

**IN THE SUPREME COURT OF FLORIDA**

THE FLORIDA BAR  
PETITION TO AMEND RULES  
REGULATING THE FLORIDA BAR-  
SUBCHAPTER 6-30 STANDARDS FOR  
BOARD CERTIFICATION IN  
CONDOMINIUM AND PLANNED  
DEVELOPMENT LAW

CASE NO. SC15-

**PETITION TO AMEND THE RULES REGULATING THE FLORIDA BAR**

The Florida Bar (the bar), pursuant to R. Regulating Fla. Bar 1-12.1, petitions this Court for an order amending the Rules Regulating The Florida Bar and states:

**Authority to File Petition**

This petition has been authorized by the Board of Governors of The Florida Bar (Board of Governors). The bar respectfully requests that this Court permit the bar to file this petition out of the bar’s biennial cycle so that bar members seeking certification in this new area do not have to wait an additional 2 years to do so, as the next regular filing of the bar will not occur until October 2016.

**Organization of Amendments**

The bar proposes adoption of a new subchapter of the Rules Regulating The Florida Bar 6-30, Standards For Board Certification in Condominium and Planned Development Law. This section provides information regarding development of these rules proposals as required by Part III of this Court’s administrative order number AOSC 06-14 of June 14, 2006 in *In Re: Guidelines for Rules Submissions*. Each rule entry provides an explanation of each proposed new rule. Because the addition of this certification area in this proposed new subchapter was developed

RECEIVED, 05/01/2015 03:48:37 PM, Clerk, Supreme Court

as a single concept, the following is listed once after the explanation for all 4 of the proposed new rules: the reasons for each recommended change; the sources of each proposal; the names of groups or individuals who commented or collaborated on a proposal during its development; voting records of pertinent committees and the Board of Governors; and dissenting views within the Board of Governors, if any, regarding each submission.

## **Amendments**

### CHAPTER 6 LEGAL SPECIALIZATION AND EDUCATION PROGRAMS

#### SUBCHAPTER 6-30 STANDARDS FOR BOARD CERTIFICATION IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

##### **Rule 6-30.1 Generally**

*Explanation:* Proposed new rule 6-30.1 sets forth standards to establish a new area of certification in condominium and planned development law.

##### **Rule 1 6-30.2 Definitions**

*Explanation:* Proposed new rule 6-30.2 sets forth definitions for Community Association and Planned Development, Condominium and Planned Development Law and Practice of Law.

##### **Rule 6-30.3 Minimum Standards**

*Explanation:* Proposed new rule 6-30.3 sets forth minimum standards for lawyers seeking board certification in the area of Condominium and Planned Development Law.

##### **Rule 6-30.4 Recertification**

*Explanation:* Proposed new rule 6-30.4 sets forth standards for recertification in Condominium and Planned Development Law.

##### **Rules 6-30.1 through 6-30.4**

*Reasons:* The addition of condominium and planned development will expand the certification plan (Rule 6-3) as a resource for the public to identify lawyers who meet established standards and are committed to excellence and professionalism in the practice of law in an area that is vital to the economy of the State of Florida and touches the daily lives of millions of Floridians. Lawyers who practice condominium and planned development law will have the opportunity to

achieve board certification and demonstrate their commitment to quality and professionalism in the delivery of legal services.

*Source:* Condominium and Planned Development Committee of the Real Property Probate and Trust Law Section/Board of Legal Specialization and Education Programs

*Background Information – Member Commentary / Committee Action:*

- The Condominium and Planned Development Committee of the Real Property, Probate and Trust Law Section proposed condominium and planned development as an area of certification in July 2012. The proposal for the new certification area is found in Appendix D. Excerpts of the Condominium and Planned Development Committee meeting minutes of July 11, 2012, September 20, 2012, and November 7, 2012, also are in Appendix D.
- The Real Estate Certification Committee of the Board of Legal Specialization and Education conducted a survey of all board certified real estate lawyers and members who practice condominium and planned development law to determine the interest level and voted to recommend that certification in condominium and planned development proceed independently of real estate certification because of the limited interest among lawyers certified in real estate in September 2012. A letter from the Chair of the Real Estate Certification Committee dated September 28, 2012 is included in Appendix D. Results of the Condominium and Planned Development Certification Area Survey (dated September 2012) are included in Appendix D.
- The Board of Legal Specialization and Education approved the proposed standards with 2 amendments as to substantial involvement and a grandfathering provision on March 15, 2013.
- The Executive Council of the Real Property, Probate and Trust Law Section unanimously approved the standards as amended on May 25, 2013.
- The Board of Legal Specialization and Education voted unanimously to approve the proposed standards and to recommend the new area to the Board of Governors on June 28, 2013. Excerpts of the Board of Legal Specialization and Education meeting minutes of January 18, 2013, March 15, 2013, and June 28, 2013, are found in Appendix D.
- Program Evaluation Committee approved on strategic basis 13-0 on December 12, 2013.

