

REAL ESTATE LEASING COMMITTEE
The Florida Bar – Real Property, Probate and Trust law Section
Meeting Minutes – June 27, 2017

TO: All Real Estate Leasing Committee Members

FROM: Rick Eckhard, Chair

RE: Minutes From Thursday, July 27, 2017, from 2:00pm - 3:00pm

LOCATION: Gulfstream I, The Breakers, Palm Beach, FL

1. WELCOME AND INTRODUCTIONS:

Vice-Chair, Christopher Sajdera convened the meeting at 2:09pm and welcomed the Committee members. Chair, Rick Eckhard, appearing by phone, also welcomed the members to another year of the Real Estate Leasing Committee.

2. APPROVAL OF PRIOR MINUTES:

Lloyd Granet moved to approve the minutes and was seconded by Bob Schwartz. The Motion passed unanimously.

3. CHAIR'S REPORT AND CLE DISCUSSION:

Chair Eckhard began the discussion on the proposed medical marijuana CLE and raised other CLE topics and speakers. It was discussed what the general focus of the Committee is, and identified the need to plan for the year in discussing possible CLE topics and speakers. For the medical marijuana CLE, Rob Friedman suggested a webinar series, and engaging Steve Mezer in selecting dates. A discussion was then had about possible topics for the following year:

1. WEBNAR CLE--Mock negotiation with Restaurant counsel and leasing counsel-- Ashley Mcrae and Kathryn Oberto (**Tentatively scheduled for January 2018**);

2. Changes in culture and technological changes;
3. Seminar on identifying other CAMs and how the costs are calculated;
4. Commercial and industrial leases—ground leasing v. space leasing;
5. The effect of technology on real estate;
6. Service animal topics;
7. Discussion on security deposit claims and how the statute applies; and
8. Early termination.

Following the discussion, certain subcommittees will be or were tentatively formed:

1. Security deposit and early termination—Mike Tobin, Karrie Wright, Chris Sajdera
2. Restaurant Leasing— Ashley McCrae, Arlene Udick, Rick Eckhard
3. Cell Tower leasing—SBA –Manny Farach, Arlene Udick, and Christy (no more than 3 persons)
4. Case Law update—Vice-Chair, Brenda Ezell, Gael Berirp

4. DISCUSSION OF LEGISLATIVE INITIATIVES

Legislative Liaison, Arlene Udick, discussed zoning issues for cell towers, and having a subcommittee to look into this issue, who will compromise of Arlene and Chirsty. Other legislative issues discussed:

1. Taxation legislation—reduction on tax of commercial leasing;
2. Tax cap on non-homestead property, and if it is not addressed, the tax cap will expire, and,
3. Vacation rentals—rent a homestead for 30 days.

5. Meeting Adjourned at 3:10pm.

REAL ESTATE LEASING COMMITTEE

DATE: Thursday, December 7, 2017, from 3:00-5:00 pm at Ritz Carlton in Naples, FL, Room: Boardroom

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, Vice Chair

2. APPROVAL OF PRIOR MINUTES

3. CHAIR'S REPORT

4. DISCUSSION OF CLE TOPICS AND SUBCOMMITTEES

5. DISCUSSION OF LEGISLATIVE INITIATIVES—Arlene Udick, Legislative Liaison

6. DISCUSSION:

- a. Tyler Hudson of Holland & Knight will speak on basic issues of due diligence applicable to all leases.
- b. Meredith Delcamp will present a CLE at the Commercial Real Estate Committee in Naples at 1:30, December 9th, dealing with condemnation clauses in leases and contracts. Much of the presentation will focus on Leasing (most litigation deals with the lease provisions, not contracts for purchase).

7. DISCUSSION OF A CURRENT COURT DECISION - Brenda Ezell, Vice Chair

8. CURRENT BUSINESS

9. FUTURE MEETING: February 21-25, 2018, Casa Monica Hotel, St. August

10. ADJOURN