webb's Recall and Reproduction, and Costa's Level 1 (Text Explicit). Questions in this category normally have one objectively correct answer. Understanding at this stage is measured quantitatively. This stage is subdivided into the following three categories:

Must. Information in this category is vital for continuing to increase levels of knowledge and understanding.

Should. Information in this category is useful for increased levels of knowledge and understanding, but is not necessary to an examinee having the ability to understand and use a concept, principle, or idea. If an examinee is to be considered accomplished, rather than simply

⁶*American Heritage Dictionary of the English Language* (Boston: Houghton Mifflin Co. 1976), p. 1397.

⁷See Paul B. McHenry, Ph.D., "Stages of Understanding: A Scaffold to Higher-Order Thinking," *Scolaris Group*, accessed on March 22, 2025 at <https://www.scolarisgroup.com/sou>. Dr. McHenry, a managing partner of the Scholaris Group, developed this model in 2018.

competent, in the subject being tested, he or she should have mastery of information in this category.

Nice. Information in this category is not essential, but potentially useful for context or breadth of knowledge.

Stage 2: Use. This stage comprises the ability to use what one knows in completing a question related to one's knowledge. Examples include specialist vocabulary definitions, finding patterns, comparison, context, using formulas to find a solution, and making and supporting a simple claim based on objective evidence. This stage is equivalent to Bloom's Understand/Apply, Webb's Skills and Concepts, and Costa's Text Implicit. Questions in this category have one objectively correct answer, however examinees are required to independently apply what they have previously learned to reach an answer. At this stage, there may be multiple, equally valid methods of arriving at the one objectively correct solution, but an examinee using a different way to get to a correct answer may still be demonstrating requisite or greater understanding.

Stage 3: Expand. Understanding at this stage uses concrete knowledge in support of ideas that are abstract, unclear, and have more than one possible correct answer. Understanding at this stage is measured more qualitatively than quantitatively. This stage is equivalent to Bloom's Analyze/Evaluate, Webb's Short-Term Strategic Thinking, and Costa's Text Implicit/Experience Based. At this stage, sources of knowledge are both outside and within the examinee. The examinee demonstrates his or her understanding through the appropriate use of reasoning and rhetorical skill in order to make connections between knowledge and an original claim or argument. Responses at this stage require simple analysis of multiple sources of information and synthesis to build connections and reach new understandings. Examples of understanding at this stage are making and supporting a complex claim while evaluating source validity and justifying an action or procedure based on abstract principles.

Stage 4: Surpass. At this stage of understanding, examinees must draw from multiple sources of knowledge to create hypotheses and independently support, refine, and explain their examination results. This stage involves complex thinking and is equivalent to Bloom's Create, Webb's Extended Thinking, and Costa's Experience Based Understanding. Understanding at this stage may be evaluated qualitatively and may be independent of whether a particular result or outcome is achieved. Evaluation may be process-based or product based. Evaluation may include, for example, measuring the persuasiveness of an examinee's argument. Different examinees may have outcomes that are equally successful yet qualitatively different. It may be possible for an examinee to have a hypothesis that fails, yet to still have demonstrated requisite understanding. The highest point within this stage is achieved when an examinee produces a result that is original and authoritative.

Cognitive Complexity

Qualification for board certification, for purposes of the examination, is also a measure of cognitive complexity.

“Cognitive complexity” refers to the level of mental effort required to understand or process information, essentially indicating how intricate or nuanced someone’s thinking is about a particular topic, with higher cognitive complexity meaning a more detailed and multifaceted understanding, considering various perspectives and relationships between ideas.

While higher levels may be more difficult, this is not always the case. For example, the complexity or difficulty of an examinee drafting a motion may be low (*e.g.*, for withdrawal of counsel) or high (*e.g.*, to suppress evidence obtained during a warrantless search).

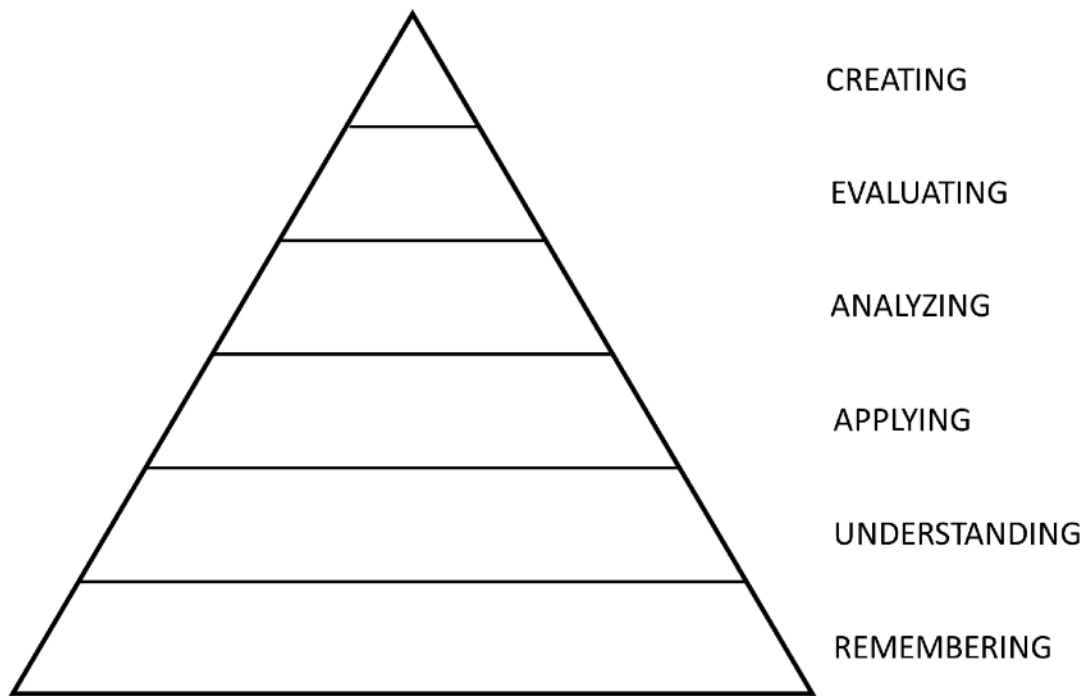
Higher levels are assumed to be inclusive of lower levels, *e.g.*, if someone can understand and explain a process, it is assumed that they can recall the basic facts and steps in the process. That is, levels build off each other. In order to analyze content, examinees need to know and understand the parts or there is nothing to analyze, as where examinees are asked to find the error in a trial court ruling.

Bloom’s Taxonomy (Revised)

One approach to measuring cognitive complexity is Benjamin Bloom’s Revised Taxonomy,⁸ an updated version of the original 1956 Bloom’s Taxonomy⁹ created by Lorin W. Anderson and David R. Krathwohl in 2001, which outlines six levels of cognitive learning: Remember, Understand, Apply, Analyze, Evaluate, and Create. This taxonomy essentially focuses on recalling information, interpreting its meaning, using it in practical situations, breaking it down into parts, judging its value, and constructing something new based on it. Note that these six cognitive processes are not distinct, and that it is possible in a given set of circumstances to perform one of these processes without another.

⁸Lorin W. Anderson and David R. Krathwohl, eds., *A Taxonomy for Learning, Teaching, and Assessing: A revision of Bloom’s Taxonomy of Educational Objectives* (New York: Addison Wesley Longman 2001).

⁹See Benjamin S. Bloom, *Taxonomy of Educational Objectives: The Classification of Educational Goals* (Ann Arbor, Michigan: Edwards Bros. 1956).



Bloom's Taxonomy (Revised)

Bloom's Taxonomic Pyramid orders the levels of outcomes from the lowest order of cognition (remembering) to the highest (creating). Use of verbs in examination questions can be used to categorize examinee outcomes (answers) by each of Bloom's levels. A description of the levels is as follows:¹⁰

Remember. Recognizing or recalling knowledge from memory. Remembering is when memory is used to reproduce or retrieve definitions, facts, or lists, or to recite previously learned information. Examples of appropriate learning outcome verbs for this level include: cite, define, describe, identify, list, name, outline, recall, state, and tell.

¹⁰Source: Anderson, Lorin W., and David R. Krathwohl, eds., *A Taxonomy for Learning, Teaching, and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (New York: Addison Wesley Longman, Inc. 2001).

Understand. Constructing meaning from different types of functions, be they written or graphic messages or activities like interpreting, exemplifying, classifying, summarizing, inferring, comparing, or explaining. Examples of appropriate learning outcome verbs for this level include: articulate, categorize, clarify, classify, compare, compute, defend, differentiate, discuss, distinguish, estimate, explain, give examples of, interpret, predict, rephrase, restate, summarize, and translate.

Apply. Carrying out or using a procedure through executing or implementing. Applying relates to or refers to situations where learned material is used through products like models, presentations, interviews, or simulations. Examples of appropriate learning outcome verbs for this level include: apply, calculate, classify, complete, compute, demonstrate, execute, illustrate, interpret, organize, outline, predict, solve, and use.

Analyze. Breaking materials or concepts into parts, determining how the parts relate to one another or how they interrelate, or how the parts relate to an overall structure or purpose. Mental actions included in this function are differentiating, organizing, and attributing, as well as being able to distinguish between the components or parts. When one is analyzing, he or she can illustrate this mental function by creating spreadsheets, surveys, charts, or diagrams, or graphic representations. Examples of appropriate learning outcome verbs for this level include: analyze, arrange, break down, categorize, classify, compare, connect, contrast, differentiate, explain, and identify.

Evaluate. Making judgments based on criteria and standards through checking and critiquing. Critiques, recommendations, and reports are some of the products that can be created to demonstrate the processes of evaluation. In the newer (Bloom's revised) taxonomy, evaluating comes before creating as it is often a necessary part of the precursory behavior before one creates something. Examples of appropriate learning outcome verbs for this level include: assess, compare, conclude, consider, contrast, convince, criticize, decide, determine, evaluate, judge, justify, recommend, score, and select.

Create. Putting elements together to form a coherent or functional whole; reorganizing elements into a new pattern or structure through generating, planning, or producing. Creating requires examinees to put parts together in a new way, or synthesize parts into something new and different, creating a new form or product. This process is the most difficult mental function in the revised taxonomy. Examples of appropriate learning outcome verbs for this level include: arrange, combine, compose, constitute, devise, generate, hypothesize, plan, produce, revise, rewrite, and write.

There is, however, a difference between knowledge and the intellectual operations performed on, or with that knowledge. Specific *types* of knowledge identified by Bloom are:

- Terminology.

- Specific facts.
- Conventions.
- Trends and sequences.
- Classifications and categories.
- Criteria.
- Methodology.
- Principles and generalizations.
- Theories and structures.

There is also a difference between *levels* of knowledge within the taxonomy, which Bloom identified as:

Factual knowledge. The basic elements examinees must know to be acquainted with a discipline or solve a problem. Factual knowledge that is basic to specific disciplines. This refers to essential facts, terminology, details, or elements examinees must know or be familiar with in order to understand a discipline or solve a problem in it.

Conceptual knowledge. The interrelationship among the basic elements within a larger structure that enable them to function together. Conceptual knowledge is knowledge of classifications, principles, generalizations, theories, models, or structures pertinent to a particular disciplinary area.

Procedural knowledge. How to do something, methods of inquiry, and criteria for using skills, algorithms, techniques, and methods. Procedural knowledge refers to information or knowledge that helps examinees to do something specific to a discipline, subject, or area of study. It also refers to methods of inquiry, very finite skills or algorithms, techniques, and particular methodologies.

Metacognitive knowledge. Knowledge of cognition in general, as well as awareness and knowledge of one's own cognition. Metacognitive knowledge is the awareness of one's own cognition and particular cognitive processes. It is strategic or reflective knowledge about how to go about solving problems or cognitive tasks, to include contextual and conditional knowledge and knowledge of self.

The meaning of Bloom's levels of cognitive complexity, as well as examples of outcomes, may be illustrated by the following table pertaining to making omelettes:

Level	Goal	Outcome
Remembering	Retrieve knowledge.	Remember the ingredients for a ham and cheese omelette.
Understanding	Determine meaning.	Describe how each ingredient contributes to an omelette.
Applying	Carry out a procedure in a given situation.	Demonstrate how to cook an omelette.
Analyzing	Determine parts, their purpose, and their relationship to each other and the whole.	Compare two omelette recipes and predict how each will turn out.
Evaluating	Make judgments based on criteria	Argue for how an omelette recipe might be improved.
Creating	Use elements to form an original product.	Construct a new omelette recipe influenced by the ingredients of a specific country.

Webb's Depth of Knowledge

Another approach to assessing cognitive complexity is Dr. Norman Webb's Depth of Knowledge,¹¹ which is a model designed to categorize activities based on the complexity of thinking required to complete those activities. This model includes four levels of cognitive complexity:

Level 1: Recall and Reproduction. At Level 1, examinees must recall facts and details. Tasks at this level require examinees to define, identify, label, and remember, and include performance of a simple process or procedure. Level 1 is routine thinking and requires examinees to simply recall information from memory.

Level 2: Basic Application of Skills and Concepts. At Level 2, examinees must think about things they know. This level includes the engagement of some mental processing beyond recalling or reproducing a response: Examinees must demonstrate understanding of a process or skill, such as explaining a concept, interpreting data to support a claim, or summarizing key ideas from a text, which implies more than one mental or cognitive process or step.

¹¹See Norman L. Webb, *Research Monograph No. 6, Criteria for Alignment of Expectations and Assessments in Mathematics and Science Education* (Washington D.C.: National Institute for Science Education Publications April 1997), pp. 15-17; Norman L. Webb, *Depth of Knowledge Levels for Four Content Areas* (unpublished paper), March 28, 2002.

Level 3: Strategic Thinking. At Level 3, the cognitive demands are complex and abstract. The examinee has to reason or develop a plan to approach a problem; employ some decision-making and justification; solve abstract, complex, or non-routine problems. This level requires deep understanding exhibited through planning, using evidence, and is more demanding than cognitive reasoning.

Level 4: Extended Thinking. Level 4 requires high cognitive demand and is very complex. It requires critical thinking. Examinees are expected to make connections, relate ideas within the content or among content areas, and select or devise one approach among many alternatives on how the situation can be solved. Due to the complexity of cognitive demand, Level 4 often requires an extended period of time.

For levels 1 and 2, there is usually one right answer and one way to get to that right answer, whereas at higher levels of thinking there might not be one right answer but multiple ways to get to the right answer or multiple possible right answers.

Cognitive Rigor

Bloom's Taxonomy and Webb's Depth of Knowledge are related through their ties to cognitive complexity, but they differ in scope and application. While Bloom's taxonomy is focused on the examinee's *type* of thinking, categorizing the cognitive skills required of the brain when faced with a new task, Webb's depth of knowledge model of cognitive complexity is focused on *how deeply the examinee knows the content*, which manifests itself in the skills required to complete a task from inception to completion.¹² The depth of knowledge model is useful for designing and evaluating tasks that require deeper thinking, and it lends itself to standardized assessments where tasks are structured to test various levels of rigor.¹³

Cognitive rigor, in the context of the board certification examination, is determined and assessed by the depth and extent examinees are challenged and engaged to demonstrate and communicate their knowledge, understanding, and wisdom. While there is no straightforward one-to-one correlation between the levels of Bloom's Taxonomy (Revised) and Webb's Depth of Knowledge, models, they can be superimposed to form a cognitive rigor matrix, as Dr. Karin K. Hess has done in several areas by applying Webb's Depth of Knowledge levels to Bloom's

¹²Karin K. Hess, Ben S. Jones, Dennis Carlock, and John R. Walkup, "Cognitive Rigor: Blending the Strengths of Bloom's Taxonomy and Webb's Depth of Knowledge to Enhance Classroom-level Processes," ERIC ED517804 (March 9, 2009), accessed on March 24, 2025 at <chrome-extension://efaidnbmninnnibpcajpgcglefindmkaj/https://files.eric.ed.gov/fulltext/ED517804.pdf> and https://archive.org/details/ERIC_ED517804.

¹³See Paul Main, "Webb's Depth of Knowledge," *Structural Learning*, May 11, 2023, accessed on March 24, 2025 at <https://www.structural-learning.com/post/webbs-depth-of-knowledge>.

Cognitive Process Dimensions, exemplified by her cognitive rigor matrix for social studies attached to this draft.¹⁴

Drafting Examination Questions

Current guidance for drafting questions to be used on a board certification examination includes the following:

Multiple Choice Questions

A checklist for each multiple choice question is as follows:¹⁵

Question

- The question contains substantive content appropriate for the committee’s published exam specifications.
- The question tests content that reflects knowledge that a recently certified attorney should know.
- The question tests an issue that a recently certified attorney should have seen in the last five years of practice.
- The question’s format is consistent with the committee’s exam specifications.
- Answering the question requires the examinee to apply the appropriate level of analysis.
- The question will help identify those examinees who are at least minimally qualified for certification.
- The question is fair to examinees both in the issue that is tested and the way the question is phrased.
- The call of the question is positively phrased as a complete question.

Answer Options

¹⁴The matrix was accessed on March 18, 2025 at <https://www.karin-hess.com/cognitive-rigor-and-dok>.

¹⁵The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), Appendix A, p. 12, adapted with permission from Amy J. Fanzlaw, “Best practices for exam preparation for area committees: The stuff you really need to know” (Boca Raton, Florida, February 2020).

- All answer options follow logically from the call of the question.
- There is only one correct answer option for the question.
- The names of the parties are not confusing.
- The names of the parties help the examinees remember the roles they play.
- All abbreviations in the question have been defined.
- All extraneous facts have been eliminated from the question.
- The question does not require an examinee to make any assumptions.
- The correct answer option does not stand out in any way (*e.g.*, it is not more detailed, it does not parrot the call of the question, it is not substantially longer or shorter than the other options, does not contain clues or cues).
- It is reasonable to answer the question within the allotted time.
- Incorrect response options represent common errors in understanding.

Short Answers and Essays

A checklist for each short answer and essay question is as follows:¹⁶

Question

- The question contains substantive content appropriate for the committee’s published examination specifications.
- The question tests content that reflects knowledge that a recently certified attorney should know.
- The question tests an issue that a recently certified attorney should have seen in the last five years of practice.
- The question's format is consistent with the area committee’s blueprint.

¹⁶The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), Appendix B, p. 13, adapted with permission from Amy J. Fanzlaw, “Best practices for exam preparation for area committees: The stuff you really need to know” (Boca Raton, Florida, February 2020).

- Answering the question requires the examinee to apply the appropriate level of analysis.
- The question will help identify those examinees who are at least minimally qualified for certification.
- The question is fair to examinees both in the issue that is tested and the way the question is phrased.
- The names of the parties are not confusing.
- The names of the parties help the examinees remember the roles they play.
- All abbreviations in the question have been defined.
- All extraneous facts have been eliminated from the question.
- The question does not require an examinee to make any assumptions.

Careful design of the syntax of questions and other statements in the examination is important in assessing the knowledge, understanding, or wisdom of an applicant or candidate on a given subject or topic. In this regard, the work of Arthur Costa is helpful.

Arthur Costa developed a three-tier method of asking questions as a learning tool,¹⁷ but which can be adapted to determine the appropriate level of assessment for examination purposes.

Level 1. Questions at this level focus on gathering and recalling information. They are text-explicit in that these questions can be answered with yes or no or with specific information found in the information provided to the examinee. The desired cognitive behavior at this level is naming, describing, selecting, completing, listing, and recalling.

