

Legislation Approval and Education Process

This memorandum sets forth the Legislation Approval and Education Process for the RPPTL Section of the Florida Bar. This process is intended to improve the work product produced and submitted by our subcommittees, reduce the number of corrective “glitch” bills, avoid legislative redrafting that inadvertently changes a proposal’s effect, and to encourage collaboration among the Divisions of the RPPTL Section on legislative initiatives. It is not intended to create a new level of substantive review by the Legislative Committee.

Each RPPTL substantive committee Chair will select one or more of the appointed Vice Chairs of the substantive committee as “Vice Chair(s) of Legislation”. The Vice Chair of Legislation will assist with all bill drafting by their respective committees and will regularly update the Legislation Committee on the status of each committee’s legislative projects.

The Legislation Committee will be tasked with educating the substantive Committee Chairs and Vice Chairs of Legislation for each substantive committee on the: (a) applicable elements of the current House bill drafting guide for the text and format of legislation; (b) time deadlines to have proposed legislation approved by the committee and ultimately the Executive Council; and (c) the necessity for clear and concise white papers and legislation position request forms. Further, the Legislative Committee will educate the Chairs and Vice Chairs on effective approaches for facilitating discussion on legislation and best practices for structuring debate on legislative initiatives.

When a substantive committee has determined that new legislation is needed and has fully vetted the policy rationale underlying the proposed legislation, the Vice Chair of Legislation for the substantive committee shall be responsible for ensuring the proper preparation, including final proofing and editing, of the proposal consisting of a white paper and proposed bill text so that each document is technically sound and internally consistent. Once these documents are prepared, the Chair of the proponent committee shall review, approve and refer the proposal to the Legislation Committee for editorial review before the proposal is approved by final vote of the substantive committee. The proposal must be referred to the Legislation Committee no later than 45 days before the substantive committee is scheduled to vote on the proposal unless the appropriate Division Director determines that circumstances otherwise warrant expedited consideration.

The Chair and Vice Chair of Legislation for the proponent committee will participate in the review by the Legislation Committee to provide context, history and the policy rationale behind the proposed text to the extent not evident in the white paper. The Legislation Committee will work with its Legislative Reporters (currently Susan Spurgeon and Mike Bedke for Real Estate and Sarah Butters and Dresden Brunner for Probate/Trust) to edit the text to assure compliance with the House bill drafting guidelines and provide a “fresh set of eyes”. The Legislation Committee will then forward the text to the Division Directors of the RPPTL Section and, in consultation with the Division Directors, all Section committees whose areas of substantive law

may be impacted by the legislation. The Legislation Committee will work with the applicable Vice Chair of Legislation to integrate the beneficial responses into the proposal documents.

After the proposed bill text and white paper are approved by the Chairs of the Legislation Committee, the proposed bill text and white paper will be referred back to the proponent committee. The proposed bill text and white paper may then be vetted and voted on by the proponent Committee.

If the proponent Committee makes changes to either the bill text or white paper, the proposed documents will be referred back to the Legislative Committee for further action consistent with the goals and objectives described in this memorandum. The Legislative Committee, in consultation with the appropriate Division Director, will notify the chair of the proponent Committee of any additional steps required to be taken as a result of the changes and the timing associated with such steps.

The failure to follow the procedures and timeframes set forth above may cause a delay in Executive Council consideration of the proposal or require that the proposal be referred back to the proponent committee. The Division Director for the substantive Committee may adjust these procedures if exigent circumstances warrant.

WPB_ACTIVE 5749361.1