



# INSIGHTS & SOLUTIONS

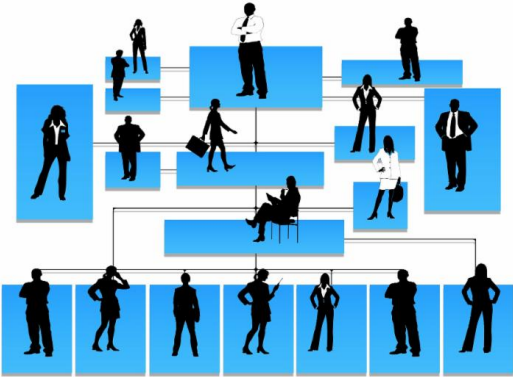
*Welcome to the summer 2016 issue of Ward Damon's e-newsletter. Since 1987, Ward Damon has represented savvy businesses, business owners, and individuals on a full spectrum of legal needs.*

## LEGAL PERSPECTIVES

### How Do The New Overtime Rules Affect Your Company?

By [Sally Still](#)

The U.S. Department of Labor recently adopted new regulations that change the employer's salary obligations under the federal overtime law. This change makes many thousands of workers, who previously were exempt and not entitled to overtime, subject to overtime pay. **Now is the time to review overtime pay policies to ensure compliance with the new rules.**



Certain executive, administrative, professional, outside sales, and highly compensated employees are "exempt" from the overtime provisions of the Fair Labor Standards Act (FLSA) if they meet both the "duties" test and the "salary" test. Otherwise, absent the exemption, employers must pay employees time and one-half their regular rate of pay whenever the employee works more than 40 hours in any week. [Continue reading →](#)

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### Key Issues for Foreign Investment Property Buyers/Sellers (FIRPTA)

By [Conrad Damon](#)

In 1981, Congress passed the **Foreign Investment in Real Property Tax Act (FIRPTA)**.

The purpose of the law was to try to insure that foreign persons (non-US citizens/non-US resident aliens) would pay United States income tax on any gains they made from selling real estate in the United States. In order to increase the likelihood of required tax being paid, **the law**

**imposed an obligation on the Buyer in a real estate transaction to determine if the Seller was a foreign person**, and if so, to make sure at the time of the closing, *ten percent (10%) of the gross sales amount was withheld from the Seller and remitted to the IRS as a deposit against any taxes which might be owed on a gain from the sale.*



It is very important for both buyers and sellers to consult with experienced **title companies or real estate attorneys** in connection with potential FIRPTA-related issues in real estate closings. Below are some key matters to keep in mind if you are buying/selling foreign investment property: [Continue reading →](#)

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## Why Draft a Will? If You Don't, The State Will Decide What To Do With Your Property

By [Christopher Gagic](#)

Whether you know it or not, you already have a will under **Florida's intestacy laws** (laws that direct what happens to property when someone dies without a valid will). The problem is that the state's version may not line up with what you want to do and with whom you want to leave your estate.

Florida's intestacy laws are complicated but following is a simple overview:



- If you die without a will (intestate) and you are **married without children**, your estate will pass to your spouse.
- If you die intestate, and you are **married and have children** who are also the children of your spouse, your estate will pass to your spouse.
- If you die intestate, and you are **married and have children from a prior relationship**, your estate will pass half to your surviving spouse and half to your children from the prior relationship.
- If you die intestate, **without a spouse or children**, your estate will pass to your parents if living, otherwise to your siblings, otherwise to your nieces and nephews.
- If **none of these apply**, the statute directs that your estate be distributed to your grandparents if they are alive, if not, to your aunts and uncles if they are

alive.

[Continuereading →](#)

## What are my rights now that the alimony reform bill was vetoed?

By [Dane E. Leitner](#)

Recently Florida Governor Rick Scott vetoed a bill that would have restricted alimony payments and child custody. Governor Scott also vetoed a similar bill back in 2013 saying it tampered with the settled economic expectations of many Floridians who have experienced divorce. Meaning that the bill had the potential to undo and/or affect settlement agreements that were previously entered into by divorcing parties.

However, in vetoing the alimony reform bill brought before him this year that included child custody, Governor Scott was silent on the actual language of the alimony portion of the bill. He instead focused on the 50/50 timesharing section of the bill that stated there would be a premise that a minor child should spend approximately equal amounts of time with each parent. Governor Scott stated that the bill had the potential to put the wants of a parent before the child's best interest. [Continuereading →](#)



## FIRM UPDATES

### Ward Reappointed to Health Care District Board

[Philip H. Ward, III](#) was reappointed by Florida Governor Rick Scott for a second term to the Board of Commissioners for the [Health Care District of Palm Beach County](#). The Health Care District is dedicated to the health of our community and committed to providing high-quality health care services to all residents of PBC through programs such as medical and dental services at care clinics, health coverage for uninsured residents, a nationally recognized Trauma System and more.



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## Still Meets with Senator Nelson in Capital Hill

In May, [Sally Still](#) (far left) met with Senator [Bill Nelson](#) as a delegate of the bi-partisan Federal Bar Association's visit to Capitol Hill. The South Florida delegates met with their legislators to discuss filling vacant judicial appointments, the need to fund federal courthouse projects, and the creation of an Article I Immigration Court. Sally is President of the [Federal Bar Association's Palm Beach County Chapter](#). She specializes in employment and labor law, and practices in both the federal courts of the Southern District of Florida and in state court.



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## Seligman Appointed to Families First Facilities Committee and Graduates from LPBC

Real estate attorney [Adam R. Seligman](#), was appointed to the Facilities Committee for [Families First of Palm Beach County](#), a non-profit organization that provides child abuse prevention, health, housing, and behavioral health services for families whose life circumstances impact child and family health and stability.

Adam also recently graduated from the [Leadership Palm Beach County](#) Leadership Engage Class of 2016. The unique 10-month experience grants class members uncommon access to influential people and significant sites throughout the county as well as hands-on experience with major local industries and community issues in order to increase understanding of countywide issues and improve participants' ability to lead effectively and shape the future of Palm Beach County.



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## Stephens Appointed Technology Committee Co-Chair

[Eddie Stephens](#) has been appointed a co-chair of [The Florida Bar Family Law Section](#) Technology Committee for 2016-2017. As part of the Technology Committee, Eddie will work to improve the

Section's social media platforms, advise with respect to emerging technologies, increase awareness of the Section's many benefits to practitioners and affiliates by the use of new and innovative media, and help to improve the level of understanding of technology issues impacting the practice of family law generally.



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