- Program Evaluation Committee subcommittee voted 6-0 to reject the proposal on May 12, 2014 and reported the action to Program Evaluation Committee on May 22, 2014.
- Program Evaluation Committee approved on a strategic basis by vote 12-0 and on a substantive basis by vote of 11-1 on December 11, 2014. An updated chart tallying petitioners and individual petitions are attached in Appendix D.
- Budget Committee approved Fiscal Impact by a vote of 6-0 on January 2, 2015.
- Rules Committee approved on procedural basis by e-mail vote of 6-1 on December 30, 2014.

*Board Action:* Board of Governors approved on voice vote without objection on January 30, 2015.

### **Official Notice of Amendments**

Pursuant to R. Regulating Fla. Bar 1-12.1(g), formal notice of intent to file all the proposals in this petition was published in the April 1, 2015 issue of the bar *News*. A copy of that published notice is included with this petition in Appendix C. This notice can also be found at the following link:

<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/7d70d20aa5122add85257e0500514e6b!OpenDocument>

### **West's Online Read-Against**

This subchapter is an entirely new subchapter of the Rules Regulating The Florida Bar. Therefore, there are no discrepancies with the most recent version of West's Florida Rules of Court published on-line.

### **Editorial Corrections and Request for Waiver of Rules Procedures**

During the preparation of this petition, the bar detected minor editorial errors within proposals as officially noticed. These editorial errors were not reviewed by the Board of Governors, but were made under the authority granted to bar staff to

correct errors in this Court's administrative order AOSC06-14, dated June 14, 2006. All of these editorial errors were corrected in the official bar *News* notice.

The bar submits that these deviations from the requirements of R. Regulating Fla. Bar 1-12.1 are minimal and the amendments themselves are non-controversial. The bar therefore requests that these additional revised proposals be accepted by this Court, and that this Court waive approval by the Board of Governors as to all the edits and Board of Governors approval and official notice in the print version of the bar *News* for all necessary rules, pursuant to R. Regulating Fla. Bar 1-12.1(i).

All other requested amendments in this petition were promulgated in full compliance with applicable rules and policies.

### **Other Pending Amendments**

Four other filings seeking separate amendments to the Rules Regulating The Florida Bar were filed on October 28, 2014 and are pending before this Court:

- The Florida Bar Petition to Amend Rules Regulating The Florida Bar - Biennial Filing 2014, Case No. SC14-2088;
- The Florida Bar Petition to Amend Rules Regulating The Florida Bar - Biennial Filing 2014 Housekeeping, Case No. SC14-2107 ;
- The Florida Bar Petition to Amend Rule Regulating The Florida Bar 4-1.5 Fees And Costs For Legal Services, Case No. SC14-2112; and
- The Florida Bar Petition to Amend Rule Regulating The Florida Bar 4-7.22 Lawyer Referral Services, Case No. SC14-2126 .

The proposed amendments within this filing are unrelated to these four different rules petitions and may be considered independent of them.

### **Contents of Appendices**

The complete text of all proposals is included in Appendix A to this petition, in legislative format (i.e., deleted language struck through, shown first, followed by new language underlined).

A separate two-column presentation follows in Appendix B, which includes extracted text of affected rules with proposed amendments in legislative format and an abbreviated recitation of the reasons for the changes.

The notice of intent to file this petition is provided in Appendix C.

Various communications of note that were received during the rules development process, and which are specifically referenced in this petition where relevant to specific amendments, are provided in Appendix D.

### **Comments in Response to Amendments**

No comments were received by the bar in response to these amendments.

### **Oral Argument Not Requested**

The bar does not seek oral argument regarding these amendments, unless this Court orders oral argument or bar members file comments that require additional response or appearance by the bar.

### **Effective Date Request**

As to all amendments sought in this filing, the bar requests that any changes be made effective no sooner than 60 days from the date of this Court's order so that the bar can educate its members regarding any amendments.

The bar requests that this Court enter an order amending the Rules Regulating The Florida Bar as requested in this petition.

Respectfully submitted,

/s/ John F. Harkness, Jr.

---

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390

Gregory W. Coleman  
President 2014-15  
Florida Bar Number 846831

Ramón A. Abadin  
President-elect 2014-15  
Florida Bar Number 707988

William J. Schifino, Jr.  
President-elect Designate 2014-15  
Florida Bar Number 564338

Mary Ellen Bateman  
DEUP Division Director  
Florida Bar Number 324698

Elizabeth Clark Tarbert  
Ethics Counsel  
Florida Bar Number 861294

The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
Primary E-mail Address:  
[jharkness@flabar.org](mailto:jharkness@flabar.org)  
Secondary E-mail Address: eto@flabar.org

### **CERTIFICATE OF TYPE SIZE AND STYLE**

I certify that this petition is typed in 14 point Times New Roman Regular type.

/s/ John F. Harkness, Jr.

---

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390

### **CERTIFICATE OF READ-AGAINST**

I certify that the Rules Regulating The Florida Bar set forth within this petition have been read against the most recent copy of *West's Florida Rules of Court*. As this is an entirely new subchapter, there are no discrepancies.

/s/ John F. Harkness, Jr.

---

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390