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FLORIDA PROBATE RULES COMMITTEE**THE FLORIDA BAR****MINUTES OF THE MEETING****Date: September 13, 2012****Time: 12:30 pm – 2:00 pm****Location: Ritz Carlton Hotel/ Key Biscayne, Florida****I. Call To Order.**

Committee Chair, James R. George, called the meeting to order at 12:35 p.m.

II. Administrative Matters and Announcements.

- A. Circulate Roster.
- B. Appoint Secretary: Tattiana Brenes-Stahl was appointed as secretary.
- C. Welcome and introduction of members and guests.
- D. The following 29 members were in attendance:

Name	Method of Attendance
James R. George, Chair	In person
David C. Brennan, Vice Chair	In person
Marsha G. Madorsky, Vice Chair	In person
Frank T. Adams	In person
Tattiana Brenes-Stahl	In person
Cindy Campbell	By telephone
John Richard Caskey	In person
Mary Lou Cuellar-Stilo	By telephone
Wendy Ennis-Voley	By telephone
Jonathan A. Galler	By telephone
David Howard Goldberg	In person
Michael Travis Hayes	In person
Jaimee Bier Henbest	By telephone
Lesley S. Hogan	In person
Patrick T. Hogan	By telephone

Name	Method of Attendance
Roger O. Isphording	In person
Charles H. Johnson	In person
Sean W. Kelley	In person
Robert J. Kline	By telephone
Keith S. Kromash	In person
Theodore S. Kypreos	By telephone
John C. Moran	In person
Adrienne F. Promoff	In person
Jon Scuderi	In person
Michael P. Stafford	In person
Tieesha Necole Taylor	By telephone
Sydney S. Traum	By telephone
Eric Virgil	In person
Scott A. Weiss	By telephone

Heather Telfer, the new liaison for the Probate Rules Committee from The Florida Bar, was also present.

D. Subcommittee C – Marsha Madorsky, Chair

1. Possible revisions to Rule 5.560 and 5.590 regarding transfers of guardianships

Marsha Madorsky reported on behalf of the subcommittee that we are charged with what was started last year in deciding whether the Probate Rules need to be clarified to exempt certain provisions (below) from the Minimization Rules.

Rule 2.425(a)(1) and (2)

The principal inconsistencies between the probate rules and the Minimization Rule are the identification of minors and the use of the full date of birth. Rule 4.250(a)(1) and (2) requires that a minor be identified by initials and that only the year of birth is permitted.

Rule 2.425(a)(3)

Rule 2.425(a)(3) precludes the filing of any portion of a person's social security number, bank account number, credit card account number, charge account number or debit account number.

Rule	Proposed Change	Comment	Yes/No
Rule 5.120(b)(1) Administrator Ad	Require only Initials and		Approved

Rule	Proposed Change	Comment	Yes/No
Litem and Guardian Ad Litem - Requires the name, residence address and date of birth of a minor.	year of birth of minors		
Rule 5.200(c) Petition for Administration - Requires the names and dates of birth of minors.	Require only Initials and year of birth of minors	<p>Comment: David Goldberg asked what happens if someone was a minor at the time of the petition and then becomes an adult? Marsha explained that what is important is whether the person was a minor as of the date of the petition. Everyone agrees to include the date of birth. John Moran, opined he sees no harm to putting the full name of the minor. It helps to have a record of who the beneficiaries are.</p> <p>Adrian: cause of concern in Miami-Dade to protect children who may be receiving money.</p> <p>James George reminded us that the Supreme Court adopted the Minimization. They expect us to make the changes if appropriate only.</p> <p>Sean Kelley joined with John in his opinion that the full name of the minor should appear.</p> <p>Marsha Madorsky: as a minor, you will have someone else acting on your behalf anyway.</p>	Full approval of year of birth Initials only approved (with 2 opposed)
Rule 5.210(a)(3) Probate of Wills Without Administration - Requires the names and dates of birth of minors.	Require only Initials and year of birth of minors	Eric Virgil opined he was persuaded by John's and Sean's comment on the previous rule	Sean Kelley moved to amend to require full name of the minor (all in favor) Require Full name and year of birth of minors
Rule 5.385(b)(3) Determination of	Sub-Committee		All in favor of requiring the

