

REAL ESTATE LEASING COMMITTEE

DATE: Friday, October 21st, from 10-10:30 am. **Rescheduled from Thursday, October 6, 2016;**

CALL-IN INFORMATION: The call-in information is as follows:

Access Dial In: 1-888-376-5050 Conference Code: 5521424575#

MEETING AGENDA:

1. WELCOME AND INTRODUCTIONS:

Rick Eckhard, Chair

Brenda Ezell, Vice Chair

Christopher A. Sajdera, Secretary

Committees:

Residential/Litigation: Lanie Simon, Chair

Legislation: Arlene Udick, Chair

2. APPROVAL OF PRIOR MINUTES

3. CHAIR'S REPORT:

A. Continuing Legal Education

Report on status of Law for a Lawyer's Own Business 4-part CLE.

B. Legislative Report

4. CURRENT BUSINESS

5. PROBLEM STUDIES PRESENTATION: Report on the status regarding revisions to the unlawful detainer law.

6. CASE DISCUSSION/OPEN FORUM: (Time permitting)

7. FUTURE MEETING: Thursday, December 8, 2016. The Westin, Key West, FL

8. ADJOURN

REAL ESTATE LEASING COMMITTEE
The Florida Bar – Real Property, Probate and Trust Law Section
Meeting Minutes – July 28, 2016

TO: All Real Estate Leasing Committee Members

FROM: Rick Eckhard, Chair and Brenda Ezell, Vice Chair

RE: Thursday, July 28, 2016, 2:00-3:00 P.M, Meeting Minutes

LOCATION: Gulfstream 5, Breakers, Palm Beach, FL

1. **WELCOME AND INTRODUCTIONS:** Chair, Rick Eckhard, convened the meeting at 2:06 pm and welcomed the Committee members.
2. **APPROVAL OF PRIOR MINUTES:** Lloyd Granet moved to approve the minutes, and it was seconded by Vice Chair, Brenda Ezell. The Motion passed unanimously.
3. **CHAIR'S REPORT:** Chair, Rick Eckhard reported on the status of Law for a Lawyer's Own Business 4-part CLE. The fourth segment is scheduled for August 10, 2016. The topics include Letters of Intent and problems to identify in a lease. A link will be sent out on the List Serve, as well as information to purchase a DVD. All recorded segments will be available for purchase. The Lunch and Learn CLEs have been well received. The Section expects significant sales of the CLE series.
4. **CONTINUATION OF PROBLEM STUDIES PRESENTATION:** Anthony Horky and Daniel Carusi continued the discussion on the amendments to the ejection and detainer statute.

Anthony started the discussion referencing a prior white paper on Chapter 82 from 2013 focusing on non-traditional remedies, unlawful retainer and ejectment matters. Some of the big changes are to change the definition of property, and the subsection on remedies. Discussions were had among committee members.

Next, F.S. 82.08 discusses transients, and unclear why it is inserted in chapter 82. There has been much debate and there is a consensus on the Real Estate Problems Study Committee that it did not belong in chapter 82. However, the Problem Study Committee decided to leave it so that to focus on modernizing the chapter. In evaluating F.S. 82.08, Dan discussed troubles getting the sheriff to remove someone from the property. There is no past remedy to remove someone if defendant took possession peacefully as the Court normally refuses to grant detainer. Marty appearing by phone from Tampa expressed a concern about a lack of notice. Discussion was had about sending adverse notice to occupants. Anthony explained that the Real Estate Problems Study Committee decided to include language on not providing notice. There were issues discussed about possible probate issues or unwanted family members. There was concern about the destruction of property due to the providing of notice.

An issue was raised by Lloyd Granet about the definition of person in the unlawful detention statute, and discussed the rights of co-tenants, the extension of certain rights, and whether the definition extends certain rights of possession to a party who does not possess the property. A long discussion was had. Rob Friedman suggested that this issue should be flushed out because the proposed legislation will not be on the agenda until

2017. Chair Rick Eckhard proposed a Real Estate Sub Committee to jointly review the statute (with either Real Estate Problems Study Committee or separately). Lloyd Granet feels that it is not necessary for the subcommittee, and Chair Rick Eckhard agreed and instead recommended that his notes and comments should instead be reviewed at the Real Estate Problems Study Committee. Marty suggested the comments should be circulated. Rick agreed and then will be reported to the Real Estate Problems Study Committee.

5. **NEW BUSINESS:** At the December meeting in Key West, John Neukamm will speak about equitable conversion when a tenant agrees to buy property from a landlord.
6. **FUTURE MEETING:** Thursday, October 6, 2016; 3:30-5:00p.m.
The Walt Disney World BoardWalk Inn
Lake Buena Vista, FL
7. **ADJOURN:** The meeting adjourned at 2:58 pm.