Level 2. Questions at the second level are text-implicit, in that they require examinees to process, or make sense of, information gathered through the senses and retrieved from long- or short-term memory. Questions at this level should prompt examinees to draw relationships of cause and effect and to synthesize, analyze, summarize, compare, contrast, or classify the knowledge they have acquired or observed. The desired cognitive behavior at this level is explaining, stating causality, making analogies, organizing, contrasting, comparing, sequencing, and inferring.

¹⁷Arthur L. Costa, “Teacher Behaviors That Enable Student Thinking,” *Developing Minds: A Resource Book for Teaching Thinking* (Alexandria VA: Association for Supervision and Curriculum Development 1985), pp. 125-137.

Level 3. Questions at this level require examinees to think creatively and hypothetically, to use imagination, to expose or apply value systems, or to make judgments. The desired cognitive behavior at this level includes applying principles, imagining, planning, evaluating, judging, predicting, extrapolating, creating, forecasting, inventing, hypothesizing, speculating, generalizing, model-building, and designing.

Model Answers and Grading Rubrics

Each area committee is required to develop well-researched, comprehensive narrative model answers and scoring rubrics for each short answer and essay question on its examination.¹⁸

A grading, or scoring, rubric comprises detailed grading criteria which describes what the examinees should know and how they will be evaluated. The grading rubric will be different for every area committee, and each will evolve over time with experience among committee members and changes in the law. A proper grading rubric should not be rigid, but rather should facilitate individualized assessment of examination results. A grading rubric helps area committees to be objective when grading examinations, to explain the grading of a particular examination, and to avoid situations that could lead to otherwise unnecessary grade appeals.

The starting point for developing a rubric¹⁹ is the determination of what a minimally qualified specialist should be expected to be able to undertake in a particular area of specialization. The next step is to identify the issues and arguments examinees are expected to identify and to which they should respond. The number of issues or points of law the area committee wishes an examinee to make will determine the complexity and level of detail of the rubric. The rubric's design will depend on the type of questions the examinee is required to answer: The rubric for a short essay question containing only a couple of issues requiring simple answers will not be as complex as the rubric for a long essay question containing several complex issues requiring detailed analysis. In any event, the rubric should be simple and precise. The time an area committee takes to develop its grading rubric will vary on the basis of the complexity of the examination questions, and should not be subject to an arbitrary timetable.

The structure of assigning points or performance levels for the parts of the rubric should reflect the hierarchy of the skills or issues being tested on a particular prompt. These points or performance levels should not be assigned randomly, lest an examinee do well on an examination without demonstrating the appropriate level of proficiency for the primary knowledge or skill being tested. Although the proper creation of a rubric can be tedious, it can reduce time and

¹⁸The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), p. 4.

¹⁹See Brenda G. Gibson, "Grading Rubrics: Their Creation and Their Many Benefits to Professors and Students," *North Carolina L. Rev.*, Vol. 34:4, pp. 41-79.

subjectivity expended in drafting an examination and subsequently grading the examinee responses. It will also improve accuracy in the assessment of a candidate for board certification.

Once completed, the rubric should be shared with others who are familiar with the subjects of testing, but who did not participate in the creation of the rubric. This will help to counteract any tendency toward tunnel vision or proprietary bias toward the rubric. An impartial reviewer should be able to spot any deficiencies and recommend appropriate edits.

Law examination grading rubrics such as are used in certification examinations typically assess essay questions by evaluating issue spotting, relevant law identification, application of the identified rule or legal principle to the facts, and the conclusion (IRAC), with varying percentages or points allocated to each component. With issue spotting, points are awarded according to the accuracy and comprehensiveness of the identification of the relevant issues raised by the facts of the examination question. As to law identification, points are awarded on the basis of the degree to which the examinee accurately and completely states the rules, legal principles, or relevant laws applicable to the identified issues. Grading for application of the law to the facts involves awarding points dependent upon the degree to which the examinee demonstrates an understanding of the law and its application to the facts. Points for the conclusion are based on the degree to which the examinee presents a reasoned and logical conclusion based on the examinee's analysis of the facts, issues, and applicable law. A final set of points is awarded dependent on the overall clarity, organization, and quality of the examinee's response.

For each of the essay questions, the area committee also creates a model answer. A "model answer" is an exemplary or ideal response to a question, demonstrating how an examinee can achieve full marks by highlighting key elements and a structured approach to answering all aspects of a question comprehensively. A model answer is not a standard answer, but is merely an illustration of a correct answer.

Current guidance for preparing short answer or essay model answers and scoring rubrics is as follows:

Each area committee must develop well-researched, comprehensive, narrative model answers and scoring rubrics for each short answer and essay question on its examination. A sufficient model answer for an optimum score will refer specifically to the relevant facts in the question, identify the relevant law, apply the relevant law to the pertinent facts, and explain why the given facts and law lead to the reached conclusion. The associated scoring rubric will describe how each of the parts of a model will be scored. While a model answer may include supporting authorities to the extent a prompt requests the examinee to list 4 such authorities, it must not just be a list of those authorities. In addition, if legal citations are not required of an examinee in order to receive credit for an answer but are included in the model answer, area committees should consider listing the citations in footnotes to avoid confusion by examinees during the exam review process. These model answers and scoring rubrics operate as guidelines for scoring examinee responses. As the committee member scoring a response must not be the author of the question, model answers and

scoring rubrics allow the grader to properly score each response with full knowledge of what type of response will deserve which score.²⁰

A checklist for the model answer and scoring rubric for each short answer and essay question is as follows:

Model Answer and Scoring Rubric

- The scoring rubric is clear and replicable for graders.
- The scoring rubric provides a point allocation for each scored component of a response.
- The model answer includes only the information necessary to get the maximum score.
- The model answer is tailored to the call of the question.
- It is reasonable to answer the question within the allotted time.
- The model answer contains correct legal citations.
- The substance of the model answer is correct.

Conclusion

In the absence of any comprehensive studies on the proper way to construct, test, and grade a board certification examination, members of the BLSE and the area committees are encouraged to acquaint themselves with theories of learning and assessment techniques that are relevant and applicable to the board certification process in order to better serve the public. To do so will help ensure the fairness and accuracy of examinations, contribute to the credibility of board certification, and support the continuation of the program.

²⁰The Florida Bar, *Board Certification Examination Requirements* (Rev. 6.27.2023), pp. 4-5.



TOOL 4

HESS COGNITIVE RIGOR MATRIX | SOCIAL STUDIES-HUMANITIES CRM

Integrating Depth-of-Knowledge Levels with Bloom's Cognitive Process Dimensions



Revised Bloom's Taxonomy	DOK Level 1 Recall and Reproduction	DOK Level 2 Skills and Concepts	DOK Level 3 Strategic Thinking or Reasoning	DOK Level 4 Extended Thinking
Remember Retrieve knowledge from long-term memory, recognize, recall, locate, identify	<ul style="list-style-type: none"> o Recall or locate key facts, dates, terms, details, events, or ideas explicit in texts 	Use these Hess CRM curricular examples with most assignments, assessments, or inquiry activities in social studies, history, civics, geography, economics, or humanities.		
Understand Construct meaning, clarify, paraphrase, represent, translate, illustrate, give examples, classify, categorize, summarize, generalize, infer a logical conclusion, predict, observe, compare-contrast, match like ideas, explain, construct models	<ul style="list-style-type: none"> o Select appropriate words or terms when intended meaning is clearly evident o Describe or explain who, what, where, when, or how o Define facts, details, terms, principles o Locate or identify symbols that represent . . . o Raise related questions for possible investigation 	<ul style="list-style-type: none"> o Specify, explain, illustrate relationships; explain why (e.g., cause-effect) o Provide and explain non examples and examples o Summarize results, concepts, main ideas, generalizations o Make basic inferences or logical predictions (using data or text) o Locate relevant information to support explicit-implicit central ideas 	<ul style="list-style-type: none"> o Explain, generalize, or connect ideas using supporting evidence (quote, example, text reference, data) o Support inferences about explicit or implicit themes o Describe how word choice, point of view, or bias may affect the reader or viewer interpretation o Write multi-paragraph composition or essay for specific purpose, focus, voice, tone, and audience 	<ul style="list-style-type: none"> o Explain how concepts or ideas specifically relate to other content domains or concepts (social, political, historical, cultural) o Apply generalizations to new problem-based situations o Use multiple sources to elaborate on how concepts or ideas specifically draw from other content domains or differing concepts (e.g., research paper, arguments of policy: Should this law be passed? What will be the impact of this change?)
Apply Carry out or use a procedure in a given situation; carry out (apply to a familiar task), or use (transfer) to an unfamiliar or non routine task	<ul style="list-style-type: none"> o Apply basic formats for documenting sources o Apply use of reference materials and tools for gathering information (e.g., key word searches) 	<ul style="list-style-type: none"> o Use context to identify the meaning of words or phrases o Interpret information using text features (diagrams, data tables, captions, etc.) o Apply simple organizational structures (paragraph outline) 	<ul style="list-style-type: none"> o Investigate to determine how an historical, cultural or political context may be the source of an underlying theme, central idea, or unresolved issue or crisis 	<ul style="list-style-type: none"> o Integrate or juxtapose multiple (historical, cultural) contexts drawn from source materials (e.g., literature, music, historical events, media) with intent to develop a complex or multimedia product and personal viewpoint
Analyze Break into constituent parts, determine how parts relate, differentiate between relevant-irrelevant, distinguish, focus, select, organize, outline, find coherence, deconstruct (e.g., for bias, point of view, approach/strategy used)	<ul style="list-style-type: none"> o Identify causes or effects o Describe processes or tools used to research ideas, artifacts, or images reflecting history, culture, tradition, etc. o Identify ways symbols and metaphors are used to represent universal ideas o Identify specific information given in graphics (e.g., map, T-chart, diagram) or text features (e.g., heading, subheading, captions) 	<ul style="list-style-type: none"> o Compare similarities or differences in processes, methods, styles due to influences of time period, politics or culture o Distinguish relevant-irrelevant information, fact or opinion; primary from a secondary source o Draw inferences about social, historical, cultural contexts portrayed in (literature, arts, film, political cartoons, primary sources) o Explain, categorize events or ideas in the evolution of ____ across time periods 	<ul style="list-style-type: none"> o Analyze information within data sets or a text (e.g., interrelationships among concepts, issues, problems) o Analyze an author's viewpoint or potential bias (e.g., political cartoon) o Use reasoning, planning, and evidence to support or refute inferences in policy or speech o Use reasoning and evidence to generate criteria for making and supporting an 'argument of judgment' (e.g., Was FDR a great president? Is this a fair law?) 	<ul style="list-style-type: none"> o Analyze multiple sources of evidence across time periods, themes, issues o Analyze diverse, complex or abstract perspectives o Gather, analyze, and organize information from multiple sources o Analyze discourse styles or bias in speeches, legal briefs, etc. across time or authors o Compare and contrast conflicting judgments or policies (e.g., Supreme Court decisions)
Evaluate Make judgments based on criteria, check, detect inconsistencies or fallacies, judge, critique	"UG"—unsubstantiated generalizations = stating an opinion without providing any support for it!		<ul style="list-style-type: none"> o Develop a logical argument for conjectures, citing evidence o Verify reasonableness of results of others o Critique conclusions drawn, evidence used, credibility of sources 	<ul style="list-style-type: none"> o Evaluate relevancy, accuracy, and completeness of information using multiple sources o Apply understanding in a novel way, provide argument or justification for the application o Critique the historical impact on policy, writings, advances
Create Reorganize elements into new patterns, structures, or schemas, generate, hypothesize, design, plan, produce	<ul style="list-style-type: none"> o Brainstorm ideas, concepts, problems, or perspectives related to a topic, principle, or concept 	<ul style="list-style-type: none"> o Generate testable conjectures or hypotheses based on observations, prior knowledge, and/or artifacts 	<ul style="list-style-type: none"> o Synthesize information within one source or text o Develop a complex model or symbol for given issue o Develop and support an alternative solution 	<ul style="list-style-type: none"> o Synthesize information across multiple sources or texts o Articulate a new voice, alternate theme, new knowledge or new perspective o Create historical fiction drawing on sources

The “Minimally Qualified” Candidate

From Theory to Practice

Standing Committee – Construction Law Certification

August 6, 2025

Context – Pass Rates

Area		2023			2024			2025		
		No. Tested	% Pass	# Pass	No. Tested	% Pass	# Pass	No. Tested	% Pass	# Pass
Admiralty & Maritime		3	100%	3	1	0%	0	2	100%	2
Adoption Law		1	100%	1	0	N/A	N/A	0	N/A	N/A
Antitrust & Trade Regulation		0	N/A	N/A	0	N/A	N/A	0	N/A	N/A
Appellate Practice		8	63%	5	8	62%	5	8	88%	7
Aviation		0	N/A	0	1	0%	0	2	100%	2
Business Litigation		7	71%	5	8	38%	3	6	83%	5
City, County, & Local Government		26	58%	15	25	40%	10	18	38%	7
Civil Trial		32	97%	31	24	67%	16	46	89%	41
Condo Law		9	22%	2	16	38%	6	19	42%	8
Construction Law		35	54%	19	27	85%	23	32	84%	27
Criminal Trial/Appellate		32	44%	14	33	27%	9	30	40%	12
Education Law		3	67%	2	7	57%	4	2	50%	1
Elder Law		6	50%	3	11	55%	6	9	56%	5
Health Law		5	60%	3	3	33%	1	8	12%	1
Immigration		5	20%	1	5	20%	1	4	25%	1
Intellectual Property		3	67%	2	4	50%	2	3	33%	1
International Litigation & Arbitration		0	N/A	N/A	0	N/A	N/A	1	100%	1
International Law		3	100%	3	1	0%	0	0	N/A	N/A
Juvenile Law		13	23%	3	8	100%	8	9	100%	9
Labor & Employment Law		7	14%	1	8	13%	1	13	46%	6
Marital & Family Law		24	38%	9	22	32%	7	26	27%	7
Real Estate		33	39%	13	30	43%	13	15	66%	10
SFGAP		10	80%	8	4	25%	1	2	50%	2
Tax		0	N/A	N/A	3	67%	2	3	67%	2
Wills, Trusts, & Estates		15	33%	5	21	33%	7	22	18%	4
Workers' Compensation		5	60%	3	5	80%	4	2	100%	2

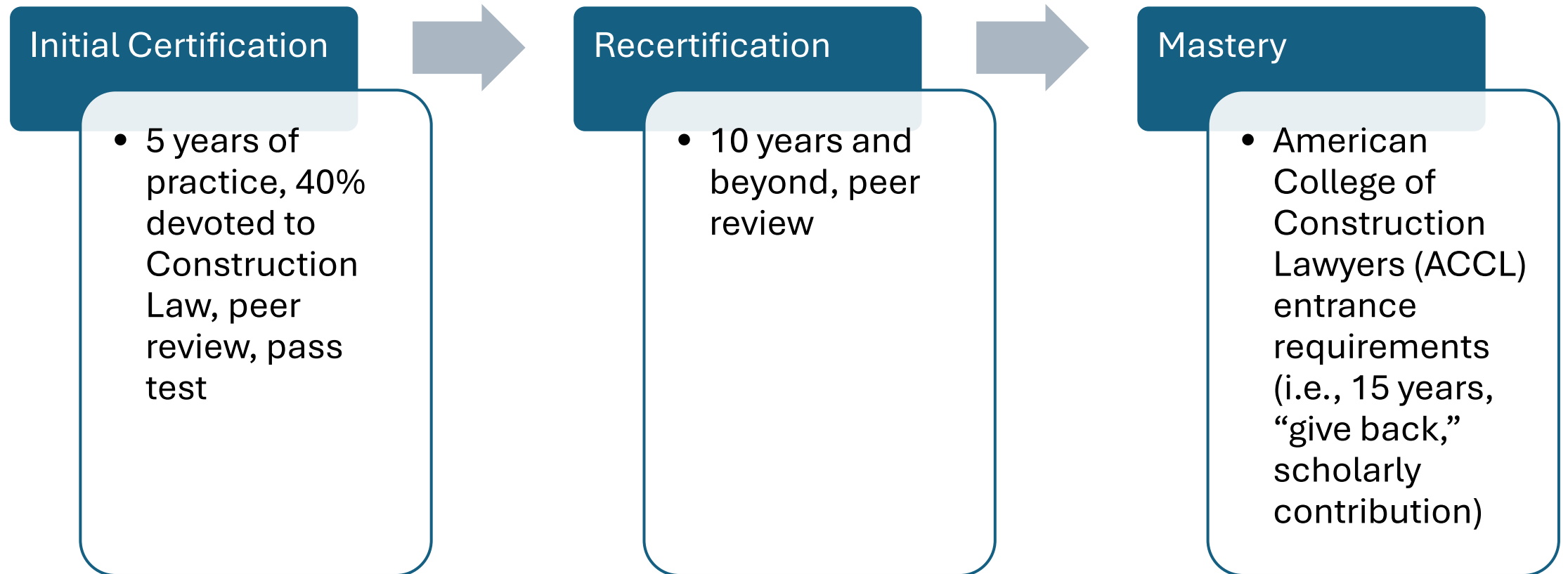
“Professionalization” of the Exam

- BLSE employs an Exam Consultant that works directly with our Committee
- Recent changes
 - Multiple Choice Questions
 - 65 words or less
 - No “negative” questions (i.e., “which of the following is **not** true...”)
 - Essays
 - 500 words or less
 - Raw Essay Score (0-25 pts.) must be converted to a Holistic Score (0-6)

Emphasis on “Minimally Qualified” Candidate

- 2023 BLSE Townhall – “Drafting exams must be to the level of the rule requirement, not a 20-year practitioner.”
- 2025 BLSE Townhall – *Assessing Cognitive Complexity and Determining Minimal Qualifications for Board Certification* (Hon. W. Burgess)
 - Eligibility (**can sit for the exam**; to receive recertification)
 - Qualification (**can pass the exam**; to receive recertification)
 - Qualification ≠ Mastery

Defining the “Minimally Qualified” Certified Construction Law Specialist



Defining the “Minimally Qualified” Certified Construction Law Specialist, cont.

- Fall 2024 – met with Exam Consultant (a/k/a “psychometrician”) and asked to define, with reference to subjects listed on Exam Specification, the “minimally qualified” specialist within Construction Law
 - Focus on “Verbs”
 - Recall
 - Apply
 - Analyze
 - Evaluate

Defining the “Minimally Qualified” Certified Construction Law Specialist, cont.

- June 2025 (BLSE Townhall)
 - Burgess Paper (*Assessing Cognitive Complexity*) and Materials
 - “Minimally Qualified” Definition should be
 - Developed by the Committee
 - Revisited over time
 - Used as a basis to develop exam questions

Webb's Depth of Knowledge

DOK-1

Assessment Ceiling

RECALL AND REPRODUCE

Who?
What?
Where?
When?

DOK-2

Assessment Ceiling

APPLY KNOWLEDGE AND SKILLS / BASIC REASONING

How did it take place?
Why did it take place?
How does it operate?
Why does it operate?

DOK-3

Assessment Ceiling

STRATEGIC THINKING

How can I make use of it to solve a problem?
Why does it solve the problem?
What is the cause, effect, or, reason?
What are the intended and unexpected outcomes?

