



# The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

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Executive Director

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## VOLUNTARY BAR GROUP LEGISLATIVE OR POLITICAL ACTIVITY WORKSHEET

- This worksheet is for voluntary bar groups (VBGs) to gather and share information before submitting an [official request](#) for approval of legislative or political activity, whether new or rollover.
- Political activity is defined in SBP 9.11 as “activity by The Florida Bar or a bar group including, but not limited to, filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.”
- VBGs must advise TFB of proposed legislative or political activity and identify all groups the proposal has been submitted to. If comments have been received, they should be attached; if they have not been received, the proposal may still be submitted to the Legislation Committee. *See* SBP 9.50(d).
  - The Legislation Committee and Board will review the proposal unless an expedited decision is required.
  - If expedited review is requested, the Executive Committee may review the proposal.
  - The Bar President, President-Elect, and chair of the Legislation Committee may review the proposal if the legislature is in session or the Executive Committee cannot act because of an emergency.

### General Information

**Submitted by:** *(name of VBG or individual)* Tax Section of the Florida Bar

**Address:** *(address and phone #)* 651 E. Jefferson, Street, Tallahassee, FL 32399; (850) 561.5625

**Position Level:** *(name of VBG)* Tax Section of the Florida Bar

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## Proposed Advocacy

Complete #1 below if the issue is legislative, #2 if the issue is political; #3 must be completed.

### 1. Proposed Wording of Legislative Position for Official Publication

Support legislation amending Fla. Stat. 736.0505(3) to provide that, for purposes of such section, assets in an irrevocable trust in which the original settlor's spouse is a beneficiary, such as a Spousal Lifetime Access Trust, shall, upon the death of said spouse, be deemed to have been contributed by the settlor's spouse and not by the settlor.

### 2. Political Proposal

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### 3. Reasons For Proposed Advocacy

- a. Is the proposal consistent with *Keller v. State Bar of California*, 496 US 1 (1990), and *The Florida Bar v. Schwarz*, 552 So. 2d 1094 (Fla. 1989)? Yes
- b. Which goal or objective of the Bar's strategic plan is advanced by the proposal? Ensure the judicial system, a coequal branch of government, is fair, impartial, adequately funded and open to all, & enhance the legal profession and the public's trust and confidence in attorneys and the justice system.
- c.
- d. The proposal: (*see SBP 9.50(a) - check all that apply*)
- X is within the group's subject matter jurisdiction as described in the group's bylaws;
- X is beyond the scope of the bar's permissible legislative or political activity, or within the bar's permissible scope of legislative or political activity and consistent with an official bar position on that issue; and
- X does not have the potential for deep philosophical or emotional division among a substantial segment of the bar's membership.
- e. Additional Information: See attached white paper.

# THE FLORIDA BAR

## Referrals to Other Voluntary Bar Groups

The VBG must provide copies of the proposed legislative or political action to all bar divisions, sections, and committees that may be interested in the issue. *See* SBP 9.50(d). List all divisions, sections, and committees to which the proposal has been provided pursuant to this requirement. Include all comments received as part of your submission. The submission may be made before receiving comments but only after the proposal has been provided to other bar divisions, sections, or committees.

The Business Law Section of the Florida Bar

The Family Law Section of the Florida Bar

The Real Property, Probate, and Trust Law Section of the Florida Bar

## Contacts

### Board & Legislation Committee Appearance *(list name, address and phone #)*

H. French Brown, IV, 106 East College Ave., Suite 1200, Tallahassee, FL 32301, (850) 459-0992

### Appearances before Legislators *(list name and phone # of those having direct contact before House/Senate committees)*

Stephen Shiver, Jr., 204 South Monroe Street, Tallahassee, FL 32301, (850) 222-8900

H. French Brown, IV, 106 East College Ave., Suite 1200, Tallahassee, FL 32301, (850) 459-0992

Brian M. Malec, 420 South Orange Ave., Suite 700, Orlando, FL 32801, (407) 428-5177

### Meetings with Legislators/staff *(list name and phone # of those having direct contact with legislators)*

Stephen Shiver, Jr., 204 South Monroe Street, Tallahassee, FL 32301, (850) 222-8900

H. French Brown, IV, 106 East College Ave., Suite 1200, Tallahassee, FL 32301, (850) 459-0992

Brian M. Malec, 420 South Orange Ave., Suite 700, Orlando, FL 32801, (407) 428-5177