

**BUSINESS LAW SECTION OF THE FLORIDA BAR
COMPUTER LAW AND TECHNOLOGY COMMITTEE**

Meeting Minutes – Florida Bar Annual Meeting – via Zoom
June 18, 2020 9:00 AM

Chair: Steven Blickensderfer

Vice Chair: Peter Maskow

Second Vice Chair: Joshua Marks

Academic Chair: Professor Vicenc Feliu, Nova Law School (not present)

CLE Liaison: Joshua Marks

Attendance

1. Joshua Marks
2. Darren Spielman
3. Terry Sanks
4. Mark Stein
5. Ury Fischer
6. Stefanie Svisco
7. Jack Kallus
8. Doug Cherry
9. Vanessa Ferguson
10. Daniel Whitehouse
11. Alexander Bowen
12. Samuel Lewis
13. Howard Cohen
14. Robert Kain
15. Zak Catanzaro
16. Elizabeth Stamoulis
17. Daniell Whitehouse
18. Jim Matulis
19. Woody Pollack
20. Larry Kunin
21. Aimee Lyon
22. Manny Farach
23. Matthew Henry
24. Valeria Angelucci
25. Douglas Bell
26. Diana Mederos
27. Kevin Levy
28. Joel Rothman
29. Scott Curry
30. Jessica Shraybman

Minutes

Steven Blickensderfer, Chair of the Committee, called the meeting to order. Steven conducted a call of the roll.

The Executive Committee then entered the meeting, and Steven recognized Jay Brown – Section Chair – who gave a presentation of the Sections initiatives and direction of the section.

Steven then gave the floor to Legislative Committee, who gave a brief presentation on legislative accomplishments of the past year, including UCRERA and the Corporations Glitch Bill, and laid out a roadmap for future legislative proposals. Specifically, Mark Stein from Legislation indicated that he anticipates the upcoming session to be dominated by financial and criminal justice issues. In light of this, he surmised that it will be difficult to push forward proactive legislation. Mark also reminded the Committee to review its legislative positions for sunset.

Steven asked for a motion to adopt the minutes of the Winter Meeting held on February 6, 2020. Dan Lewis Moved for adoption of minutes, Darren Spielman seconded. With no objection being expressed, the minutes were approved.

Steven then discussed bills submitted to the Committee for review during the past legislative session, which included:

- HB 659 – Bill on use of drones which passed unanimously by the House and the Senate. The Bill allowed the use of drones for viewing plants and animals on public lands, and was something the Committee did not feel the need to take a position on.
- HB1391 – Technology Innovation Bill that created a Florida Financial Sandbox to encourage technology innovation by providing an exemption to regulation for qualifying businesses. Woody Pollack provided an updated on the bill and explained that it would put Florida on the map as a leader in encouraging technology innovation.
- HB 799 - Trade secret bill – Jim Matulis provided an update from the IP Committee, as this Committee deferred to the IP Committee on the bill. Jim advised that the Bill died in committee (as it had done the past several years). It is expected to come back next year .
- HB 963 – Online Privacy Notice and Opt Out of Selling Bill was based on a similar statute passed in Nevada. Steve advised that this bill would require online privacy policies for Florida businesses, and required businesses to outside of Florida to have opt-outs for selling information.

Steven asked for the Committee to review its current legislative positions. There are four provisions specifically that Steven brought to the Committee's attention. The positions discussed were:

- Contracts - "Opposes changes that weaken contracts governed under current franchise laws and expand claims available under Florida's Unfair and Deceptive Trade Practices Act." Steven proposed this older issue be taken off the list of the Committees' legislative positions, and opened the discussion for comment. Robert Kain stated that this has never been on Committee's radar. He sees no relation to computers or data, and recommended

deletion from the list. Steven asked for a Motion to remove this from the list of legislative positions coming out of the Committee. Moved by Robert Kain. Second by Woody Pollack. No opposition.

- Trademarks – “Supports ensuring the identification of goods and services in the Revised Model Trademark Act, Ch. 495, Fla. Stat., conforms to Federal Law” Steven recommended and there was no objection to taking no position and instead deferring to the IP Committee on this position.
- Blockchain - "Supports legislation that defines blockchain technology in such a manner as to encourage innovation in the blockchain space without tying any statutory definition to a specific implementation of the technology." Steven proposed keeping this position and asked present members of the blockchain taskforce to see if this should be updated. Woody opined that this position should be kept because it gives legislative consultants ability to negotiate with legislators who want to champion blockchain. No opposition to Woody's proposal was expressed, and the Committee thus agreed the position would not be changed.
- Trade Secret – “Supports amending pending legislation relating to trade secret information to require Florida state agencies to inform potential bidders, vendors, service providers, contractors and/or others that may engage in business with state agencies that their submission of information to an agency may waive trade secret protection and to further require informed consent by potential bidders, vendors, service providers, contractors and/or others that may engage in business with the state agencies, in order to prevent inadvertent waiver of said trade secrets and potential litigation. Steven proposed that this issue likewise be referred to the IP Committee, and the Committee Agreed.

Steven also proposed that the Committee consider taking a legislative position on Data Privacy and Protection, specifically: “Support legislation relating to data privacy and protection, including cybersecurity, that strikes the appropriate balance between protecting personal information without placing undue restrictions on business development or unnecessarily stifling technological advancement in this State.” Robert Kain suggested the Committee table this and revisit it at the next meeting, and the Committee agreed. Robert suggested the position be finalized labor day because it would need to be integrated into lobbyist’s positions, and also inquired whether this position should address facial recognition and/or use of drones.

Further, Steven suggested that the Committee consider a legislative position on CADRA (“Computer Abuse Non-disclosure and Data Recovery Act”). Robert replied that there has not been much recent case movement on this, and the Committee agreed to table the issue.

Steven also asked the Committee to consider taking a position on Social Media Websites, and noted that Robert wrote a paper on that last year. Robert proposed that due to controversy we should not take a position, but merely monitor that type of legislation. Scott Curry noted Section. 230 also presents a recent issue.

Peter Maskow presented the Hot Topics. Specifically, he reviewed President Trump’s Executive Order to Limit Scope of Liability Protection under 47 U.S.C. § 230(c)(2); Virtual Trials being tested in certain circuits in Florida; and issues that Digital Assistants present to

confidentiality and the heightened concern for this in light of the numerous people working from home.

Steven then presented a request for CLEs and advised that the Committee is seeking articles for the Florida Bar Journal. Steven also noted that the Committee recently presented the CLE: *Advocacy and Technology Tips When Working From Home During COVID-19 And Beyond*, recorded live 4/28/2020.

Steven then advised the Committee of the leadership changes for the upcoming year. Peter Maskow is the incoming chair; Josh Marks is the incoming Vice Chair; and Eli Mattern is the incoming Second Vice Chair. He solicited requests for participation in the open liaison positions of Inclusion/Mentoring/Fellowships, Pro bono, CLE, and Articles. He further solicited a request for a Judicial Liaison.

Steven advised there was no old business, and inquired if there was any new business. Robert brought up the recent opinion issued in *Compulife* and presented an executive summary to the Committee. Joel Rothman commented that he was a participant in the case, and provided commentary on it.

Josh Marks then moved to adjourn the meeting, and the motion was seconded by Robert Kain. The meeting was adjourned with the next meeting to be held at the annual labor day retreat.