DOK-4

Assessment Ceiling

EXTENSIVE THINKING

(Thinking creatively to transfer knowledge across content areas and over time.)
What do you think, feel, or believe?
What will or could happen?
What is the relationship?
How did it influence?
What if ?

Webb's Depth of Knowledge

Level 1: Recall and Reproduction. Examinees must recall facts and details. Routine thinking. Recall of information from memory.

Level 2: Basic Application of Skills and Concepts. Examinees must think about things they know. Engagement of mental processing beyond recalling or reproducing a response. Examinees must demonstrate understanding of a process or skill.

Level 3: Strategic Thinking. Cognitive demands are complex and abstract. Requires deep understanding exhibited through planning, using evidence, and is more demanding than cognitive reasoning.

Level 4: Extended Thinking. Requires high cognitive demand and is very complex. Examinees are expected to make connections, relate ideas within the content or among content areas, and select or devise one approach among many alternatives on how the situation can be solved. Critical thinking.

Example – SOL / SOR

- Level 1 – can recite triggers under 95.11(3)(b)
- Level 2 – can apply triggers under 95.11(3)(b) to an action accruing after 4/13/2023
- Level 3 – can analyze whether an action that accrued before 4/13/2023 and would be barred under 95.11(3)(b) was still timely filed under the “savings” provision (i.e., requires an analysis of whether action would have been barred under old triggers in 95.11(3)(c))
- Level 4 – can evaluate and recommend what a client should do based on arguable ambiguities within 95.11(3)(b) (e.g., “model home” not defined, horizontal improvements that do not receive a TCO, CO, or CoC)

Request – Exam Drafting

- Before drafting, review “Drafting Examination Questions,” (pp. 13-18, *Assessing Cognitive Complexity*)
 - Ignore section on “Short Answer” Questions
- During M/C drafting and review, evaluate each question within the bank to assess level of cognitive complexity using Webb’s Scale (i.e., Level 1 to Level 4)
 - Note level of complexity, your name, and year in a new row on the exam bank
 - Assign a level of cognitive complexity to newly drafted questions
 - 70% = Passing Score
- In preparing scoring rubric for assigned essay questions, perform same assessment and assign level of cognitive complexity to each point allocation category

Request – Post-Exam Drafting

- Save the Date – RPPTL Roundtable – “Eligibility and Qualification Requirements for Section Certification Areas”
 - December 4th or December 5th, Four Seasons Hotel, Orlando, FL
 - Construction / Real Estate / Condo & PUD / Wills, Trusts & Estates / Insurance Coverage
 - Exchange ideas on implementation of “minimally qualified” standard
 - Discuss how this standard applies for areas of overlap between certification areas
 - Construction Lien Law
 - Condo and HOA Law
 - Construction Lending
 - Receive feedback from certified lawyers on what the “minimally qualified” standard should entail
 - Discuss Section approval and coordination for potential program changes which need BLSE or BOG approval

Prompt: Identify those portions of the exam specifications between condominium law, construction law, and real estate law that are similar.

Common Themes and Overlaps

1. Statutory Framework

- **Florida Statutes Chapters 718, 719, and 720**

- Condominium & Planned Development: Heavy focus on these chapters for creation, operation, and regulation of associations.
- Construction Law: Includes Chapter 718 and 720 for standing, causes of action, warranties, and remedies related to construction defects.
- Real Estate: Covers condominiums and homeowners associations under Planned Community Law section.

2. Association Governance & Planned Communities

- **Homeowners Associations & Planned Unit Developments (PUDs)**

- Condominium: Detailed governance, enforcement, and dispute resolution for associations.
- Real Estate: Planned Community Law section includes HOAs, condominiums, cooperatives, and statutory disclosures.
- Construction Law: References association standing and remedies for construction defects.

3. Construction Defects & Remedies

- **Defects, Warranties, and Remedies**

- Condominium: Includes construction defect notices and claims, developer warranties, and turnover issues.
- Construction Law: Chapter 558 defect procedures, defenses, and theories of recovery.
- Real Estate: Developer liability and related litigation under Planned Community Law.

4. Liens and Priorities

- **Construction Liens and Enforcement**

- Real Estate: Explicitly lists construction liens under Title Issues.
- Construction Law: Florida Construction Lien Law is a major topic.
- Condominium: Assessment and collection procedures often intersect with lien enforcement.

5. Insurance Requirements

- **Casualty, Liability, and Fidelity Bonding**

- Condominium: Insurance requirements for associations and reconstruction after casualty.
- Construction Law: Insurance coverage for projects and professionals.
- Real Estate: Title insurance and risk management in transactions.

6. Ethics

- All three exams include **Ethics** as a tested component.

7. Real Estate Fundamentals

- **Homestead, Easements, Marketable Record Title Act (MRTA)**

- Condominium: Listed under General Real Estate Issues.
- Real Estate: Homestead and MRTA are core topics.
- Construction Law: MRTA and easements may arise in disputes over property rights.



Key Intersection Points

- **Chapters 718 & 720** → Condominium & HOA governance (appears in all three specs).
- **Construction Liens & Defects** → Shared between Construction Law and Real Estate, with Condominium law touching defects.
- **Insurance & Risk Management** → Common across all.
- **Ethics** → Universal requirement.
- **Real Estate Principles (Homestead, MRTA)** → Condominium and Real Estate exams share these.

Comparative Table of Overlapping Topics

Topic Area	Condominium & Planned Development	Construction Law	Real Estate
Florida Statutes: Ch. 718, 719, 720	✓ Creation, operation, enforcement of associations	✓ Standing, causes of action, warranties & remedies for defects	✓ Planned Community Law (HOAs, condos, disclosures)
Construction Defects & Remedies	✓ Notices, claims, developer warranties, turnover	✓ Chapter 558 defect procedures, defenses	✓ Developer liability under Planned Community Law
Liens & Priorities	✓ Assessment & collection procedures intersect with liens	✓ Florida Construction Lien Law	✓ Construction liens under Title Issues
Insurance Requirements	✓ Casualty, liability, fidelity bonding; reconstruction	✓ Project & professional insurance	✓ Title insurance & risk management
Ethics	✓ Ethical issues in association governance	✓ Ethics in construction practice	✓ Ethics in transactions
Real Estate Fundamentals	✓ Homestead, MRTA, easements	✓ MRTA and easements in disputes	✓ Homestead, MRTA, title issues
Association Governance	✓ Detailed governance, enforcement, dispute resolution	✓ Standing for association claims	✓ HOAs, condos, cooperatives under Planned Community Law
Developer Liability	✓ Turnover, warranties, control limits	✓ Contractual liability, defects	✓ Developer liability in planned communities



REAL ESTATE CERTIFICATION EXAMINATION SPECIFICATIONS



1. Purpose of Examination

The Real Estate Certification exam consists of a combination of essay and multiple choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in Real Estate law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a "Florida Bar Board Certified Lawyer."

2. Examination Content

Topics that may be covered on the Real Estate Certification examination include:

A. Title Issues and Real Property Litigation

- A.1 Liens and Priorities
 - a. Construction Liens
 - b. Mortgages
 - c. Tax Liens
 - d. Judgments
 - e. Equitable subrogation
- A.2 Title Disputes
 - a. Surveys and Boundary Disputes
 - b. Plats, Easements and Descriptions
 - c. Ownership
- A.3 Homestead
- A.4 Conveyancing
- A.5 Joint Ownership
- A.6 Bankruptcy
- A.7 Land Trusts
- A.8 Public Lands and Watercourses
- A.9 Agency
- A.10 Probate/Guardianship/Competency
- A.11 MRTA (Marketable Record Title Act)
- A.12 Title Insurance
- A.13 Foreclosure
- A.14 Quiet Title
- A.15 Adverse Possession
- A.16 Eminent Domain
- A.17 ILSA (Interstate Land Sales Full Disclosure Act)

Revised 5/26/22

B. Transactions/Financing/Environmental/Taxes

- B.1 Closing Issues and Procedures
- B.2 Closing Costs
- B.3 Ethics
- B.4 Tax Matters
- B.5 Contractual Terms and Conditions
- B.6 Notes and Mortgages
- B.7 Environmental Audits/Environmental Permitting
- B.8 Permitting
- B.9 Concurrency/Comprehensive Plans
- B.10 Zoning
- B.11 Documentary Stamp and Intangible Taxes
- B.12 Ad Valorem Taxes
- B.13 Sales Tax
- B.14 Entity Selection
- B.15 Tax Deferred Exchanges under IRC Section 1031
- B.16 Real Estate Broker Agency
- B.17 Agency
- B.18 Disclosures
- B.19 Community Development District and Special Tax District

C. Planned Community Law/Landlord Tenant

- C.1 Homeowners Associations & Planned Unit Developments (PUDs)
- C.2 Condominiums and Condominium Associations
- C.3 Developer Liability
- C.4 Liens
- C.5 Statutory Disclosures
- C.6 Cooperatives
- C.7 Residential
- C.8 Commercial
- C.9 Mobile Homes

Examinees will be tested on the law (both statutory and case law) which was **in effect on December 31** of the year prior to the year the exam is administered.

The total number of points possible on the exam are 360 points. The final overall score is calculated by totaling the points scored for the multiple-choice questions and essay questions. The exam consists of the following: 45 multiple choice questions worth 3 points each, 1 long essay on Homestead worth 45 points, 1 long essay on Transaction Analysis worth 60 points, and 6 short essays worth 20 points each.

Examinees must score a minimum of 70% to achieve a passing score on the examination.

Revised 5/26/22



CONSTRUCTION LAW CERTIFICATION EXAMINATION SPECIFICATIONS



1. Purpose of Examination

The Construction Law Certification Examination consists of a combination of essay and multiple choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in construction law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a "Florida Bar Board Certified Lawyer."

2. Examination Content

Topics that may be covered on the construction law examination include:

1. Florida Construction Lien Law
2. Private Construction Contracts (Contract negotiation, preparation, bidding, award, and administration)
3. Public Construction Contracts (bidding, hearings, administration, protests, and appeals)
4. Design Professional Liability – Includes Chapters 471 and 481, Florida Statutes
5. Damages, Defenses and Theories of Recovery
6. Chapter 558, Florida Statutes
7. Collection and Judgment Enforcement Procedures
8. Prompt Pay Procedures (public and private)
9. Licensing and Regulation of Contractors and Professionals – Includes Chapter 489 Part I and Part II, Florida Statutes
10. Construction Lending
11. Suretyship, including, but not limited to, Payment and Performance Bonds, Common Law Bonds, Statutory Bonds, Section 255.05; Florida Statutes and the Federal Miller Act, 40 U.S.C s. 3131-3134 2
12. Insurance

13. Chapter 718, Florida Statutes pertaining to standing, causes of action, warranties and remedies and defenses relative to design and construction defects and deficiencies
14. Chapter 720, Florida Statutes pertaining to standing, causes of action, warranties and remedies and defenses relative to design and construction defects and deficiencies
15. AIA form documents: A101 (2017); A102 (2017); A103 (2017); A201 (2017); A312 Bonds (2010); A132 (2019); A133 (2019); A134 (2019); and B101 (2017).
16. Alternative Construction Dispute Resolution and Remedies
17. Ethics

Exam Format/Scoring

The exam will consist of four essays worth 25 points each and 100 multiple choice questions worth 1 point each.

Questions will be divided among 2 testing sessions, each a total of 3 hours or 180 minutes.

The passing standard for this examination is 70%.

Examinees will be tested on the law in effect through the end of the calendar year preceding the year in which the exam is administered.



CONDOMINIUM AND PLANNED DEVELOPMENT CERTIFICATION EXAMINATION SPECIFICATIONS

1. Purpose of Examination

The Condominium and Planned Development Certification exam consists of a combination of essay and multiple-choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in condominium and planned development law and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

2. Examination Content

Topics that may be covered on the Condominium and Planned Development Certification examination include:

A. CREATION, SALE, TERMINATION, AND REGULATION OF CONDOMINIUMS AND OTHER PLANNED DEVELOPMENT (40%)

1. Creation of the Condominium - Statutory Requirements – Fee Simple vs. Leasehold.
2. Drafting considerations for Condominium Declaration, Articles, Bylaws, and Rules, including required and prohibited provisions.
3. Underlying Subdivision and Title Requirements in Condominiums, Cooperatives, and Homeowner Association Communities
4. Types of Condominiums and Associations: Phase Condominiums; Multi-Condominium Associations; Mixed Use Condominiums; Residential Homeowner Associations, Commercial Owner Associations, Mixed Use Associations, Cooperative Associations, and Master Associations.
5. Key Classes of Property and their Statutory Requirements - Unit, Common Elements, Limited Common Elements; parcel, Common Area, and Association Property.

6. Enforcement and Regulation by Division of Florida Condominiums, Timeshares, and Mobile Homes.
7. Condominium Terminations - Statutory Procedures and Requirements.
8. Part VII Distressed Condominium Relief Act - Bulk Assignee vs. Bulk Buyer.
9. Drafting considerations for 719 and 720 communities, including Declaration, Articles, Bylaws, Proprietary Leases/Occupancy Agreements, and Rules, including Required and Prohibited Provisions.
10. Sales of Cooperative Property and Termination of Proprietary Leases or Occupancy Agreements.
11. Water Management District Regulations applicable to operation of Stormwater Management Systems.
12. Reserve Requirements and Mandatory Inspections.
13. Provisions in Declaration, Articles, and Bylaws Governing Dispute Resolution.

B. OPERATION OF ASSOCIATION INCLUDING ISSUES RELATING TO ASSESSMENTS (40%)

1. Association Power and Authority, Articles of Incorporation and Bylaws. Statutory, Common Law, Underlying Authority under - Chapters 607, 617, 718, 719 and 720.
2. Enforcement of Restrictive Covenants, Statutes, and Rules – Remedies; Mediation, Arbitration, and Jurisdiction of Division of Florida Condominiums, Timeshares, and Mobile Home.
3. Defenses to Enforcement.
4. Membership, Board, and Committee Meeting Requirements.
5. Association Decision Making - Respective Authority of the Board, Committees, and Membership.
6. Directors and Officers - Powers and Duties - Statutory and Common Law.
7. Substantive Restriction Categories - Age, Pet, Architectural, Nuisance, Transfer Restrictions, and Restraints on Alienation.
8. Association Contracts, including Statutory Requirements.
9. Community Association Management, definition, and requirements.
10. Association Official Records – Statutory Requirements, Exemptions, Inspection Rights, and Remedies.
11. Association Budgets; Financial Reporting; Special Assessments, Reserves, and Association Borrowing.
12. Assessment and Collection Procedures.
13. Developer Control of Associations, including Budget Guarantees, Special Voting Rights, Warranties, Limitations, and Turnover.

14. Association Power and Limits on Acquiring or Conveying Property and Entering into Agreements.
15. Insurance - Statutory Requirements – Casualty, Liability, and Fidelity Bonding; Reconstruction after a Casualty.
16. Amendments to Declarations, Articles, Bylaws, and Rules.
17. Elections - Procedural Requirements and Issues; Recall of Directors.
18. Association Litigation Issues - Privilege, Official Records, and Mandatory ADR.
19. Construction Defects, Notices and Claims.
20. Mergers of Condominiums and Associations.
21. Conversions - Statutory Requirements.
22. Maintenance and Alteration of Condominium, Association, Cooperative and Homeowner Association Property.

C. GENERAL REAL ESTATE ISSUES RELATING TO CONDOMINIUMS AND PLANNED DEVELOPMENTS (20%)

1. Easements - Support, Encroachments, Use of Common Elements, Developer's Reservations.
2. Marketable Record Title Act, including Preservation and Revitalization of Covenants.
3. Homestead.
4. Submerged Lands, riparian and littoral rights.
5. Telecommunication, Technology, and Conservation Issues.
6. Other Property Types: Mobile Homes, Clubs, and Mandatory Use Memberships.
7. Federal Law: Interstate Land Sales Act, Condominium Registration and Exemption Requirements; Secondary Market Financing Issues, Overview of FNMA/FHLMC Eligibility Criteria; Requirements and Effects of Fair Housing Act, Emphasis on Familial Status and Handicapped Protected Classes, Exemptions.
8. Ethical Issues.

Examinees will be tested on the law (both statutory and case law), which was **in effect on December 31** of the year preceding the administration of the exam.

The total number of points possible on the exam are 180 points. The final overall score is calculated by totaling the points scored for the multiple-choice questions and essay questions. The exam consists of 60 multiple-choice questions worth 1 point each, 6 short essay questions worth 20 points each.



WILLS, TRUSTS AND ESTATES LAW CERTIFICATION EXAMINATION SPECIFICATIONS

1. Purpose of Examination

The Wills, Trusts and Estates Law Certification Examination consists of a combination of essay and multiple-choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics and judgments that are common to specialists in wills, trusts and estates law and it is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer”.

2. Examination Content

Topics that may be covered on the wills, trusts and estates law certification examination include, but are not limited to:

A. Pre-Death Planning

1. Estate and income tax planning
2. Planning for incapacity
3. Outlining of estate plans and planning options
4. Drafting issues associated with estate plans
5. Wills, Revocable Trusts, Durable Powers of Attorney, Healthcare Surrogates, Living Wills
6. Formalities for execution / revocation of estate planning documents
7. Creditors' rights
8. Spousal entitlements
9. Joint Tenancies

B. Estate Administration

1. Probate Procedures
 - a. Creditor claims
 - b. Entitlements
 - c. Notice requirements
 - d. Accountings
 - e. Caveats

2. Probate Substance
 - a. Intestate succession
 - b. Will execution/revocation
 - c. Fiduciary qualifications, duties and powers
 - d. Entitlements
 - e. Spousal elections, etc.
 - f. Will construction
 - g. Ancillary administration
 - h. Community property
 - i. Creditor claims
 - j. Distributions
 - k. Disclaimer of interests
 - l. Estate tax apportionment
 - m. Abatement, priorities and ademption
3. Fees, including attorney, fiduciary & administrative

C. Taxes

1. Estate, gift and generation-skipping transfer taxes
2. Income tax (basis adjustment at death, IRAs, income taxation of trusts and estates)
3. Chapter 14 special valuation rules
4. Valuation of fractional interests and business entities

D. Probate and Trust Litigation

1. Issues of substance, standing, evidence, jurisdiction and procedure (as governed by the Florida Probate Rules and, where applicable, the Florida Rules of Civil Procedure) involved in various probate and trust related causes of action, including, but not limited to:
 - a. Revocation of probate and/or the voiding of revocable trusts for lack of due execution; lack of capacity; undue influence; or insane delusion
 - b. Construction of wills and trusts
 - c. Determination of homestead rights
 - d. Tax apportionment
 - e. Surcharge and/or removal of Personal Representatives
 - f. Enforcing and defending against creditors' claims
 - g. Elective share and other entitlement rights
 - h. Determination of a right to jury trial

E. Trust Administration

1. Determination of qualified beneficiaries
2. Fiduciary duties of trustees
3. Required notices and accountings
4. Irrevocable vs. revocable trusts
5. Modification and decanting
6. Representation provisions
7. Trustee and trustee attorney compensation

F. Professional Responsibility

1. Rules of Professional Conduct
2. Florida Bar Ethics Opinions
3. Attorney malpractice liability in estate planning and fiduciary administration

G. Florida Homestead

1. Property included
2. Exemption from forced sale
3. Descent and devise

Examinees will be tested on law that is in effect as of January 1st of the year in which the exam is administered.

3. Exam Format/Scoring

The exam is tested in two 180-minute sessions. The exam will consist of fifty-two multiple-choice questions worth 1 point each and six essay questions worth 24 points each.