Rule	Proposed Change	Comment	Yes/No
Beneficiaries and Shares - Requires the names of minors.	believed no change necessary		names of minors.
Rule 5.405(b)(3) Proceedings to Determine Protected Homestead Real Property - Requires the names and dates of birth of the decedent's lineal descendants.	Sub-Committee took out lineal (a lineal descendant is a descendant) Added: identification of those who were minors as of the decedent's date of death	Questions: what does identification mean? For homestead, what matters is whether the person was a minor as of the date of birth. Order would say, "he/she had minor children as of date of birth." Sean: Do we care only that the person had minor children so a statement saying that would suffice	And names of decedent's surviving descendants a statement of whether the decedent had any minor children at the time of his/her death
Rule 5.406(b)(2) Proceedings to Determine Exempt Property - Requires the names and dates of birth of minors.	Kept entire name of the children because it confers a property right but left only year of birth		
Rule 5.407(b)(1) Proceedings to Determine Family Allowance - Requires the names and addresses of decedent's lineal heirs who were being supported by the decedent or who were entitled to be supported by the decedent at the time of the decedent's death, stating dates of birth of those who	Initials and address of the minors. Took out name of the minors	Initially, no comment was received but then when discussing Petition to Determine Incapacity, Sean Kelley asked if we are worried about minors, is the address of a minor relevant? A discussion ensued but no action was taken regarding the address	Approved

Rule	Proposed Change	Comment	Yes/No
were minors			
Rule 5.550 Petition to Determine Incapacity-- requires the names, relationships, and addresses of next of kin, specifying dates of birth of any who are minors	Initials and year of birth of minors	<p>Comment was received that we need to know where the children are.</p> <p>Examining committee should know where the children are</p> <p>Jim George: Not sure address is an issue that relates to the Minimization Rule</p> <p>John: Name of minor should be included. These are private files anyways. It was agreed that Petitions to Determine Incapacity go in the Mental File. (It was agreed that what the rules require and what the clerks do, may not coincide). John opined the examining committee should know the names of the minors.</p> <p>Marsha: What difference do the names make to the examining committee.</p> <p>Sean Kelley: the Petition to determine incapacity is a public document regarding of what a clerk says.</p> <p>David Brennan says that it is done in 67 different ways.</p>	Initials, year of birth, and remove the word "adult"
Rule 5.555 Guardianships of Minors - Requires the name, age, and residence and post office address of minors	No change in the existing rule		
Rule 5.590(a)(1)(B) and (b)(2)(B) Application for Appointment as Guardian; Disclosure Statement; Filing - Requires the names of minor wards.	Initials of any wards who are minors		See if they are consistent or follow statute
Rule 5.636(b)(1) Settlement of	Initials and year of birth	Eric: gave a short review on the new guardianship statute and would see if	

Rule	Proposed Change	Comment	Yes/No
Minors' Claims - Requires the names and dates of birth of minors.		the new statute and this rule synchronize.	
Rule 5.646(a)(1) Standby Guardians - Requires the name, age, and residence and post office address of the minor	Change age to year of birth and initials		Add the word "of minor ward"

Because we were running out of time, Jim George suggested Marsha distribute the remaining in advance of next meeting

FLORIDA PROBATE RULES COMMITTEE

THE FLORIDA BAR

MINUTES OF THE MEETING

Date: Friday, February 22, 2013

Time: 12:00 pm – 1:30 pm

Location: Sheraton Tampa East

I. Call To Order.

Committee Chair, James R. George, called the meeting to order at 12:00 p.m.

