

IN THE SUPREME COURT OF FLORIDA

IN RE:
ACTIVITIES OF COMMUNITY
ASSOCIATION MANAGERS

CASE NO. SC13-889

PETITIONER RPPTL'S MOTION
FOR LEAVE TO FILE REPLY BRIEF

Petitioner, pursuant to Rule 10-9.1(g)(3) Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law, and Rule 9.300(a) Fla. R. App. P., I, The Real Property, Probate, and Trust Law Section of the Florida Bar (the "Section"), moves for leave to provide a supplemental brief in the above-styled action and in support alleges:

1. The Florida Legislature passed HB 7037 which was signed into law as Chapter 2014-146 Laws of Florida.
2. On June 26, 2014, this Court ordered The Florida Bar Standing Committee on Unlicensed Practice of Law (the "Committee") to provide a supplemental briefing regarding the newly enacted legislation.
3. On July 28, 2014, the Committee filed a brief comparing the newly enacted legislation to the positions asserted in its brief. The supplemental brief did nothing other consider the newly enacted legislation.

4. The Section believes that the brief filed by the Committee failed to fully address all of the issues before the Court. In particular, the Committee failed to address:

a) Throughout the supplemental brief filed by the Committee, restated its position on numerous items that a CAM could properly perform the function, unless *interpretation of a statute or governing documents is required*; however, the Committee failed to address, or point out that most of the functions (EXAMPLES) identified in the newly enacted legislation could only be properly performed by first interpreting statutes or governing documents.

b) With respect to Question 11, (RESTATE Q 11) the Committee fails to consider the implications of HB 7037 which purports to allow CAMs to complete any forms created by statute or agency. The Court in *The Florida Bar re Advisory Opinion-Nonlawyer Preparation etc.*, 544 So. 2d 1013 (Fla. 1989) ruled that non-lawyers could complete two specific Florida Construction Lien Law forms“...because the construction industry, which is served by those who fill out the forms, is aware of their significance and generally knowledgeable of the requirements pertaining to the perfection of mechanics' lien rights.” The Committee failed to highlight this conflict between the Court’s prior ruling and the legislative attempt in HB 7037 to allow CAMs to complete all nature of forms for unsophisticated volunteer association board

members and without the protection to the public of knowledge of requirements pertaining to all manner and all forms of legal rights and liabilities.

The Section further believes that this Court would benefit from a supplemental brief by the Section which would both address issues omitted by the Committee and bring to the Court's attention those matters where the Section respectfully disagrees with the brief filed by the Committee.

WHEREFORE, The Section respectfully requests leave to file a supplemental brief in the above-styled action to address the impact of Chapter 2014-146 Laws of Florida.

Respectfully submitted,

/s/ Michael A. Dribin

Michael A. Dribin, Esq., Chair
Real Property, Probate and Trust Law
Section of The Florida Bar
Fla. Bar. No.: 205656
201 South Biscayne Boulevard
Suite 800
Miami, FL 33131
Office: (305) 577-5415
E-mail: mdribin@harpermeyer.com

CERTIFICATE OF COMPLIANCE

I certify that this instrument is in Times New Roman 14 point font, in compliance with Fla. R. App. P. 9.210.

CERTIFICATE OF SERVICE

I certify that a copy of this Brief of Petitioner, Real Property, Probate, and Trust Law Section of the Florida Bar was sent by Email and US Mail to the following, on this 15th day of September, 2014: **Nancy Munjiovi Blount**, The Florida Bar, Standing Committee on the Unlicensed Practice of Law, Email: upl@flabar.org, **Jeffrey T. Picker**, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, Email: jpicker@flabar.org, Secondary: upl@flabar.org, **Lori Holcomb**, Email: lholcomb@flabar.org, Secondary: upl@flabar.org, **Jennifer A. Winegardner**, For Continental and CEOMC, Email: jwinegardner@chasefirm.com, **Mauri Ellis Peyton, II**, For CIA, Email: mauri@peytonbolin.com, **David Mark Felice**, Email: dfelice@terralawfirm.com, **Jeffrey Michael Oshinsky**, Email: jeff@oshinskylaw.com, **Steve Caballero**, Exclusive Property Management, 2945 W. Cypress Road, Ste. 201, Fort Lauderdale, FL 33309, **Mark R. Benson**, Community Association Manager, 4711 Harbortown Lane, Fort Myers, FL 33919, Email: mark@markrbenson.com

By: /s/ Michael A. Dribin
Michael A. Dribin, Esq., Chair,
Real Property, Probate and Trust Law
Section of The Florida Bar
Fla. Bar. No.: 205656
201 South Biscayne Boulevard
Suite 800
Miami, FL 33131
Office: (305) 577-5415
Email: mdribin@harpermeyer.com