Prompt: Tell me the areas of similarity and overlap between the study guides for condominium law and real estate law.

Here's a structured comparison of **similarities and overlaps** between the **Condominium & Planned Development Certification Study Guide** and the **Real Estate Certification Study Guide**:

1. Statutory and Regulatory Framework

- **Florida Statutes:** Both guides emphasize knowledge of Florida Statutes governing property law.
 - Condo Guide: Chapters 718 (Condominium), 719 (Cooperatives), 720 (HOAs), 712 (MRTA), 558 (Construction Defects), etc.
 - Real Estate Guide: Florida Statutes relating to real estate transactions and ethics.
- **Florida Administrative Code:** Both reference administrative rules impacting property transactions and governance.
- **Federal Laws:** Both include federal statutes like Fair Housing Act and ADA for compliance issues.

2. Title and Conveyancing

- **Uniform Title Standards:** Both guides require familiarity with Florida Uniform Title Standards.
- **Title Issues:** Real estate guide focuses on title insurance and standards; condo guide addresses title requirements for subdivisions and declarations.
- **Sample Contracts and Documents:** Both stress understanding of contracts (e.g., FAR/BAR Contract) and closing documents.

3. Ethics and Professional Responsibility

- Both guides include **Florida Bar Rules on Professionalism and Ethics** and expect knowledge of ethical obligations in transactions and representation.

4. Case Law

- Both emphasize **Florida case law** as a foundation for interpreting statutes and resolving disputes.
 - Condo Guide lists extensive cases on association governance, amendments, and developer rights.
 - Real Estate Guide expects familiarity with major real estate and ethics cases.

5. Transactional Knowledge

- **Contracts and Closing:** Both require understanding of real estate contracts, settlement statements, and transactional procedures.
- **Financing Issues:** Condo guide includes secondary market financing (FNMA/FHLMC); real estate guide covers financing indirectly through title and closing practices.

6. Overlapping Topics

- **Easements and Property Rights:** Condo guide includes easements in planned developments; real estate guide covers similar concepts in title and conveyancing.
- **Homestead Issues:** Present in condo guide under general real estate topics; relevant to real estate law generally.
- **Restraints on Alienation:** Both touch on restrictions affecting property transfers.

7. Continuing Education and Resources

- Both recommend:
 - Florida Bar seminars and review courses.
 - Articles in Florida Bar Journal and Actionline.
 - Title underwriter publications.

Key Difference

- **Condo Guide:** Heavy focus on association governance, statutory compliance for condos/HOAs, developer obligations, assessments, insurance, and dispute resolution.
- **Real Estate Guide:** Broader focus on transactional real estate law, title insurance, ethics, and general property law.

Comparison of Condominium Law vs. Real Estate Law Study Guides

Area	Condominium & Planned Development Guide	Real Estate Certification Guide
Primary Focus	Governance and regulation of condos, HOAs, planned communities	Broad real estate transactional law, title, ethics
Statutes	Chapters 718, 719, 720, 712, 558, 607, 617; MRTA; Florida Admin Code (61B)	Florida Statutes on real estate transactions; Florida Admin Code
Federal Laws	ADA, Fair Housing Act, FDCPA, ILSA	Federal statutes and regulations relevant to real estate
Title Standards	Florida Uniform Title Standards (2022)	Florida Uniform Title Standards
Contracts & Documents	Condo declarations, bylaws, HOA covenants, purchase agreements	FAR/BAR Contract, settlement statements, title docs
Governance Issues	Association powers, board duties, fiduciary obligations	Minimal governance focus
Assessment & Financials	Statutory reserves, budgeting, liens, foreclosure	Financial aspects of transactions
Dispute Resolution	Mandatory arbitration for condo/HOA disputes	Ethics and professional responsibility
Case Law	Extensive condo/HOA case list	Real estate and ethics cases
Ethics	Florida Bar Rules; fiduciary duties in association context	Florida Bar Rules on Professionalism and Ethics
General Real Estate Topics	Easements, homestead, restraints on alienation	Title insurance, conveyancing
Recommended Resources	Florida Bar seminars, Actionline, Bar Journal, DBPR	Florida Bar seminars, Actionline, Bar Journal, title underwriter guides

CONDOMINIUM AND PLANNED DEVELOPMENT CERTIFICATION STUDY GUIDE

POTENTIAL TOPICS FOR EXAMINATION

A. CREATION, SALE, TERMINATION AND REGULATION OF CONDOMINIUMS AND OTHER PLANNED COMMUNITIES (40%)

Creation of the Condominium -Statutory Requirements – Fee Simple vs. Leasehold

Creation of the Cooperative – Statutory Requirements

Declaration requirements for condominiums and Ch. 720 communities

Underlying Subdivision and Title Requirements in condominiums and Ch. 720 communities

Role of Division of Florida Condominiums, Timeshares and Mobile Homes (“Division”) in the Creation of Condominium and Sale of units; filing requirements and document review and acceptance; reservation programs and independent escrow agents; purchase agreements. Developer’s use of deposits under contracts for purchase of units. Disclosure – Prospectus Requirements – Part V -- Remedies for publication of false and misleading information

Types of Condominiums/Communities:

- Standard Condominiums
- Phase Condominiums
- Multi-Condominiums
- Mixed Use Condominiums
- Master/Umbrella Associations

Key Classes of Property and Their Statutory Requirements – Unit, Common Elements/Common Areas; Limited Common Elements and Association owned Property

Enforcement and Regulation of condominiums and homeowner associations by the Division. Part V of Chapter 718; Division Authority and Jurisdiction; enforcement authority of the Division; rulemaking; declaratory statements; administrative actions; jurisdiction over developer-controlled v. mature communities; Division’s remedies and powers. Jurisdiction over communities subject to Ch. 720. Jurisdiction of mandatory nonbinding arbitration for condominium and some HOA disputes.

Condominium Terminations- Statutory Procedures and Requirements

Part VII Distressed Condo Relief Act- Bulk Assignee vs. Bulk Buyer – Statutory Requirements and Practical Issues; Differentiate Successor Developer Issues; Definition of “Developer”.

B. OPERATION OF ASSOCIATION INCLUDING ISSUES RELATING TO ASSESSMENTS (40%)

Association Power and Authority; Articles of Incorporation and Bylaws. Statutory, Common Law, Underlying Sources of Power- Chapters 607 and 617; Access to Units; Material Alterations to the Common Elements and Changes to appurtenant property rights. Duty to maintain and repair common elements/areas. Emergency powers. Authorized common expenses. Fines and remedies for noncompliance. Hurricane protection issues. Use of capital contributions. Transfer fees. Association's ability to obtain rental payments where owner is delinquent.

Enforcement of Restrictive Covenants, Statute and Rules – Remedies; Arbitration Procedures and Jurisdictional Issues – What is a "Dispute"; Defenses to Enforcement- Selective Enforcement/Waiver/ Estoppel

Association and Board Meeting Requirements – Statutory (Time and Method); Government in Sunshine provisions; Conduct and Unit Owner Rights at each type of meeting. Minutes of meetings. Annual meeting requirements.

Condominium and HOA Decision-making: Member Votes vs. Board Action

Directors and Officers – Powers and Duties – Statutory and Common Law; Ultra Vires

Fiduciary Duty of Directors and Officers – Statutory, Corporate, Common Law, Practical Applications and Burden of Proof – *Perlow*, *Sonny Boy* and *Taylor* cases.

Board Authority to Promulgate Rules and Regulations – Limits (*Hidden Harbor* and *Beachwood* cases).

Substantive Restriction Categories – Age, Pets, Architectural, Nuisance, Transfer Restrictions (Sales, Leases, Rights of first refusal vs. Rights of Approval) – Enforcement and Effect on Title Conveyancing

Association Contracting – Statutory Requirements; Bidding and Essential requirements of contracts; exemptions.

Community Association Manager; authorized duties, UPL, fiduciary relationship, basic licensure and CLE obligations, Management Contracts.

Association Official Records – Statutory Requirements and attorney client (litigation) privilege and other exemptions – Unit Owner Rights and Remedies

Association Preparation of Budgets; Financial Reporting- Annual Statements; Level of Review, Owner Opt-Out Rights; Audit Requirements; Budgeting and Limitations; Special Assessments; Association Borrowing and Indebtedness

Assessment and Collection Procedures under 718 and 720; Owner Liability and Remedies; Lien Rights, Foreclosure; Priorities and Procedures; Lender Safe Harbors and Limitations on Liabilities; Notice and Procedural Statutory requirements.

Statutory Reserve Requirements and Limits on Waivers

Developer Guaranties of Assessments – Methods, disclosure, limitations, exceptions, funding, developer liability

Association Power and Limits on Acquiring or Conveying Property and Entering into Agreements

Insurance Issues – Statutory Requirements – Casualty vs. Liability- Coverages Required; Concepts of Determination of Reconstruction; Handling and Distribution of Proceeds and Role of Insurance Trustees; Fidelity Bonding

Amendments to Condominium/HOA Declarations, bylaws and articles – Statutory (718.110) and Common Law Formality Requirements; Amendments by Post-Turnover Owners vs. Developer Unilateral Amendments; Developer Reserved Rights; Amendments – Adding or Subtracting Property; Limits on Developer Reservations – Loch Haven, Blue Reef and Flamingo Cases; Woodside and its common law and statutory effects; amendments under Sections 718.110(4) and 718.113(2).

Director Elections – Procedural Requirements and Issues presented – DBPR ADR and Remedies re: Election disputes. Eligibility to serve as Director. Recall of Directors.

Association Transfer of Control – Statutory Requirements; Items and records to be Transferred and Significance (Turnover Audit, As Built Plans and Specs, etc.); Cancellation of Contracts and Limitations of such rights. Voidability of Contracts at turnover.

Association Litigation Issues – Privilege – Statutory Effects on Official Records, Board Meetings, etc. Access to Courts

Construction Defects and Warranties- Section 718.203; Common law warranties; defenses; limitation on disclaimer; buyer remedies and measure of damages; Chapter 558 Notice and other requirements; Economic loss rule and Toppino case.

Mergers of condominiums and of associations.

Conversions – Statutory Requirements – Notice of Intended Conversions; Conversion Report; Converter Reserves vs. Warranties; Extension of Residential Leases

C. GENERAL REAL ESTATE ISSUES RELATING TO PLANNED DEVELOPMENTS (20%)

Easements – Support, access, encroachments, use of Common Elements/Common Areas, Developer Reservation of Easements (Construction, Sales, Leasing, Marketing and Granting/modifying easements – limitations)

Revitalization of HOA documents; MRTA

Telecommunication issues and trademark infringement, copyright issues, websites and gripe sites

Homestead issues

Restraints on Alienation

Co-Operatives; ILSA – Registration and Exemption Requirements Issues in Ethics

Federal taxation issues

Secondary Market Financing Issues – Overview of FNMA/FHLMC Eligibility Criteria Submerged land leases

Clubs and non-HOA mandatory membership associations. SLAPP Suits and free speech rights

Exercise of religion and religious services

Requirements and Effects of Fair Housing Act – Emphasis on Familial Status and Handicapped Protected Classes – HUD and DOJ Guidance; Exemption – Requirements and Practical Issues; “ESA” Animal Issues and “Prescription Pets”

STATUTES AND RULES

Federal

ADA

FDCPA

Fair Housing Act

24 CFR 100

ILSA

Telecommunications Act of 1996

Florida Statutes

48.23

83.49

83.683

95.11

95.12-95.18

163.04

252.36

253.0347

381.00316

468 Part VIII

475.01

475.011

509.013

509.211

509.2112

509.215

509.241

509.242

514.01

514.0115

553.835

Chapter 558

559.72

559.955

Chapter 607

Chapter 617

689.01

689.071

704.09

Florida Statutes, continued

Chapter 712
Chapter 713, Part I
715.07
Chapter 718
Chapter 719
Chapter 720
723.073
723.075
726.102
768.0706
768.38
760.23
760.27
849.085
856.015

Florida Administrative Code

Chapters 61B-15 through 25, 45 and 50, 61B-75 through 79 and Chapter 61B-80, 81 and 85

Florida Rules of Civil Procedure

Rule 1.221

Rules Regulating The Florida Bar

Chapter 4, Rules of Professional Conduct

Florida Uniform Title Standards (2022)

11.2
Chapter 17

The examination will test on the law in effect as of December 31 of the year preceding the year in which the exam is administered.

Important Cases for Condominium and Planned Development Certification Review

This is not intended to be an exhaustive list of case authorities.

12550 Biscayne Condo. Ass'n, Inc. v. NRD Investments, LLC, 336 So.3d 750 (Fla. 3d DCA 2021)

2000 Condo. Ass'n, Inc. v. The Residences at Sloan's Curve, Inc., 513 So.2d 1324 (Fla. 4th DCA 1987)

303 Creative, LLC v. Elenis, 600 US 570 (2023)

7 at Blue Lagoon (1), LLC v. Blue Lagoon Condo. Ass'n, Inc., 354 So.3d 1117 (Fla. 3d DCA 2023)

Abbey Park v. Bowen, 508 So. 2d 554 (Fla. 4th DCA 1987)

AFP 103 Corp. v. Common Wealth Trust Services, LLC 388 So3d 149 (Fla. 3d DCA 2023) Agrelo v. Affinity Mgmt. Services, LLC 841 F.3d 944 (11th Cir. 2016)

Ainslie at Century Village Condominium Ass'n, Inc. v. Levy, 626 So. 2d 229 (Fla. 4th DCA 1993) Allison v. The Grande at Olde Carrollwood Condo. Ass'n, Inc., 360 So3d 1200 (Fla. 2D DCA 2023) Alorda v. Sutton Place Homeowners Ass'n, Inc., 82 So.3d 1077 (Fla. 2d DCA 2012)

Alvarez v. Club Atlantis Condominium Ass'n, Inc., Arbitration, Case No. 92-035, Final Order (March 25, 1993)

American Airlines, Inc. v. Geddes, 960 So.2d 830 (Fla. 3d DCA 2007) Angora Enterprises, Inc. v. Cole, 439 So. 2d 832 (Fla. 1983)

Aquarian Foundation, Inc. v. Sholom House, Inc., 448 So. 2d 1166 (Fla. 3d DCA 1984)

Aria on the Bay Condo. Ass'n, Inc. v. Bayshore Plaza I, LLC --- So.3d --- (Fla. 3d DCA 2024) Ass'n of Golden Glades Condominium Club, Inc. v. Security Management Corp., 557 So.

2d 1350 (Fla. 1990)

Avatar Properties, Inc. v. Gundel, 372 So.3d 715 (Fla. 6th DCA 2023) Avila v. Biscayne 21 Condo., Inc., --- So.3d --- (Fla. 3d DCA 2024)

Avila South Condominium Ass'n, Inc. v. Kappa Corp., 347 So. 2d 599 (Fla. 1977)

B & J Holding Corp. v. Weiss, 353 So. 2d 141 (Fla. 3d DCA 1977) Backus v. Smith, 364 So. 2d 786 (Fla. 1st DCA 1978)

Bailey v. Shelborne Ocean Beach Hotel Condo. Ass'n, Inc., 307 So.3d 74 (Fla. 3d DCA 2020) Bal Harbour Tower Condo. Ass'n, Inc. v. Bellorin 351 So.3d 96 (Fla. 3d DCA Oct. 19, 2022)

Baldwin v. Nature's Hideaway, Phase I-B Homeowners Ass'n, Inc., 613 So. 2d 1376 (Fla. 2d DCA 1993)

Bank One Dayton, N.A. v. Sunshine Meadows Condominium Ass'n, Inc., 641 So. 2d 1333 (Fla. 1994)
Barney v. Silver Lakes Acres Property, 159 So.3d 181 (Fla. 5th DCA 2015)

Barrett v. Leiher, 355 So. 2d 222 (Fla. 2d DCA, 1978)

Baum v. Coronado Condominium Ass'n, Inc., 376 So. 2d 914 (Fla. 3d DCA 1979) Beachwood Villas Condominium v. Poor, 448 So. 2d 1143 (Fla. 4th DCA 1984) Beau Monde, Inc. v. Bramson, 446 So. 2d 164 (Fla. 2d DCA 1984)

Berg v. Bridle Path Homeowners Ass'n, Inc., 809 So. 2d 32 (Fla. 4th DCA 2002) Berger v. Riverwind Parking, LLP, 842 So.2d 981 (Fla. 5th DCA 2003) Bessemer v. Gersten, 352 So. 2d 68 (Fla. 4th DCA 1977)

Bhogaita v. Altamonte Heights Condominium Ass'n, Inc., 765 F. 3d 1277 (11th Cir. 2014) Bishop v. Belkin, 521 So. 2d 158 (Fla. 1st DCA 1988)

Blue Reef Holding Corp. v. Coyne, 645 So. 2d 1053 (Fla 4th DCA 1994) Bramson v. Beau Monde, Inc., 415 So. 2d 761 (Fla. 2d DCA 1982) Brown v. Rice, 716 So. 2d 807 (Fla. 5th DCA 1998)

Burnham v. Davis Islands, 87 So.2d 97 (Fla. 1956)

Camino Gardens Ass'n, Inc. v. McKim, 612 So. 2d 636 (Fla. 4th DCA 1993) Candib v. Carver, 344 So. 2d 1312 (Fla. 3d DCA 1977)

Casa Clara Condominium Ass'n, Inc. v. Charley Toppino & Sons, Inc., 620 So. 2d 1244 (Fla.1993)
Casa Del Mar Condominium Ass'n, Inc. v. Richartz, 641 So. 2d 470 (Fla. 3 DCA 1994)

Cash v. Gagnon, 306 So.3d 106, (Fla. 4th DCA 2020)

Cedar Cove Efficiency Condominium Ass'n, Inc. v. Cedar Cove Properties, Inc., 558 So. 2d 475 (Fla. 1st DCA 1990)

Century Village v. Wellington Condominium Ass'n, Inc., 361 So. 2d 128 (Fla. 1978)

Charley Toppino & Sons v. Seawatch at Marathon Condominium Ass'n, Inc., 658 So. 2d 922 (Fla. 1994)

Charterhouse Associates v. Valencia Reserve HOA, 262 So. 3d 761 (Fla. 4th DCA, 2018) Chattel Shipping v. Brickell Place Condominium Ass'n, Inc., 481 So. 2d 29 (Fla. 3d DCA 1986) Chianese v. Culley, 397 F. Supp. 1244 (S.D. Fla. 1975)

Chmil v. Mediterranean Manors Ass'n, Inc., 516 So. 2d 1109 (Fla. 2d DCA 1987) Chotka v. Fidelco Growth Investors, 383 So. 2d 1169 (Fla. 2d DCA 1980)

City of Miami Beach v. Miami Beach Imp. Co., 153 Fla.107, 14 So.2d 172 (1943) City of Miami v. St. Joe Paper Co., 364 So.2d 439 (Fla. 1978)

Coastal Creek Condo. Ass'n, Inc. v. FLA Trust Services, LLC, 275 So.3d 836 (Fla. 1st DCA 2019) Cohn v. Grand Condominium Ass'n, Inc., 62 So. 3d 1120 (Fla. 2011)

Collado v. Baroukh, 226 So.3d 924 (Fla. 4th DCA 2017)

Comcast of Florida, L.P. v. L'Ambiance Beach Condominium Ass'n, Inc., 17 So. 3d 839 (Fla. 4th DCA 2009)