II. Administrative Matters and Announcements.

- A. Circulate roster and take appearances from the members who attended telephonically (888) 376-5050/ Code 3698547852.
- B. Appoint Secretary: Tattiana Brenes-Stahl was appointed as secretary.
- C. Welcome and introduction of members and guests.
- D. The following 22 members were in attendance:

	Name	Method of Attendance
1.	James R. George, Chair	In person
2.	David C. Brennan, Vice Chair	In person
3.	Marsha G. Madorsky, Vice Chair	In person
4.	Frank T. Adams	By telephone
5.	Tattiana Brenes-Stahl	In person
6.	John R. Caskey	In person
7.	Mary Lou Cuellar-Stilo	In person
8.	Wendy Ennis-Voley	By telephone
19.	Jonathan A. Galler	By telephone
10.	David Howard Goldberg	In person
11.	Michael Travis Hayes	In person
12.	James Allan Herb	By telephone
13.	Sean W. Kelley	By telephone
14.	Robert J. Kline	By telephone
15.	Keith S. Kromash	In person
16.	Theodore S. Kypreos	In person
17.	John C. Moran	In person
18.	Howard Marshall Rosenblatt	By telephone

	Name	Method of Attendance
19.	Jon Scuderi	In person
20.	Michael P. Stafford	By telephone
21.	Sydney S. Traum	By telephone
22.	Marva Lynn Wiley	By telephone

Heather Telfer, liaison for the Probate Rules Committee from The Florida Bar, was also present.

- E. Approval of Minutes: The minutes of the September 13, 2012 meeting at Key Biscayne, Florida, were approved unanimously.

III. and IV. Status of Matters Affecting All Subcommittees and RJA/Joint Committee Project

A. Subcommittee C – Marsha Madorsky, Chair

Marsha Madorsky reported on behalf of the subcommittee continuing from our September 13, 2012 meeting regarding the possible revisions to the Probate Rules to conform to the Minimization Rule. Marsha advised that page 16 of the Agenda contains the rules with no changes. From the bottom of page 16 through page 50, the Agenda contain the rules that require some revisions whether it be to the rule itself or to the committee notes. We went over the rules that required further discussion because time ran out at our last meeting.

Rule	Change	Comment
Rule 5.120(b)(1) Administrator Ad Litem and Guardian Ad Litem -	Change name to initials; change birth date to year of birth	Agreed
Rule 5.200(c) Petition for Administration	Require year and not date of birth of any beneficiaries who are minors. Scratch the word “adult”	Agree
Rule 5.210(a)(3) Probate of Wills Without Administration - Requires the names and dates of birth of minors.	Change to name and year of birth (not date of birth)	The minutes from the Sept 2012 meeting were reviewed because there was a recollection that there had been previous discussion on this rule. The minutes revealed that the committee had voted to require full name and year of birth of minors. All agreed.
Rule 5.530 Summary Administration	Change date to year of birth of any beneficiaries who are minors	Agreed.
Rule 5.550 Petition to Determine Incapacity--	The names, relationships, and addresses of the next of kin of the alleged	The original change stated at (a)(7) that <u>only the initials and the year of birth</u> of any who are

Rule	Change	Comment
	incapacitated person, specifying the year of birth (instead of dates) of any who are minors to the extent known to the petitioner.	minors would be included. Comments included John Moran opining that having just initials is confusing. David Brennan stated that minors are required to be served with notice. John moved to amend 5.550(a)(7) to provide full name, relationship, address, and year of birth of any who are minors. David Brennan seconded the motion. Jim George reminded us what the goal of the minimization rule is. Sean thinks the rule should just reflect that they are minors. Jim suggested bifurcation. John moved to withdraw his motion and David seconded the motion. John moved to include the year of birth. Sean seconded. Howard opposed it. Howard inquired if the year of birth is wrong, who is responsible? Marsha asked what the harm would be if the year of birth were wrong? Ultimately, it was agreed to provide the name and year of birth of minors.

Final comment: the vote of the 22 members was unanimous as to the proposed changes to conform to the Minimization Rule.