Conklin v. Hurley, 428 So. 2d 654 (Fla. 1983)

Conquistador Condominium VIII Ass'n, Inc. v. Conquistador Corp., 500 So. 2d 346 (Fla. 4th DCA 1987)

Constellation Condominium Association v. Harrington, 467 So. 2d 378 (Fla. 2d 1985) Cool Spaze, LLC v. Boca View Condo. Ass'n, Inc., 292 So.3d 769 (Fla. 4th DCA 2020) Coquina Club, Inc. v. Mantz, 342 So.2d 112 (Fla. 2d DCA 1977)

Coral Lakes Community Ass'n, Inc. v. Busey Bank, N.A., 30 So. 3d 579 (Fla. 2d DCA 2010) Cornfeld v. Plaza of the Americas Club, Inc., 273 So.3d 1096 (Fla. 3d DCA 2019)

Coronado Condominium Ass'n, Inc. v. Scher, 533 So. 2d 295 (Fla. 3d DCA 1988) Cottrell v. Thornton, 449 So. 2d 1291 (Fla. 2d DCA 1994)

Country Manors Ass'n, Inc. v. Master Antenna Systems, Inc., 458 So. 2d 835 (Fla. 4th DCA 1984) Cunningham v. Haley, 501 So.2d 649 (Fla. 5th DCA 1987)

Curto v. A Country Place Condo. Ass'n, Inc., 921 F.3d 405 (3rd Cir. 2019) David v. B & J Holding Corp., 349 2d 676 (Fla. 3d DCA 1977)

Davis v. Verandah at Lake Grady Homeowners Ass'n, Inc., 354 So.3d 1140 (Fla. 2d DCA 2023) Daytona Development v. Bergquist, 308 So. 2d 548 (Fla. 2d DCA 1975)

DBPR v. Siegel, 479 So. 2d 112 (Fla. 1985)

De Soleil South Beach Residential Condo. Ass'n, Inc. v. De Soleil South Beach Ass'n, Inc. 315 So.3d 58 (Fla. 3d DCA 2020)

De Soleil South Beach Residential Condo. Ass'n, Inc. v. De Soleil South Beach Ass'n, Inc. 322 So.3d 1189 (Fla. 3d DCA 2021)

Dimitri v. Commercial Center of Miami Master Ass'n, 253 So. 3d 715 (Fla. 3d DCA, 2018) Dobal v. Villas at South Beach Condo. Ass'n, Inc., --- So.3d --- (Fla. 3d DCA 2023) Drexel Properties v. Bay Colony Club Condominium, 406 So. 2d 515 (Fla. 4th DCA 1981) D & T Properties, Inc. v. Marina Grande Associates, 985 So. 2d 43 (Fla. 4th DCA 2008)

Dwork v, Exec. Ests. of Boynton Beach Homeowners Ass'n, Inc., 219 So.3d 858 (Fla. 4th DCA 2017)

E. Qualcom Corp. v. Global Commerce Center Ass'n, Inc., 59 So. 3d 347 (Fla. 4th DCA 2011) Easton v. Appler, 548 So.2d 691(Fla. 3rd DCA 1989)

Eastwood Shores Prop. Owners Ass'n, Inc. v. Dept. of Economic Opportunity, 264 So.3d 264 (Fla. 2d DCA 2019)

Eberwein v. Coral Pine Condominium One, 431 So. 2d 616 (Fla. 4th DCA 1983)

Elbadramany v. Oceans Seven Condominium Ass'n, Inc., 461 So. 2d 1001 (Fla. 5th DCA 1984)

Entzminger v. Thornton, 734 So.2d 1114 (Fla. 2d DCA 1999)

Ero Properties, Inc. v. Cone, 418 So. 2d 434 (Fla. 3d DCA 1982)

Europco Management Company of America v. Smith, 575 So. 2d 963 (Fla. 1st DCA 1990) Farrington v. Casa Solana Condominium Ass'n, Inc., 517 So. 2d (Fla. 3d DCA 1987)

First Equitable Realty III, Ltd. v. Grandview Place Condo. Ass'n, Inc. 329 So.3d 167 (Fla. 3d DCA 2021)

Flagler Federal Savings & Loan Ass'n of Miami v. Crestview Towers Condominium Ass'n, Inc., 595 So. 2d 198 (Fla. 3d 1992)

Flamingo Ranch v. Sunshine Ranches H, 303 So. 2d 665 (Fla 4th DCA 1974) Fleeman v. Case, 342 So. 2d 815 (Fla. 1977)

The Florida Bar re Advisory Opinion – Activities of Community Association Managers, 177 So. 3d 941 (2015)

Fla. Dept. of Trans. V. Clipper Bay Investments, LLC, 160 So.3d 858 (Fla. 2015) Fox v. Gaines, 4 F.4th 1293 (11th Cir. 2021)

Fox v. Hamptons at Metrowest CA 223 So 3d 453 (Fla 5th DCA, 2017)

Fox v. Prof'l Wrecker Operators of Fla., Inc., 801 So.2d 175 (Fla. 5th DCA 2001) Gable v. Silver, 258 So. 2d 11 (Fla. 4th DCA 1972)

George v. Beach Club Villas Condominium Ass'n, 833 So. 2d 816 (Fla. 3d DCA) Georges v. Avanti Condo. Ass'n, Inc., 324 So.3d 991 (Fla. 1st DCA 2021)

Grand Harbor Community Ass'n, Inc. v. GH Vero Beach Dev., LLC, --- So.3d --- (Fla. 4th DCA 2024)

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Leppert V. Lakebreeze Homeowners Ass'n, Inc., 500 So.2d 252 (Fla. 1st DCA 1986) Lexington Place Condo. Ass'n, Inc. v. Flint, 348 So.3d 650 (Fla. 5th DCA 2023) Lyons v. King, 397 So. 2d 964 (Fla. 4th DCA 1981)

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Pecchia v. Wayside Estates Home Owners Ass'n, Inc., 388 So.3d 1136 (Fla. 5th DCA 2024)

Peck Plaza v. Division of Florida Land Sales and Condominiums, 371 So. 2d 152 (Fla. 1st DCA 1979)

Pepe v. Whispering Sands Condominium Ass'n, Inc., 351 So. 2d 755 (Fla. 2d DCA 1977) Perlow v. Goldberg, 700 So. 2d 148 (Fla. 3d DCA 1997)

Pine Island Ridge Condominium "F" Ass'n, Inc. v. Waters, 374 So. 2d 1033 (Fla. 4th DCA 1979)

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Prisco v. Forest Villas Condominium Apartments, Inc., 847 So. 2d 1012 (Fla. 4th DCA 2003)

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Pudlit 2 Joint Venture, LLP v. Westwood Gardens Homeowners Ass'n, Inc., 169 So. 3d 145 (Fla. 4th DCA 2015)

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Samara Development Corp. v. Marlow, 556 So. 2d 1097 (Fla. 1990)

Sandarac Ass'n, Inc. v. W.R. Frizzell Architects, Inc., 609 So. 2d 1349 (Fla. 2d DCA 1992) S and A Prop. Investment Services v. Garcia, 360 So.3d 432 (Fla. 3d DCA 2023)

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Schwarz v. City of Treasure Island, 544 F. 3d 1201 (11th Cir. 2008)

Seagate Condominium Ass'n, Inc. v. Duffy, 330 So. 2d 484 (Fla. 4th DCA 1978)

Seawatch at Marathon Condominium Ass'n, Inc. v. Charley Toppino & Sons, Inc., 610 So.2d 470 (Fla. 3d DCA 1992)

Seminole Civic Ass'n, v. Adkins, 604 So2d 524 (Fla. 5th DCA 1992) Seminole Lakes HOA v. Esnard 263 So. 3d 56 (Fla 4th DCA, 2018) Sheoah Highlands, Inc. v. Daugherty, 837 So. 2d 579 (Fla 5th DCA 2003) Sherman v. Gursky Ragan, P.A., 388 So.2d 1034 (Fla 3d DCA 2024)

SICIS North America, Inc. v. Sadie's Hideaway, LLC, 368 So.3d 1052 (Fla. 1st DCA 2023) Sonny Boy L.L.C. v. Asnani, 879 So. 2d 25 (Fla. 5th DCA 2004)

Southeast Seminole Civic Ass'n, Inc. v. Adkins, 604 So. 2d 523 (Fla. 5th DCA 1992) Southfields of Palm Beach Polo & Country Club Homeowners Ass'n, Inc. v. McCullough, (Fla. 4th DCA 2013)

Strazzulla v. Riverside Banking Co., 175 So.3d 879 (Fla. 4th DCA 2015) Stein v. Paradigm Mirasol, LLC, 586 F.3d 849 (11th Cir. 2009) Steinhardt v. Rudolph, 422 So. 2d 884 (Fla. 3d DCA 1982)

Sterling Village v. Breitenbach, 251 So. 2d 685 (Fla. 4th DCA 1971)

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Tiffany Plaza Condominium Ass'n, Inc. v. Spencer, 416 So. 2d 823 (Fla. 2d DCA 1982) Tower House v. Millman, 475 So. 2d 674 (Fla. 1985)

Tortoise Island Homeowners Ass'n, Inc. v. Tortoise Island Realty, 790 So.2d 525 (Fla. 5th DCA 2001)

Trianon Park Condominium Ass'n, Inc. v. City of Hialeah, 468 So. 2d 912 (Fla. 1985) Trichell v. Midland Credit Management, Inc. 964 F.3d 990 (11th Cir. 2020)

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Universal Prop. & Casualty Ins. Co. v. Loftus, 276 So3d 849 (Fla. 4th DCA 2019)

Universal Prop. & Casualty Ins. Co. v. Laguna Riviera Condo. Ass'n, Inc., 386 So.3d 629 (Fla. 2d DCA 2024)

Valencia Reserve Homeowners Ass'n, Inc. v. Boynton Beach Associates, XIX, LLLP, 278 So 3d 714 (Fla. 4th DCA 2019)

Vitalia at Tradition Residents' Association, Inc. v. Vitalia at Tradition, LLC, --- So.3d --- (Fla. 4th DCA 2024).

Vinik v. Taylor, 270 So. 2d 413 (Fla. 4th DCA 1972)

Walker v. City of Jacksonville, 360 So.2d 52 (1st DCA 1978)

Wash & Dry, Inc. v. Bay Colony Club Condominium, Inc., 368 So. 2d 50 (Fla. 4th DCA 1979) Waterside at Boynton Homeowners Ass'n, Inc. v. Southern Homes of Palm Beach, LLC, 373 So.3d 351 (Fla. 4th DCA 2023).

Welleby Condominium Ass'n One v. William Lyon, 522 So. 2d 35 (Fla. 4th DCA 1988)

Wellington Property Management v. Parc Corniche Condominium Ass'n, Inc., 755 So. 2d 824 (Fla. 5th DCA 2000)

West Bay Plaza Condo. Ass'n, Inc. v. Sika Corp. 338 So.3d 32 (Fla. 3d DCA 2022)

Westpark Preserve Homeowners Ass'n, Inc. v. Pulte Home Corp., 365 So.3d 391 (Fla. 2d DCA 2023)

White Egret Condominium, Inc. v. Franklin, 379 So. 2d 346 (Fla. 1979). Williams v. Salt Springs Resort Ass'n, Inc., 298 So.3d 1255 (Fla. 5th DCA 2020)

Wilmington Savings Fund Society, FSB v. Gulfstream of Las Olas Condo. Ass'n, Inc., 331 So.3d 203 (Fla. 4th DCA 2021)

Wimbledon Townhouse Condominium I, Ass'n, Inc. v. Wolfson, 510 So. 2d 1106 (Fla. 4th DCA 1987)

Winkelman v. Toll, 661 So. 2d 102 (Fla. 4th DCA 1995)

Winston Towers 200 Ass'n, Inc. v. Saverio, 360 So. 2d 470 (Fla. 3d DCA 1978)

Woodside Village Condominium Ass'n, Inc. v. Jahren, 806 So. 2d 452 (Fla. 2002) Young v. Tortoise Island, 511 So.2d 381 (Fla. 5th DCA 1987)

Ziontz v. Ocean Trail Unit Owners Ass'n, Inc., 663 So. 2d 1334 (Fla. 4th DCA 1996)



REAL ESTATE CERTIFICATION EXAMINATION



STUDY GUIDE

The exam will require a substantial amount of study and preparation. The degree and extent of preparation will depend on the individual examinee. An examinee may find it takes more or less time depending on that examinee's experience and knowledge in the various areas of real estate.

This list is not intended to be an exclusive list from which to study for the examination, but is only provided as a guide to assist the examinee in selecting study materials. The Committee does not endorse or favor any particular title insurance underwriter, seminar, speaker, or materials provider.

1. Attendance and study materials at annual Florida Bar Real Estate Certification Review Course.
2. Continuing education seminars and materials offered by the Florida Bar and other seminar sponsors dealing with real estate issues.
3. Continuing education seminars, materials, and websites offered by title underwriters.
4. Uniform Title Standards (The standards that have been revised are available on the Real Property and Probate and Trust Law Section website).
5. Title underwriters' guides that have been published or are available on-line.
6. Current and past issues of Florida Bar Actionline.
7. Current and past issues of various title underwriters' publications.
8. Articles in current and past issues of the Florida Bar Journal dealing with real estate issues.
9. Case law, current and past, concerning issues of major interest in real estate and ethics.
10. Florida Statutes relating to topics listed in the examination specifications.
11. Florida Administrative Code Sections relating to topics listed in the examination specifications.
12. Federal Statutes and Regulations relating to topics listed in the examination specifications.
13. Florida Bar Rules on Professionalism and Ethics.
14. Samples of various documents and settlement statements used in both residential and commercial real estate transactions.
15. Samples of various real estate contracts, including the FAR/BAR Contract for Sale and Purchase.

Excerpt regarding “subject matter overlap” from Florida Insurance Coverage Law Certification Standing Committee

a. Does the proposed specialty area conflict or overlap with any existing certification area(s)? If no, please skip to Question 5. Yes, there is possible overlap, but no conflict.

b. If yes, please provide a statement identifying the area(s) of conflict or overlap and explain why the proposed specialty should be established as a separate area. Frankly, insurance is, or should be, a part of all areas of life and business. As such, there may be some overlap in the certification areas of Elder Law, Health Law, Marital & Family Law, Real Estate, Will Trusts & Estates, and Workers’ Compensation; however, the largest potential overlap regarding litigation falls in the areas of Business Litigation, Civil Trial, and Construction Law. Some Civil Trial law involves aspects of insurance coverage as such matters are inherently civil disputes; however, most insurance disputes do not reach the trial stage. This is because the Civil Trial specialty deals extensively with factual disputes which are proper for determination by a jury while Insurance Coverage deals more extensively with the application of existing facts to extremely nuanced law. Similarly, Business Litigation may involve disputes related to insurance issues; however, the law related to insurance coverage, and specifically insurance policies, is subject to separate rules of construction as a result of area specific case law that does not translate to standard contractual disputes found in Business Litigation. Finally, Construction Law may involve aspects of Insurance Coverage, specifically as it relates to liability insurance and the duties to defend and indemnify, but Insurance Coverage relates to a far more diverse practice area than solely Construction Law. Insurance Coverage is a much more specialized and highly nuanced area of law which goes beyond the herein referenced existing specialty areas. Specifically, Insurance Coverage includes personal liability, professional liability, directors & officers coverage, first party property, builder’s risk, cyber liability, errors & omissions coverage, and insurance bad faith/extra-contractual litigation. Particularly in Florida right now, where insurance is a hotbed issue and numerous attorneys and legislators alike are involved in a complex area of law in which they do not have any expertise, a separate specialty area in Insurance Coverage Law would be highly useful to not only attorneys and legislators, but more importantly, to consumers.

c. If yes, could the proposed specialty, in your opinion, be incorporated within an existing certification area as a subspecialty, and if so, how would you propose that be accomplished? No. Insurance Coverage could not and should not be incorporated within existing certification areas as a subspecialty as it is its own area of expertise with significant law from both the Florida Statutes and existing case law. The Florida Insurance Code is comprised of Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, Florida Statutes. There is no current Bar program that provides something similar, as there is no current specialty in Insurance Law. This new Board Certification in Insurance Coverage Law will serve to supplement the already excellent work of other board certification areas whilst expanding certification to a highly specialized area of law for which expertise is required in practice and will further the Bar’s goals of expanding Board Certification.

Prompt: Identify the common areas of testing for insurance coverage law board certification in Texas and Ohio.

Based on the uploaded exam specifications for Texas Insurance Law and Ohio Insurance Coverage Law, here are the common areas of testing for board certification:

-
- ✓ **1. Insurance Contract Formation & Policy Interpretation**
 - **Ohio:** Contract formation, cancellation, rescission, reformation, and policy construction (ambiguity, exclusions).
 - **Texas:** Similar emphasis on contract principles, interpretation of policy language, and construing exclusions.
 - Commonality:** Both require deep knowledge of policy drafting, interpretation, and enforcement.
-
- ✓ **2. Property Insurance**
 - **Ohio:** Causes of loss, conditions, exclusions, claim adjustment, business income coverage.
 - **Texas:** Includes property coverage issues, exclusions, and claims handling.
 - Commonality:** Understanding property coverage scope, exclusions, and claims processes.
-
- ✓ **3. Liability Insurance**
 - **Ohio:** Occurrence vs. claims-made policies, business risk exclusions, duty to defend, bodily injury/property damage coverage.
 - **Texas:** Similar focus on liability coverage, duty to defend, and exclusions.
 - Commonality:** Liability coverage principles and defense obligations.
-
- ✓ **4. Other Specialized Coverages**
 - **Ohio:** Professional liability, D&O, employment practices, crime, excess/umbrella, environmental.
 - **Texas:** Includes professional liability and excess coverage topics.
 - Commonality:** Specialty lines and excess coverage.
-
- ✓ **5. Insurance Coverage Litigation**
 - **Ohio:** Declaratory judgments, bad faith, discovery issues, privileges.
 - **Texas:** Bad faith litigation, declaratory actions, and procedural aspects of coverage disputes.
 - Commonality:** Litigation strategies and bad faith claims.
-
- ✓ **6. Recurring Coverage Issues**
 - **Ohio:** Reservation of rights, late notice, intentional acts exclusion, waiver & estoppel, allocation of loss, subrogation.
 - **Texas:** Similar recurring issues including notice, exclusions, and allocation.
 - Commonality:** Core coverage defenses and allocation principles.
-
- ✓ **7. Professional Responsibility**
 - **Ohio:** Conflicts of interest, tri-partite relationship.
 - **Texas:** Ethics and professional conduct in insurance practice.
 - Commonality:** Ethics and conflict management in insurer-insured-counsel relationships.

Summary Table

Topic	Ohio	Texas
Contract Formation & Interpretation	✓	✓
Property Insurance	✓	✓
Liability Insurance	✓	✓
Specialized Coverages	✓	✓
Coverage Litigation	✓	✓
Recurring Issues	✓	✓
Professional Responsibility	✓	✓

EXAM SPECIFICATIONS FOR INSURANCE LAW

PURPOSE OF THE EXAM. The purpose of the certification exam is to require an examinee to demonstrate substantial knowledge of significant legal concepts and corresponding skills in the specialty area.

EXAM FORMAT. The exam consists of a three-hour morning session with three essay questions each worth 100 points and a three-hour afternoon session with 100 multiple-choice questions (10 of which involve professional ethics) each worth 2 points. The exam (essay and multiple-choice) must be taken by laptop (supplied by the examinee).

ESSAY QUESTIONS. Essay questions consist of a fact pattern followed by a series of questions (usually 4-6) for an examinee to answer. Essays are designed to require an examinee to recognize and analyze issues in the fact pattern and explain how those issues should be resolved. The fact patterns will involve situations you would likely encounter in your practice. Essays typically involve the most common lawsuits and coverage issues that arise, including first-party claims made directly by the insured for benefits under the insurance policy, and third-party claims for defense and indemnity in connection with suits by third parties against an insured. Questions could involve questions of policy coverages, exclusions, and conditions as well as common law and statutory extra-contractual duties such as the standards for assessing coverage, reserving rights, and responding to settlement demands. Essay questions may also involve other aspects of the insured-insurer relationship, including the formation, reformation, and termination of insurance contracts and duties of agents, brokers, and adjusters, and mechanisms for resolving disputes. Examinees should ensure they provide the specific information each question requests and communicate their response as clearly as possible. An organized, clearly written answer using complete sentences will almost always receive a higher score than a choppy, disorganized one. To pass the exam, examinees must be able to clearly express answers in a manner that would be persuasive to the decision-maker in a case.

MULTIPLE-CHOICE QUESTIONS. These questions are designed to test a breadth of issues in the specialty area and require an examinee to select the option that represents the best available answer.

EXAM GRADING. The required passing score is 350. All exam materials are confidential and not available for review. Essay answers are graded anonymously and identified only by an assigned examinee number. Multiple-choice answers are computer graded. Successful examinees are notified that they passed but are not provided with their specific score. Unsuccessful examinees are notified of their exam score. Exams that score 10 points below the passing grade are automatically regraded. Exam results are final.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES. An examinee is expected to understand all substantive and procedural law in the specialty area including professional responsibility and ethics. The areas of inquiry will include but are not necessarily limited to: Insurance Contract Formation and Cancellation, Insurance Policy Construction, Insurance Regulation, Property Insurance, Liability Insurance, Insurance Litigation, Recurring Issues in Insurance Coverage, Professional Responsibility, and Other Types of Insurance such as Life and Disability, Professional Liability, Directors and Officers, Employment Practices, Excess and Umbrella, and Environmental. An examinee must also demonstrate the ability to:

- Communicate effectively and persuasively to clients, counsel, and courts;
- Develop and evaluate strategies for solving a problem or accomplishing an objective;
- Analyze and apply legal rules and principles;

- Analyze, sort, and use facts, plan, and direct factual investigations;
- Organize and manage a legal task efficiently within time constraints;
- Represent a client consistent with applicable ethical standards; and
- Invoke and utilize the procedures normally required in the specialty area, including pleadings and filings.

EXAM TOPICS. Following is a listing of topics on which essays and multiple-choice questions in the specialty area exam may be based on.

NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. EXAMINEES WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM, UNLESS OTHERWISE SPECIFIED.

1. Insurance Contract Formation and Cancellation

- A. The Role of Insurance Agents and Brokers
- B. Policy Applications
- C. Policy Binding and Issuance
- D. Cancellation

2. General Insurance Principles

- A. Rules of Construction
- B. Ambiguity
- C. Burdens of Proof
- D. Deductibles, Retentions and Limits
- E. Endorsements
- F. Additional Insureds / Other Insurance
- G. The Claim Process
- H. Waiver, Estoppel, and Quasi-Estoppel

3. First Party Insurance

- A. Types of Policies
- B. Coverages
- C. Causes of Loss
- D. Exclusions
- E. Conditions
- F. Appraisal

4. Third Party Insurance

- A. Occurrence vs Claims Made Policies
- B. Defense and Indemnity
- C. Coverages and Exclusions
- D. Conditions
- E. Successor Liability Coverage
- F. Professional Liability/Errors and Omissions/Directors and Officers
- G. Employment Practices
- H. Workers' Compensation / Employers' Liability

5. Other Types of Insurance

- A. Life and Disability
- B. Crime Insurance
- C. Excess and Umbrella
- D. Pollution and Environmental Insurance
- E. Builders Risk Insurance
- F. Cyber Insurance
- G. Energy Insurance
- H. Owner / Contractor Controlled Insurance Programs (OCIP/CCIP)
- I. Flood/Earthquake Protection
- J. Automobile Insurance

6. Insurance Litigation

- A. Choice of Law
- B. Forum Selection
- C. Pleadings
- D. Causes of Action
- E. Affirmative Defenses
- F. Rescission
- G. Reformation
- H. Declaratory Judgments
- I. Discovery
- J. Duty of Good Faith and Fair Dealing
- K. Texas Insurance Code / Texas Administrative Code
- L. Public Policy
- M. Remedies

7. Regulatory Issues

Licensing and regulation of:

- A. Insurance Carriers (both admitted and non-admitted, i.e., surplus lines carriers)
- B. Agents
- C. Adjusters

8. Recurring Issues in Insurance Coverage

- A. Reservation of Rights
- B. Notice
- C. Duty to Cooperate
- D. Trigger of Coverage
- E. Allocation of Loss
- F. Subrogation
- G. *Stowers*
- H. Sweetheart Deals / Fully Adversarial Trial / Anti-Assignment Issues
- I. Bad Faith
- J. Choice of Law

9. Professional Responsibility

- A. The Texas Disciplinary Rules of Professional Conduct
- B. The Tri-Partite Relationship (*Tilley / Traver*)
- C. Independent Counsel
- D. Unauthorized Practice of Law

SUGGESTED STUDY MATERIALS:

- 1. Right Off the Press Emails
- 2. Texas Journal of Insurance Law
- 3. Papers and Presentations from Advanced Insurance Law Conference
- 4. Pattern Jury Charge
- 5. Main ISO Forms (CGL, Commercial Property, etc.)
- 6. Texas Insurance Code
- 7. Insurance Provisions in Restatement (Second) of Conflicts of Law

OSBA
Insurance Coverage Law Exam
Study Guide
For Certification
As a Specialist

Exam Date: Friday, November (check OSBA website for specific date)
Place: Ohio State Bar Association
Time: 1:00 p.m. – 5:00 p.m.
Format: Exam will be approximately 100 multiple-choice questions.
Content: The exam may cover any of the following areas.

Insurance Coverage Specialization Examination Topics

	<u>Percentage</u>
Insurance Contract Formation and Cancellation	10%
<ul style="list-style-type: none">• Policy Applications• The Role of Insurance Agents and Brokers• Cancellation and Rescission• Reformation	
Insurance Policy Construction	5%
<ul style="list-style-type: none">• Contract Ambiguity• Construing Exclusions	
Property Insurance	20%
<ul style="list-style-type: none">• Causes of Loss• Conditions and Exclusions• Claim Adjustment• Examinations Under Oath• Business Income and Extra Expense	
Liability Insurance	20%
<ul style="list-style-type: none">• Occurrence and Claims Made Policies• Business Risk Exclusions• Automobile Insurance and Uninsured Motorists• Duty to Defend• Assignments• Bodily Injury, Property Damage, and Personal Injury• Successor Liability Coverage	

Other Types of Insurance	10%
<ul style="list-style-type: none"> • Life and Disability • Professional Liability/E&O Coverage • Directors and Officers • Employment Practices • Crime Insurance • Excess and Umbrella • Environmental 	
Insurance Coverage Litigation	10%
<ul style="list-style-type: none"> • Claim File Discovery • Work Product Privilege and Attorney-Client Privilege • Declaratory Judgments • Bad Faith 	
Reoccurring Issues in Insurance Coverage	20%
<ul style="list-style-type: none"> • Reservation of Rights • Late Notice • Intentional Acts Exclusion • Duty to Cooperate • Trigger of Coverage • Waiver & Estoppel • Allocation of Loss • Subrogation 	
Professional Responsibility	5%
<ul style="list-style-type: none"> • Conflicts of Interest • The Tri-Partite Relationship 	
TOTAL	100%

Excerpts from Board Certification Rules Regarding “Substantial Involvement” Requirements¹

I. General Requirement (Rule 6-3.5(c), Rules Regulating the Florida Bar)

(2) Substantial Involvement. The applicant must demonstrate competence and substantial involvement in the applicable certification area during 3 of the last 5 years preceding the application for certification.

II. Wills, Trusts and Estates (Rule 6-7.3, Minimum Standards)

(b) Substantial Involvement.

- The applicant must demonstrate substantial involvement in the practice of law in estate planning, planning for incapacity, administration of estates and trusts, fiduciary and transfer taxation, probate and trust law, estates and trust litigation, and homestead law during the **5 years immediately preceding the application date**, including devoting **not less than 40 percent of practice** to estate planning, planning for incapacity, administration of estates and trusts, fiduciary and transfer taxation, probate and trust law, estates and trust litigation, and homestead law in this state **during each of the 2 years immediately preceding application**.
 - Service as a judge in the probate division of the circuit court of this state for 6 months or more of a calendar year satisfies 1 year of substantial involvement.
 - Except for the 2 years immediately preceding application, the board of legal specialization and education may waive the requirement that the 5 years be “immediately preceding” the application date on an applicant’s request and the recommendation of the wills, trusts, and estates certification committee for good cause shown.
 - Except for the 2 years immediately preceding application, receipt of an LL.M. degree in estate planning and probate (or such other degree containing substantial estate planning and probate content as approved by the board of legal specialization and education) from an approved law school may substitute for 1 year of substantial involvement.

¹ Each area has been revised to show the elements of substantial involvement more clearly. All emphases other than the rule sub-section title are added.

- An applicant must furnish information concerning the **frequency of work** and the **nature of the issues involved**.
 - Time devoted to lecturing or authoring books or articles on wills, trusts, and estates substitutes for the practice of law if the applicant was engaged in the practice of law during the same period.
 - Demonstration of compliance with this requirement shall be made initially through a form of questionnaire approved by the wills, trusts, and estates certification committee, but written or oral supplementation may be required.

III. **Real Estate Law (Rule 6-9.3, Minimum Standards, slightly reorganized for clarity to group time and substantive items together)**

(b) Substantial Involvement.

- The applicant must have substantial involvement in the practice of real estate law during the **3 years** immediately preceding the application date sufficient to demonstrate special competence as a real estate lawyer.
 - At least **40 percent** of the applicant's practice must have been devoted to matters in which issues of real estate law are significant factors and in which the applicant had substantial and direct participation.
 - The board of legal specialization and education may waive the requirement that the 3 years be immediately preceding the application date on the applicant's request and the recommendation of the real estate certification committee for good cause shown.
- The applicant must also demonstrate that the applicant's real estate practice includes experience and involvement with Florida real estate law and transactions.
- The applicant must furnish information concerning the frequency of the applicant's work and the nature of the issues involved.
 - Time devoted to lecturing or authoring books or articles on real estate law substitutes for the practice of law if the applicant was engaged in the practice of law during that time period.
 - Demonstration of compliance with this requirement shall be made initially through a form of questionnaire approved by the real estate certification committee, but written or oral supplementation may be required.

IV. Construction Law (Rule 6-24.3, Minimum Standards)

(b) Substantial Involvement.

- The applicant must demonstrate substantial involvement in construction law to become certified as a construction lawyer.
- The applicant must have at least **5 years** of the practice of law, of which at least **40 percent** has been spent in active participation in construction law where issues of construction law were significant factors and in which the applicant had substantial and direct participation in those construction law issues.
 - At least 3 years of this practice must be immediately preceding application.
- The applicant must furnish information concerning the frequency of the applicant's work and the nature of the issues involved.
 - Time devoted to lecturing or authoring books or articles on construction law if the applicant was engaged in the practice of law during that time period.
 - Demonstration of compliance with this requirement shall be made initially through a form of questionnaire approved by the construction law certification committee but written or oral supplementation may be required.

V. Condominium & Planned Development Law (Rule 6-30.3)

(a) Substantial Involvement.

- The applicant must have been engaged in the practice of condominium and planned development law for at least **5 years** immediately preceding the application.
 - The applicant must demonstrate continuous and substantial involvement in the practice of law, of which at least **40 percent** has been spent in active participation in condominium and planned development law during at least 3 of the 5 years immediately preceding the application date
- ...by **providing examples** of **at least 20** substantive tasks or services performed on behalf of, or in connection with, community associations and planned developments, such as:
 - (1) drafting, reviewing, interpreting, or revising development and governing documents, title instruments and reports, title insurance policies, contracts for sale and purchase, and statutory and administrative laws, rules, and provisions;

- (2) drafting financing instruments for developers, lenders, investors, or community associations;
- (3) planning and drafting project legal structures and entities;
- (4) dealing with development funds and associated development documents;
- (5) drafting other project related documents;
- (6) serving as an arbitrator or counsel for a party in an arbitration;
- (7) serving as a mediator or counsel for a party in a mediation;
- (8) drafting opinion letters;
- (9) serving as legal counsel at a trial, on appeal, or in administrative hearings;
- (10) representing owners, purchasers, developers, lenders, investors, community associations, governmental agencies, or political subdivisions in matters relating to condominium and planned development law; or
- (11) any other activity deemed appropriate by the condominium and planned development law certification committee.
- The applicant must also describe, through examples or narrative, the applicant's law practice of representing community associations, developers, lenders, investors, or owners in matters involving condominium and planned development law during the 5 year period preceding the application date.
 - The examples or narrative must include the approximate number and type of clients the applicant has represented during the 5-year period.
- Consideration will be given to applicants who have served as in-house counsel or who have been employed by governmental agencies.
- The applicant must demonstrate compliance with this requirement through a form approved by the condo and planned development law committee, but written or oral supplementation may be required.

Board Certification: Substantial Involvement Comparison

Certification Area	Time Requirement	Minimum % of Practice	Specific Requirements
Wills, Trusts & Estates (Rule 6-7)	5 years; 2 years immediately preceding	≥ 40%	<p>Experience in estate planning, administration, tax, probate litigation.</p> <p>List instruments prepared (10 types of instruments and number), in the preceding two years.</p> <p>List of administrations of various types and number, and tax related filings and matters, in the preceding two years.</p> <p>List of ten estates where attorney was responsible for handling the administration in the preceding two years, and the gross estate value for each.</p> <p>List of probate or trust litigation or contested matters in the preceding two years, and number of total, with summary of three.</p> <p>“Other Activities” section including bar involvement, publications, speaking/teaching.</p> <p>Requests number of hours per week spent practicing law versus other businesses/trades.</p>

Certification Area	Time Requirement	Minimum % of Practice	Specific Requirements
Real Estate Law (Rule 6-9)	5 years; 3 years immediately preceding	≥ 40%	<p>Detailed breakdown by practice area (e.g., transactions, leasing, litigation) – 12 separate areas, listing percentage of practice by year.</p> <p>Requires at least three transactions or matters in Florida.</p> <p>“Other Activities” section including bar involvement, publications, speaking/teaching.</p> <p>Requests number of hours per week spent practicing law versus other businesses/trades.</p>
Construction Law (Rule 6-24)	5 years; 3 years immediately preceding	≥ 40%	<p>Direct participation in construction law matters (e.g., lien law, contracts, dispute resolution).</p> <p>Detailed description of practice.</p> <p>“Other Activities” section including bar involvement, publications, speaking/teaching.</p>
Condo & Planned Development Law (Rule 6-30)	5 years; 3 of last 5 years	≥ 40%	<p>Separate forms for at least 20 substantive tasks or services, each having a list of 11 tasks within each matter, identifying type of party, opposing counsel, and other information.</p> <p>Narrative practice description, and whether served as in-house counsel or in a governmental agency.</p>

WILLS, TRUSTS AND ESTATES LAW CERTIFICATION

EXHIBIT "B"

SUBSTANTIAL INVOLVEMENT

- I.
- A. My practice consists of the following percentage in the area of Wills, Trusts, Estates, Probate, and Related Tax and Trial ____%
 - B. My practice consists of the following percentage of matters governed by Florida law during each of the two years immediately preceding application ____%
 - C. Please summarize on this page how you satisfy the substantial involvement requirement.

-
- D. My practice consists of the following areas: (% should not total more than 100%)

Wills, trusts and estates and related wealth transfer tax and trial	%
Non-probate related tax	%
Non-probate related civil trial	%
Marital and family	%
Real estate	%
Criminal	%
Other: (please specify)	%

- II. I have been responsible for and handling the preparation and funding, where applicable, of estate planning instruments in the approximate numbers as follows (during the two years immediately preceding this application):

	Preparation/Funding Approximate Number	Attorney of Record Approximate Number
Simple Wills and Pour-Over Wills		
Complex Wills (including provisions for generation skipping trusts and /or marital or charitable planning)		
Complex revocable inter vivos trusts (including provisions for marital, charitable or generation skipping trusts)		
Crummey Trusts		
Charitable remainder or charitable lead trusts		
Other irrevocable trusts agreements, including QPRTs and GRATs		
Family Limited Partnerships		
Cross purchase, redemption or buy-sell agreements		
Prenuptial or postnuptial agreements		
Other estate planning instruments, indicating types of instruments:		

III. Administrations

- A. I have been responsible for handling administrations of estates and/or trusts in the approximate numbers indicated (during the two years immediately preceding this application):

	Approximate Number
Formal administrations without Federal estate tax return required	
Formal administrations with Federal estate tax return required	
Summary administrations without Federal estate tax return required	
Summary administrations with Federal estate tax return required	
Ancillary administrations	
Trust without Federal or State tax return required	
Trusts with Federal or State tax return required	
Curatorships	

- B. I have been responsible for handling the preparation of the following in the approximate numbers indicated (during the two years immediately preceding this application):

	Approximate Number
Federal Estate Tax (and GST) for DSUE	
Federal Estate (and GST) Tax Returns, other than DSUE	
Federal Gift (and GST) Tax Returns	
Federal Fiduciary Income Tax Returns	

- C. I have been responsible for handling the preparation of the following in the approximate numbers indicated during the two years immediately preceding this application:

	Approximate Number
Federal Estate Tax Return examinations or controversies	
Federal Fiduciary Income Tax Return examinations or controversies	
Related tax controversies, indicating type of representation	

- D. The following is a list of ten estates, in which I have been responsible for handling the estate administration (during the two years immediately preceding this application):

	Decedent's Name	File No.	County	Judge(s)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

- E. List the appropriate gross estate for Federal estate tax purposes for each case listed in "D" above. Do not list amounts in the same order as listed in "D":

1.		6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

IV. Probate Litigation

I have been counsel in the following probate or trust litigation or contested matters as indicated (during the two years immediately preceding this application):

	Estimated Number
POD-Non-Probate Disputes	
Will contests	
Will or trust construction suits	
Elective Share Disputes	
Tortious Interference with Inheritance	

F. Please list up to 10 of the litigation matters listed above. Provide a brief summary for 3 of the litigation matters. (Attach additional sheet if necessary.)

	Decedent's Name	File No.	County	Judge(s)
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

V. Other Activities

List other activities during the two years immediately preceding this application. Attach additional sheets if necessary.

- A. Describe your involvement in The Florida Bar, the American Bar Association, local bar association and similar professional organizations related to wills, trusts and estates since the last date of certification. (Include name of organization, nature of participation and dates.)

- B. Describe your involvement in teaching, lecturing or writing (professional publication only) on wills, trusts and estates subjects. (Include nature of teaching, lectures or writing and dates.)

- C. LLM Degree? ☐ Year obtained _____

VI. Work Hours

- A. Average hours per week spent in the practice of law _____

- B. Average hours per week spent in an active trade or business(es) other than the practice of law _____
Explain the nature of such business(es).

WILLS, TRUSTS, AND ESTATES LAW CERTIFICATION

Application Instructions

REFERENCES

(See Exhibit "A")

Rule 6-7.3(c) Peer Review.

The applicant must submit the names and addresses of **5** lawyers who are familiar with the applicant's practice, not including lawyers who currently practice in the applicant's law firm, to complete peer review forms. The board of legal specialization and education and the wills, trusts, and estates certification committee may authorize references from nonlawyers.

Relatives, current associates, partners, a Board of Governors member, a Florida Bar officer, an appeals committee member, BLSE member, certification committee member, or Justice of the Supreme Court of Florida may not provide a statement of reference. In addition, under BLSE Standing Policy 2.10(b), "The BLSE or certification committee may solicit statements of reference from additional lawyers or judges at any time during the application review process."

SUBSTANTIAL INVOLVEMENT

(Exhibit "B")

Rule 6-7.3(b) requires the applicant to demonstrate substantial involvement in the practice of law in estate planning, planning for incapacity, administration of estates and trusts, fiduciary and transfer taxation, probate and trust law, estates and trust litigation, and homestead law during the 5 years immediately preceding the application date, including devoting not less than **40%** of practice to estate planning, planning for incapacity, administration of estates and trusts, fiduciary and transfer taxation, probate and trust law, estates and trust litigation, and homestead law in this state during each of the 2 years immediately preceding application.

The 5-year period of practice is: September 1, 2020 through October 31, 2025.

The 2-year period of practice is: September 1, 2023 through October 31, 2025.

Rule 6-7.3(b) allows service as a judge in the probate division of the circuit court of this state for 6 months or more of a calendar year to satisfy 1 year of substantial involvement.

Rule 6-7.3(b) also allows the receipt of an LL.M. degree in taxation or estate planning and probate or other related fields from an approved law school to substitute for 1 year of substantial involvement, except for the 2 years immediately preceding application.

REAL ESTATE LAW CERTIFICATION

EXHIBIT "B"

SUBSTANTIAL INVOLVEMENT

PLEASE COMPLETE THE FOLLOWING QUESTIONS, AS WELL AS, THE CHART BELOW.

- I. I have devoted a minimum of ____% of my time practicing real estate law, as defined in the instructions page, during each of the three years (as defined in the instructions page) immediately preceding the date of this application.
- II. Of this percentage (as reflected in I. above), ____% is in Florida real estate law.
- III. My practice of real estate law has been in the following areas during each of the three years immediately preceding the date of this application. For purposes of this question, your total real estate law practice must equal 100%.

	Areas of Practice	Year 1	Year 2	Year 3
1.	Residential Real Estate Transactions (including sales and refinancing closings)	%	%	%
2.	Commercial Real Estate Transactions (sales and purchases)	%	%	%
3.	Title Examinations	%	%	%
4.	Residential Leasing and Landlord – Tenant	%	%	%
5.	Commercial Leasing and Landlord – Tenant	%	%	%
6.	Condominiums, Cooperatives, and Homeowner Associations	%	%	%
7.	Interval Ownership	%	%	%
8.	Real Estate Financing and Mortgage Lending	%	%	%
9.	Zoning and Land Use Planning & Regulation	%	%	%
10.	Real Estate Development	%	%	%
11.	Real Estate Litigation	%	%	%
12.	Other* (Provide explanation below)	%	%	%
→TOTAL MUST EQUAL 100% - PLEASE TOTAL UP ALL FIGURES →		%	%	%

*By "Other" I mean:

(Continued on Next Page)

PLEASE NOTE: PAST EXAMS ARE **NOT** AVAILABLE.

**The lines shown below are only for exhibition purposes and are not intended to be representative of your "answer(s)" to the following questions. You may use additional pages and attach to the application, as needed. **

- IV. Explain in detail those areas checked in the chart in Question III which constitute the major areas of your practice. Include the nature of your representation and types of transactions. Attach additional sheets, if necessary, using the same format.

1) Area #: _____

2) Area #: _____

3) Area #: _____

- V. **Summarize how you satisfy the substantial involvement requirement.** Include information concerning the frequency of your work and the nature of the issues involved. Attach additional sheets if necessary.

- VI. Describe in detail **at least three Florida real estate transactions or matters** involving real property rights in which you have had substantial and direct participation. **If possible, discuss three different Florida areas of real estate law.** Attach additional sheets if necessary.

1. _____
2. _____
3. _____

- VII. List all real estate organizations, committees or sections of State Bar Associations, the American Bar Association, local Bar Associations or similar professional groups, on which you have actively served (Include name of organization, nature of service and dates).

- VIII. **The average number of hours that you spend per week in the actual practice of law (i.e., direct case work, representation or counseling. This should not include business promotion or office administration).**

_____ hours per week

- IX. **The average number of hours that you spend per week in an active trade or business(es) other than the practice of law.**

_____ hours per week

REAL ESTATE LAW INITIAL

Application Instructions

REFERENCES

(See Exhibit "A", Pages 1-2)

- I. **Attorney References.** Pursuant to Rule 6-9.3(c), of the Real Estate Law Certification Standards, **you must submit the names and addresses of at least 5 individuals who are familiar with your practice, not including attorneys who currently practice in your law firm, who can attest to your reputation for involvement in Florida real estate law, as well as your character, ethics, and reputation for professionalism. At least 4 of the 5 references must be lawyers or judges and at least 3 lawyer references must be members of The Florida Bar.** The Board of Legal Specialization and Education (BLSE) and the Real Estate Certification Committee (Committee) shall alternatively authorize references from persons, including non-Florida lawyers and judges and persons other than attorneys in such cases as they deem appropriate. The BLSE and the Committee may also make such additional inquiries as they deem appropriate. In addition, under BLSE Standing Policy 2.10(b), "The BLSE or certification committee may solicit statements of reference from additional lawyers or judges at any time during the application review process."
- II. **Additional References.** Please also list the names and addresses of three additional attorneys (other than those listed on Page 1, Exhibit A) who are familiar with you and can attest to your special competence and substantial involvement in real estate law. **Relatives, current associates, or partners, members of the Board of Governors, the BLSE or any certification committee, and Florida Supreme Court Justices may not be submitted as references.**

SUBSTANTIAL INVOLVEMENT INSTRUCTIONS

(See Exhibit "B", Pages 1-2)

Please refer to Exhibit B when answering the questions and chart relating to how you satisfy the substantial involvement requirement set forth in the exhibit. The 3 years immediately preceding the date of application are from **9/1/2022-10/31/2025**. For purposes of the *Areas of Practice* chart in the exhibit, please refer to the following:

- *Year 1* refers to dates **2022-2023**
- *Year 2* refers to dates **2023-2024**
- *Year 3* refers to dates **2024-2025**

Rule 6-9.3(b) of the Real Estate Certification Standards requires an applicant "must have substantial involvement in the practice of real estate law during the 3 years **(9/1/2022-10/31/2025)** immediately preceding the application date sufficient to demonstrate special competence as a real estate lawyer. At least 40 percent of the applicant's practice must have been devoted to matters in which issues of real estate law are significant factors and in which the applicant had substantial and direct participation. The applicant must also demonstrate that the applicant's real estate practice includes experience and involvement with Florida real estate law and transactions."

Rule 6-9.1 states "The purpose of the standards is to identify those lawyers who practice Florida real estate law and have the special knowledge, skills, and proficiency as well as the character, ethics, and reputation for professionalism, to be properly identified to the public as certified real estate lawyers. The practice of Florida real estate law is unique to the State of Florida because of the unique history, geographic features of the state, and the evolution of its constitutional, statutory, and decisional law. **Accordingly, the standards require that lawyers seeking certification demonstrate a degree of practical knowledge and experience in Florida real estate law and transactions**".

CONTINUING LEGAL EDUCATION INSTRUCTIONS

(See Exhibit "C", Page 1)

In accordance with Rule 6-9.3(d): "The applicant must complete 45 hours of continuing legal education approved for credit in real estate law by the board of legal specialization and education during the 3-year period immediately preceding the date of filing an application." These credits must have been earned between **September 1, 2022 and October 31, 2025**.

Attach a current printout reflecting completion of at least the minimum number of hours required to this application. To print a current record of your board certification CLE credits in Real Estate Law, visit www.floridabar.org, log in to your My Florida Bar account, and select "Show More" in the My Board Certifications section. Check "Show All" and select Real Estate Law from the drop-down menu. Select the "Credit History" tab and click the Print icon.

<p style="text-align: center;">CONSTRUCTION LAW CERTIFICATION EXHIBIT "B"</p>

SUBSTANTIAL INVOLVEMENT

Please illustrate your compliance with the substantial involvement requirement by responding to the following:

- A. I have devoted a minimum of _____ % of my time practicing construction law as defined above during the three years immediately preceding the date of this application.
- B. Set forth below is a detailed description of my practice, consistent with the definition of construction law stated above in Rule 6-24.2(a).

-
- C. List all construction law organizations, committees or sections of State Bar Associations, the American Bar Association, Local Bar Associations or similar construction industry professional groups, in which you have actively served. Include the organization's name, nature of service and dates.

-
- D. If you have taught construction law classes at the law school level, delivered lectures on construction law topics at courses sponsored by The Florida Bar or other organizations, and/or had construction law related articles/chapters published in professional journals, please provide dates and details of these activities.
-

CONSTRUCTION LAW CERTIFICATION

Application Instructions

REFERENCES

(See Exhibit "A")

Pursuant to **Rule 6-24.3(c)**, Rules Regulating The Florida Bar, please list below the names and addresses of five (5) attorneys who can attest to your special competence and substantial involvement in the field of construction law, as well as your character, ethics, and reputation for professionalism. The following may not be used as references: current partners or associates, board of governors members, Florida Bar officers, appeals committee members, BLSE members, certification committee members, and Florida Supreme Court Justices.

- I. **Attorney References – must include 5 attorneys.**
- II. **Additional References – please provide 3 additional names of attorneys.**

SUBSTANTIAL INVOLVEMENT

(See Exhibit "B-1" - Page 1)

Pursuant to **Rule 6-24.3(b)**, "The applicant must demonstrate substantial involvement in construction law to become certified as a construction lawyer. The applicant must have at least 5 years of the practice of law, of which at least **40%** has been spent in active participation in construction law where issues of construction law were significant factors and in which the applicant had substantial and direct participation in those construction law issues. The 5-year period of practice is considered to be between **July 1, 2022 and August 31, 2025**. At least 3 years of this practice must be immediately preceding application. The applicant must furnish information concerning the frequency of the applicant's work and the nature of the issues involved. Time devoted to lecturing or authoring books or articles on construction law if the applicant was engaged in the practice of law during that time period."

Rule 6-24.2(a) defines "Construction law" as practice of law dealing with matters relating to the design and construction of improvements on private and public projects including, but not limited to, construction dispute resolution, contract negotiation, preparation, award and administration, lobbying in governmental hearings, oversight and document review, construction lending and insurance, construction licensing, and the analysis and litigation of problems arising out of the Florida Construction Lien Law, section 255.05, Florida Statutes, and the federal Miller Act, 40 U.S.C. §270."

CONDOMINIUM AND PLANNED DEVELOPMENT LAW CERTIFICATION

EXHIBIT "B-1"

SUBSTANTIAL INVOLVEMENT/PRACTICAL EXPERIENCE

Please answer the following questions regarding your practice and practical experience. Check the appropriate box(es) below.

Minimum Standards

I. Minimum Period of Practice.

I ☐ have, ☐ have **not**, been engaged in the practice of condominium and planned development law for at least **five (5) years, as defined in the instructions, immediately preceding** the application date.

II. Substantial Involvement.

I ☐ have, ☐ have **not** been **continuously and substantially** involved in the practice of law, of which at least **40 percent** has been spent in active participation in condominium and planned development law during at least **3 of the 5 years, as defined in the instructions**, immediately preceding the date of this application.

III. Practical Experience

☐ I have practical experience in condominium and planned development law in at least **20 substantive tasks or services** and they were performed on behalf of, or in connection with, community associations and planned developments. Those tasks/services are documented on **Exhibit "B-1"** of this application.

IV. In-house Counsel

I ☐ have, ☐ have **not** served as in-house counsel.

Description of involvement as in-house counsel:

V. Employed by a government agency?

I ☐ have, ☐ have **not** been employed by a government agency.

Description of employment by a government agency:

List examples of Condominium & Planned Development Substantive Tasks/Services: Executing substantial construction matter	Date of Service: 9/2017
Type of Practical Experience – <u>Check all tasks/services below that you performed for this community association or other client.</u> <input checked="" type="checkbox"/> Drafting, reviewing, interpreting, or revising development and governing documents, title instruments and reports, title instruments and reports, title insurance policies, contracts for sale and purchase, and statutory and administrative laws, rules and provisions. <input type="checkbox"/> Drafting financial instruments for developers, lenders, investors, or community associations. <input type="checkbox"/> Planning and drafting project legal structures and entities. <input type="checkbox"/> Dealing with development funds and associated development documents. <input type="checkbox"/> Drafting other project related documents. <input type="checkbox"/> Serving as an arbitrator or counsel for a party in arbitration. <input type="checkbox"/> Serving as a mediator or counsel for a party in mediation. <input type="checkbox"/> Drafting opinion letters. <input type="checkbox"/> Serving as legal counsel at trial, on appeal, or in administrative hearings. <input type="checkbox"/> Representing owners, purchasers, developers, lenders, investors, community associations, governmental agencies, or political subdivisions in matters relating to condominium and planned development law. <input type="checkbox"/> Other Activity Performed not described above (Attach an additional sheet if needed and identify by the number of this account represented):	
Your Role (Lead Counsel, Co-counsel, etc.): Primary Attorney	
Description of Party or Parties Represented (e.g., owners, purchasers, developers, lenders, investors, community associations, governmental entities or political subdivisions): Condominium Association	
Opposing Counsel (if applicable) Name, Mailing and E-mail Address:	
Other Information: Represented condominium association in planning and executing a substantial construction matter, including evaluating approval requirements, differentiating maintenance and alterations, analyzing assessments and borrowing authority and process, evaluating loan terms and repayment options, right of access and incidental damage exposure.	

1.	List examples of Condominium & Planned Development Substantive Tasks/Services:	Date of Service:
<p>Type of Practical Experience – <u>Check all tasks/services below that you performed for this community association or other client.</u></p> <p><input type="checkbox"/> Drafting, reviewing, interpreting, or revising development and governing documents, title instruments and reports, title instruments and reports, title insurance policies, contracts for sale and purchase, and statutory and administrative laws, rules and provisions.</p> <p><input type="checkbox"/> Drafting financial instruments for developers, lenders, investors, or community associations.</p> <p><input type="checkbox"/> Planning and drafting project legal structures and entities.</p> <p><input type="checkbox"/> Dealing with development funds and associated development documents.</p> <p><input type="checkbox"/> Drafting other project related documents.</p> <p><input type="checkbox"/> Serving as an arbitrator or counsel for a party in arbitration.</p> <p><input type="checkbox"/> Serving as a mediator or counsel for a party in mediation.</p> <p><input type="checkbox"/> Drafting opinion letters.</p> <p><input type="checkbox"/> Serving as legal counsel at trial, on appeal, or in administrative hearings.</p> <p><input type="checkbox"/> Representing owners, purchasers, developers, lenders, investors, community associations, governmental agencies, or political subdivisions in matters relating to condominium and planned development law.</p> <p><input type="checkbox"/> Other Activity Performed not described above (Attach an additional sheet if needed and identify by the number of this account represented):</p>		
Your Role (Lead Counsel, Co-counsel, etc.):		
Description of Party or Parties Represented (e.g., owners, purchasers, developers, lenders, investors, community associations, governmental entities or political subdivisions):		
Opposing Counsel (if applicable) Name, Mailing and E-mail Address:		
Other Information:		

<p>CONDOMINIUM AND PLANNED DEVELOPMENT LAW CERTIFICATION EXHIBIT "B-2"</p>
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NARRATIVE DESCRIPTION OF APPLICANT'S LAW PRACTICE

Please submit the statement, typed, double spaced and identified accordingly as: **"Exhibit B-2 – Substantial Involvement – Narrative Description of Law Practice"** with your full name reflected on the document. We thank you for your cooperation.

CONDOMINIUM & PLANNED DEVELOPMENT LAW CERTIFICATION

Application Instructions

REFERENCES

(See Exhibit "A" - Page 1)

- I. **Attorney References.** Pursuant to Rule 6-30.3(b), Rules Regulating The Florida Bar, please list the names and addresses of five **(5)** individuals who are neither relatives nor current associates or partners as references who will attest to your substantial involvement, practical experience, and competence in condominium and planned development law, as well as your character, ethics, and reputation for professionalism in the practice of law. **At least four (4) of the five (5) references must be lawyers or judges and at least three (3) of the lawyer references must be a member of The Florida Bar.** The Condominium and Planned Development Law Certification Committee may, at its option, send reference forms to other lawyers and judges. In addition, under Board of Legal Specialization and Education (BLSE) Standing Policy 2.10(d), "No applicant may submit the name of a board of governors member, a Florida Bar officer, an appeals committee member, BLSE member, certification committee member, or Justice of the Supreme Court of Florida to provide a statement of reference. The BLSE will **not** consider a statement of reference for an applicant from a board of governors member, Florida Bar officer, appeals committee member, BLSE member, certification committee member, or Justice of the Supreme Court of Florida."
- II. **Additional References.** Please also list the names and addresses of three additional attorneys (other than those listed on Page 1, Exhibit A) who are familiar with you and can attest to your special competence and substantial involvement in condominium and planned development law. **Relatives, current associates, or partners, members of the Board of Governors, the BLSE or any certification committee, and Florida Supreme Court Justices may not be submitted as references.**

MINIMUM PERIOD OF PRACTICE

(See Exhibit "B-1" - Page 1)

The applicant must be engaged in the practice of condominium and planned development law for at least five (5) years immediately preceding the application date in accordance with Rule 6- 30.3(a). **The time frame for this application is July 1, 2020, through August 31, 2025.**

SUBSTANTIAL INVOLVEMENT/PRACTICAL EXPERIENCE

(See Exhibit "B-1" – Pages 2-22)

The applicant must demonstrate continuous and substantial involvement in the practice of law, of which at least 40 percent has been spent in active participation in condominium and planned development law during at least **3 of the 5 years. The time frame for this application is July 1, 2020, through August 31, 2025.**

The applicant must provide examples of at least 20 substantive tasks or services performed on behalf of, or in connection with, community associations and planned developments. This portion of the application requires that you demonstrate that you have personally represented clients on complex matters and explain those matters. Furthermore, the tasks you provide should demonstrate substantial involvement, not a

general list of available services. Examples of acceptable areas of experience are listed in the application (see exhibit B-1, page 2).

MINIMUM STANDARDS. Pursuant to Rule 6-30.3, the minimum standards are as follows:

- (a) ***Minimum Period of Practice.*** The applicant must have been engaged in the practice of condominium and planned development law for at least 5 years immediately preceding the date of application. **The timeframe for this application is July 1, 2020 through August 31, 2025.**
- (b) ***Substantial Involvement.*** The applicant must demonstrate continuous and substantial involvement in the practice of law, of which at least 40 percent has been spent in active participation in condominium and planned development law during at least 3 of the 5 years immediately preceding the date of application. **The timeframe for this application is July 1, 2020 through August 31, 2025.**
- (c) ***Practical Experience.*** The applicant must demonstrate substantial practical experience in condominium and planned development law by providing examples of at least 20 substantive tasks or services performed on behalf of, or in connection with, community associations and planned developments, such as:
 - (1) drafting, reviewing, interpreting, or revising development and governing documents, title instruments and reports, title insurance policies, contracts for sale and purchase, and statutory and administrative laws, rules, and provisions;
 - (2) drafting, reviewing, interpreting or revising financing instruments for developers, lenders, investors, or community associations;
 - (3) planning and drafting project legal structures and entities;
 - (4) dealing with development funds and associated development documents;
 - (5) drafting other project related documents;
 - (6) serving as an arbitrator or counsel for a party in arbitration;
 - (7) serving as a mediator or counsel for a party in mediation;
 - (8) drafting opinion letters;
 - (9) serving as legal counsel at a trial, on appeal, or in administrative hearings;
 - (10) representing owners, purchasers, developers, lenders, investors, community associations, governmental agencies, or political subdivisions in matters relating to condominium and planned development law; or
 - (11) any other activity deemed appropriate by the condominium and planned development law certification committee.

The applicant must also describe, through examples or narrative, the applicant's law practice of representing community associations, developers, lenders, investors, or owners in matters involving condominium and planned development law during the 5-year period preceding the date of application. The examples or narrative must include the approximate number and type of clients the applicant has

represented during the 5-year period. Consideration will be given to applicants who have served as in-house counsel or who have been employed by governmental agencies.

DEFINITIONS. Pursuant to Rule 6-30.2:

(a) Community Association and Planned Development. A “community association” is a corporation for profit or not-for-profit that is engaged in the management and operation of common interest real property, which typically includes:

- (1) associations for condominiums, homeowners, property owners, and mobile homes;
- (2) associations governing communities or properties which may be related to residential, commercial, other non-residential communities or properties;
- (3) cooperatives;
- (4) recreational organizations such as a golf or tennis clubs; and
- (5) voluntary organizations that are incorporated or not incorporated.

A “planned development” is real property in Florida that consists of or will consist of separately owned areas, lots, parcels, units, or interests together with common or shared elements or interests in real property, or where the separately owned areas, lots, parcels, units, or interests are subject to common restrictive covenants or are governed by a community association.

(b) Condominium and Planned Development Law. “Condominium and planned development law” is the practice of law that involves:

- (1) serving as counsel to community associations, property owners, community association members, sellers, purchasers, developers, lenders, governmental agencies, and investors in matters related to community associations and planned developments;
- (2) drafting governing documents or their amendments, and preparing filings with governmental agencies that regulate community associations or planned developments;
- (3) serving in or for governmental agencies which regulate community associations or planned developments;
- (4) representing parties in construction lien and defect claims, collection of assessment actions, governing document and community association statutory enforcement and dispute actions, and other litigation, arbitration, and mediation in matters relating to community associations or planned developments; and
- (5) planning, development, construction, and financing of condominium or planned development communities.

(c) Practice of Law. The “practice of law” for this area is set out in rule 6-3.5(c)(1).

NARRATIVE DESCRIPTION OF APPLICANT'S LAW PRACTICE

(See Exhibit "B-2" - Page 1)

Rule 6-30.3(a) states, "The applicant must also describe, through examples or narrative, the applicant's law practice of representing community associations, developers, lenders, investors, or owners in matters involving condominium and planned development law during the **5-year period** preceding the date of application. The examples or narrative must include the approximate number and type of clients the applicant has represented during the 5-year period. Consideration will be given to applicants who have served as in-house counsel or who have been employed by governmental agencies."

The Committee would like a narrative from each applicant regarding their substantial involvement. Although the rule does not specify a set amount of the length of the narrative, the Committee would anticipate that each applicant would provide a detailed, in-depth explanation of their practice during this time. Coupled with the "examples of 20 substantive tasks or services", the Committee will consider your entire background in this area when reviewing your application when making a decision on whether or not you meet all of the minimum requirements.

The 5-year period started on July 1, 2020 and will conclude on August 31, 2025.

Please submit the statement, typed, double spaced and identified accordingly as: **"Exhibit B-2 – Substantial Involvement – Narrative Description of Law Practice"** with your full name reflected on the document. We thank you for your cooperation.

CLE INSTRUCTIONS

(See Exhibit "C" - Page 1)

In accordance with **Rule 6.30.3(c)**, all applicants must demonstrate the completion of at least 50 credit hours of approved continuing legal education (CLE) credits in Condominium and Planned Development law during the 3-year period immediately preceding the date of application. These credits must have been earned between **July 1, 2022 and August 31, 2025**.

Attach a current printout reflecting completion of at least the minimum number of hours required to this application. To print a current record of your board certification CLE credits in condominium and planned development law, visit www.floridabar.org, log in to your My Florida Bar account, and select "Show More" in the My Board Certifications section. Check "Show All" and select Condominium and Planned Development law from the drop-down menu. Select the "Credit History" tab and click the Print icon.

<u>Board Cert</u>	<u>Min Years of Practice</u>	<u>Peer Review</u>	<u>Education (CLE hours)</u>	<u>Recert Education (CLE hours)</u>	<u>Recert CLE Hours within?</u>
Insurance Coverage Law (as of 12/30/2024 DRAFT of Standards by DSC)	7	5 lawyers (3/5 lawyers, 3/4 FL Bar) The applicant must submit the names and addresses of 5 lawyers or judges who are neither relatives nor current associates or partners as references to attest to the applicant's substantial involvement, practical experience, and competence in Insurance Coverage Law, as well as the applicant's character, ethics, and reputation for professionalism in the practice of law. At least 3 of the 5 references must be members of The Florida Bar. The Insurance Coverage Law Board Certification Committee may, at its option, send reference forms to other lawyers and judges. The board of legal specialization and education or the Insurance Coverage Law Board Certification Committee may authorize references from nonlawyers.	50	75	since filing of the last application for certification or recertification (5 years)
Civil Trial	5	6 lawyers (1/6 FL judge)	50	50	
Tax	5	5 lawyers	90	125	125 since filing of last application for certification or recertification (5 years)
Family	5	6 lawyers (3/6 FL) + 3 FL Cir judges	75	75	
Wills and Trust	5	5 lawyers	90	125	125 since filing of last application for certification or recertification (5 years)
Crim Law	5	4 lawyers + 2 judges	45	50	
Crim App	5	4 lawyers + 2 judges	45	50	
Real Estate	5	5 individuals (4/5 lawyers, 3/4 FL Bar) The applicant must submit the names and addresses of 5 individuals to complete peer review forms. At least 4 of the 5 references must be lawyers or judges and at least 3 of the lawyer references must be members of The Florida Bar. The board of legal specialization and education and the real estate certification committee may authorize references from non-Florida lawyers, judges, and nonlawyers.	45	75	
Workers' comp	5	5 lawyers (1/5 judge)	45	75	
Appellate	5	4 lawyers + 2 judges	45	50	
Health	5	5 lawyers or judges	60	100	100 since filing of last application for certification or recertification (5 years)
Immigration	5	5 lawyers (1/5 bd cert)	50	100	100 but 40 during the 3 year period immediately preceding the application date
Business Litigation	5	5 lawyers (1/5 judge)	50	50	
Admiralty and Maritime	5	5 lawyers (2/5 bd cert)	50	55	
City, Co, Local Gov't	5	5 lawyers	60	60	
Aviation	5	5 lawyers or judges	60	60	
Elder Law	5	5 lawyers	60	125	125 since filing of last application for certification or recertification (5 years)
International Law	5	5 lawyers or judges	60	75	
Labor and Employment	5	6 lawyers (1/6 judge, arbi, mediator)	60	75	
Construction Law	5	5 lawyers or judges	45	75	
State and Fed Gov't and Admin	5	5 individuals (4/5 lawyers, 1/4 judge) The applicant must submit the names and addresses of 5 individuals, at least 4 of whom are lawyers and 1 of whom is a federal, state, or administrative law judge before whom the applicant has appeared within the 5 years immediately preceding application to complete peer review forms. Individuals who currently practice in the applicant's law firm or government entity may not be used as references. ... In all cases, at least 2 of the lawyer references must be members of The Florida Bar. The board of legal specialization and education and the state and federal government and administrative practice certification committee may authorize references from nonlawyers.	50	90	
Intellectual Property	5	6 lawyers or judges	45	50	

Education	5	5 individuals (4/5 lawyers, 1/4 judge) The applicant must submit the names and addresses of 5 individuals, at least 4 of whom are lawyers and 1 of whom is a federal, state, or administrative law judge before whom the applicant has appeared within the past 5 years preceding the application date to complete peer review forms. The applicant may provide the name and address of the head of an educational institution (or a member of a collegiate body that serves as the head of the educational institution) in lieu of a judicial reference if the applicant has advised or appeared before that person within the 5-year period preceding the application date. The lawyer references must be members of The Florida Bar and may not be persons who practice currently in the applicant's law firm nor employed in the same law department at the same educational institution as the applicant at the time the application is filed. The board of legal specialization and education and the education law certification committee may authorize references from nonlawyers.	50	90	
Adoption	5	6 lawyers (3/6 FL Bar) + 2 judges	30	50	
Juvenile	5	6 lawyers (4/6 FL Bar) + 1 judge	50	50	
Condo	5	5 individuals (4/5 lawyers, 3/4 FL Bar) The applicant must submit the names and addresses of 5 individuals who are neither relatives nor current associates or partners to complete peer review forms. At least 4 of the 5 references must be lawyers or judges and at least 3 of the lawyer references must be members of The Florida Bar	50	75	
Int'l Litigation and Arb	5	5 lawyers or judges	50	50	

Description	Credits	Materials	Pricing
An advanced level course for real estate practitioners, both for those taking the Real Property Certification Examination and for those who want to hear and see distinguished speakers present on a variety of real estate topics.			
Category: Real Property, Probate and Trust Law, Condominium Law, Construction Law			
Introduction <i>Lloyd Granet, Boca Raton</i>			
Tenancies and Conveyances 2025 <i>Jennifer S. Tobin, Orlando</i>			
Tax Liens and Tax Deeds New Investment Strategies <i>Robert G. Stern, Tampa</i>			
Title Insurance <i>Laura M. Licastro, Maitland</i>			
Mortgage Foreclosure <i>Richard S. McIver, Tampa</i>			
Advanced Commercial Real Estate Finance <i>Margaret A. Rolando, Miami</i>			
Comments on Exam From Committee Chair <i>Rebecca Wood, Gainesville</i> <i>Stephanie Emrick, Gainesville</i>			
Ethics and Technology in the Practice of Real Estate Law <i>Jason M. Ellison, St. Petersburg</i>			
FAR/BAR Contract and Closing Procedures <i>Raul A. Ballaga, Miami</i> <i>Brian W. Hoffman, Pensacola</i>			
Construction Lien Law <i>Lee A. Weintraub, Fort Lauderdale</i>			
Environmental Issues <i>Fredrick L. Aschauer, Tallahassee</i>			
Marketable Record Title Act & Curative Statutes <i>Melissa S. Scaletta, Orlando</i>			
Recording Statute and Priority <i>Martin S. Awerbach, Clearwater</i>			
Documentary Stamp Taxes - The Basics <i>E. Burt Bruton, Miami</i>			
Case Law and Statutory Update <i>Manuel Farach, West Palm Beach</i>			
Homestead <i>Benjamin Jepson, Naples</i>			
Florida Landlord Tenant Law <i>Brenda B. Ezell, Jacksonville</i>			
Legal Descriptions, Survey Law, Easements, Dedication and Boundary Litigation <i>Richard W. Taylor, Deland</i>			
Florida Business Entities; What's Important to Know When Working with Entities in Real Estate Transactions <i>James Marx, Miami</i>			
Florida Homeowners' Associations <i>Michael J. Gelfand, West Palm Beach</i>			
Condominiums and Condominium Associations <i>William P. Sklar, Tallahassee</i>			

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Using Charging Liens and
Retaining Liens to Secure



(Downloadable Podcast)
44th Annual Legislative &
Case Law Update Seminar



(Online Seminar (On-
Demand))
Survey of Florida Law
2024



(Online Seminar (On-
Demand))
NAR Lawsuits Part II:
Updated Forms and Real

Description	Credits	Materials	Pricing
<p>This course is a survey of Florida construction law, designed to provide support and assistance to those who are planning to take the Construction Law Certification examination. It is also designed for those not taking the exam, but wanting a survey of all aspects of Florida construction law.</p>			
<div> Category: Real Property, Probate and Trust Law, Construction Law </div>			
Opening Remarks <i>Scott Pence</i>			
Introduction by Exam Certification Chairs Bruce Alexander Dara Lundquist			
Construction Contracts <i>Scott Pence</i>			
AIA Form Contract Documents <i>Sanjay Kurian</i> <i>Scott Pence</i>			
Licensing <i>Chris Cobb</i>			
Administrative Procedure Act <i>Bill Cea</i>			
Procurement: Substance and Procedure <i>Alex Williams</i>			
Difference Between Public and Private Projects and Prompt Payment Laws <i>Aaron Reichelson</i>			
Remarks <i>Scott Pence</i>			
Florida Construction Lien Law <i>Lee Weintraub</i>			
Suretyship: F.S. 255.05, Miller Act, and Other Bonds <i>Gary Stein</i> <i>Mike Rune</i>			
Insurance <i>Reed Grimm</i>			
Design Liability <i>Elizabeth Ferguson</i>			
Construction Lending <i>Ralf Rodriguez</i>			
Alternative Dispute Resolution <i>Deb Mastin</i> <i>Leslie O'Neal</i>			
Remarks <i>Scott Pence</i>			
Ethics <i>Mindy Gentile</i>			
Chapter 558 <i>Tyler R. Bennion</i>			
Condominium and Homeowners Association <i>Barry Ansbacher</i>			
Theories of Recovery and Causes of Action; Damages and Remedies <i>Michael Childers</i>			

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Advanced Condominium and Planned Development Law Certification Review Course 2025

Credit(s): 14.5 CLE
CE Course Approval Period: Jan 22, 2025 - Jul 31, 2026
Course Number: 8739
Original Program Date: January 23, 2025
Duration: 11 hours 53 minutes
Access: Available for 90 days after Registration
(02/27/2026)

Online Seminar (On-Demand)

\$560.00

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Downloadable Podcast

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Description	Credits	Faculty	Materials	Pricing
Opening Remarks <i>Christene Ertl, St. Augustine</i> <i>Alessandra Stivelman, Hollywood</i>				Category: Real Property, Probate and Trust Law, Condominium Law
Association Collections and Foreclosures & Fair Debt Collection <i>Alan Schwartzseid, Maitland</i>				
Association Litigation – Construction Defect, Contract Cancellation & Developer Funding; Turnover and Control Issues <i>Patrick Howell, Orlando</i>				
Condominium Terminations <i>Alexander Dobrev, Orlando</i>				
Project Documents – A Developer Attorneys’ Guide to Federal Laws (ILSA and Federal Underwriting Guidelines) <i>Ben Wilson, Viera</i>				
Structuring Mixed Projects and When to Use Shared Components/Shared Facilities <i>Peggy Rolando, Miami</i> <i>Martin Schwartz, Miami</i>				
Bureau of Standards and Registration – The Division’s Role in the Creation of the Condominium and Sale of Units/Developer Filings <i>Robert Caves, Fort Meyers</i>				
Board of Legal Specialization and/or Condominium and Planned Development Law Certification Committee (Exam Committee) - Exam Components and Grading Processes				
Building Inspections, Reserves, and Financing Issues (including borrowing) <i>Carolina Sheir, Hollywood</i>				
Fair Housing Laws Impacting Associations and Community Association Practitioners <i>Alessandra Stivelman, Hollywood</i>				
Remarks <i>Christene Ertl, St. Augustine</i> <i>Alessandra Stivelman, Hollywood</i>				
Top 20 “Need to Know” Cases Including Substantive and Ethical Implications of These Cases in Practice <i>Michael J. Gelfand, West Palm Beach</i>				
Intellectual Property Issues related to Community Associations <i>Michele Moss, Orlando</i>				
Amending the Governing Documents and the Impact of Statutory Changes on Governing Documents, including Retroactive Impairment <i>Michael Kassower, Plantation</i>				
Representing the Association Client (Day to Day Operations and Issues) <i>Steven H. Mezer, Tampa</i>				
Tales from Exam				
MRTA and Riparian Rights (Docks & Boat Slips) <i>Christene Ertl, St. Augustine</i>				
Keeping the Peace – Covenant Enforcement <i>Jonathan S. Goldstein, Miami</i>				

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A Primer on Special Districts



(Online Seminar (On-Demand))



2025 Wills, Trusts & Estates Certification Review Course

Credit(s): 17 CLE
CE Course Approval Period: Feb 21, 2025 - Aug 30, 2026
Course Number: 8740
Original Program Date: February 21, 2025
Duration: 14 hours 41 minutes
Access: Available for 90 days after Registration (02/27/2026)

Downloadable Podcast

\$585.00

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Also Available As...

Online Seminar (On-Demand)

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Description	Credits	Materials	Pricing
<p>The 2025 Wills, Trusts & Estates Certification Review Course will benefit all trusts and estates practitioners, whether preparing to take the Wills, Trusts & Estates Certification Exam or seeking a practical, in-depth, and up-to-date refresher course covering current issues in estate planning, transfer tax planning, probate and trust administration, fiduciary litigation, and related topics. Over the course of two days, the instructors in this advanced-level seminar will share their extensive legal knowledge and experience with attendees. As an added benefit, a member of The Florida Bar Wills, Trusts & Estates Certification Committee will speak about the 2025 exam. The detailed course materials will serve as a helpful resource while studying for the certification exam and in attendees' day-to-day legal practice.</p>			
Category: Real Property, Probate and Trust Law, Wills, Trusts and Estates			
Introduction and Welcome <i>J. Allison Archbold, Sarasota</i>			
Estate and Gift Tax - Part I <i>Lester B. Law, Naples</i>			
Estate and Gift Tax - Part II <i>Lester B. Law, Naples</i>			
Retirement Planning <i>Rachel Nicole Barlow, St. Petersburg</i>			
Spousal Rights, Intestacy and Elective Share <i>Rachel Albritton Lunsford, Tampa</i>			
Florida Uniform Fiduciary Income and Principal Act <i>Jolyon Delphin Acosta, Tampa</i>			
Fiduciary Litigation <i>J. Richard Caskey, Tampa</i>			
Community Property <i>M. Travis Hayes, Naples</i>			
Joint Tenancy <i>Joseph Mario Percopo, Orlando</i>			
Florida Probate Practice & Procedure <i>M. Travis Hayes, Naples</i>			
Florida Homestead <i>Jeffrey A. Baskies, Boca Raton</i>			
Lunch/Certification Exam Information with Q&A <i>Anthony P. Guettler, Vero Beach</i>			
An Overview of the Florida Trust Code <i>Yoshimi O. Smith, Boca Raton</i>			
Income Taxation of Trusts & Estates <i>William Albert Snyder, Davie</i>			
Grantor Trusts <i>William Albert Snyder, Davie</i>			

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(Downloadable Podcast)
Death, Taxes, and Asset
Protection Planning:
Because 'Hide It Under



(Downloadable Podcast)
2025 Annual Technology
Symposium Part 1