



BUSINESS LAW SECTION

OF THE FLORIDA BAR

November 4, 2020

To: Council of Sections

Re: Report of Business Law Section

From: Katherine C. "Kacy" Donlon, Chair-Elect

I am pleased to offer this report which provides a summary of some of the Business Law Section's ("BLS") ongoing projects and upcoming events:

SECTION CLE DIVERSITY POLICY

The Section's Inclusion, Mentoring and Fellowship Committee, working with The Florida Bar's Diversity and Inclusion Committee, developed and proposed to the Section a new CLE Diversity Policy. The Policy, which was approved by the Executive Council on September 4, 2020, sets forth guidelines requiring a diverse composition for panel participants, with very limited exceptions. The BLS is the first Section to adopt such a policy and evidences the Section's strong commitment to diversity and inclusion. Click [here](#) for the Florida Bar article regarding this new policy.

COVID-19 PANDEMIC RECOVERY TASK FORCE

The Section's COVID-19 Pandemic Recovery Task Force, led by co-chairs, Detra Shaw-Wilder and Bart Valdes, has continued its good work. The Task Force routinely updates the COVID Resources section of the BLS website with information helpful to practitioners during these challenging times. Also, the Task Force hosted two judicial roundtables, one each with federal and state judges describing the latest plans for COVID-19 recovery.

BLS LEGISLATION COMMITTEE

2020 LEGISLATIVE SESSION

The BLS supported two bills during the 2020 Legislative Session which were both approved by the Legislature and ultimately signed into law by the Governor:

Corporations/LLC Glitch Bill - SB 838 by Sen. Simmons (R-Altamonte Springs) updates the Florida Business Corporation Act (FBCA), a law modeled after the Model Business Corporation Act (MBCA). The legislation fixes several glitch issues in the current law.

Uniform Commercial Real Estate Receivership Act (UCRERA) - HB 783 by Rep. Beltran (R-Valrico) designates chapter 714, F.S., as the Uniform Commercial Real Estate Receivership Act. The Section sponsored a CLE on the new Act on July 31, 2020 which was attended by approximately 200 attendees.

2021 LEGISLATIVE SESSION

During the Labor Day virtual meetings, several proposed legislative positions were discussed and approved for the upcoming 2021 Regular Legislative Session, which is scheduled to commence in March 2021. Additionally, the Executive Council had a special meeting on October 1, 2020 to review and vote on additional legislative positions. Those positions were approved as well. All of these legislative positions can be found on the attached chart.

BUSINESS LITIGATION COMMITTEE

The Business Litigation Committee developed and is hosting a three-part CLE titled “2020 Business Law Case and Legislative Update.” The series has been hosted via Zoom on October 14 (Business Litigation Case Law and Legislative Update), October 21 (Intellectual Property and Computer and Technology Case Law Update), and November 12 (Bankruptcy/UCC and Corporations, Securities and Financial Services Case Law Update).

BANKRUPTCY/UCC COMMITTEE

In July and August, the Bankruptcy/UCC Committee collaborated with the Tax Section to offer a four-part webinar CLE held on July 22 (Tax Planning for Insolvency and the Discharge of Indebtedness), August 26 (Basics of Bankruptcy Law), August 31 (State and Local Tax Considerations), and September 9 (Analyzing Bankruptcy v. Workout Options: How to Communicate with Clients). Each of the presentations had over 100 attendees.

This Committee has converted its popular View from the Bench CLE to a virtual format. This CLE is the preeminent CLE event for Florida bankruptcy practitioners. The Tampa panel is scheduled for November 5th and the Miami panel for November 6th.

INTELLECTUAL PROPERTY COMMITTEE

Each year the Intellectual Property Committee hosts its IP Symposium. Originally, the Symposium had been scheduled in April but due to the pandemic had been rescheduled for October. As the October date approached, the Committee elected to postpone the event to April 22-23, 2021 at The Biltmore Hotel in Coral Gables in person rather than wrestle with a potential virtual presentation in October.

OTHER SECTION NEWS

- The BLS created a Task Force on the Distribution of IOTA funds chaired by John McDonald. Click [here](#) for Florida Bar News article regarding this new task force.
- Eight new Fellows were named at the Annual Meeting: Glaucia Jones, Juan Mendoza, Reginald Sainvil, Toni Tsvetanova, Felipe Plechac-Diaz, April Martindale, Gary Louima and Nicole McLemore. For more information on these Fellows, please visit our [website](#).
- Two alumni of the Fellowship Program were named [Outstanding Members of the Year](#) for the Section: Michelle Suarez and Giacomo Bossa.
- The Section updated its [Pro Bono Best Practices Guide](#) which was highlighted by the Florida Bar News in August. Click [here](#) to view the article.

SECTION MEETINGS

LABOR DAY RETREAT

Given uncertainty regarding COVID, the Executive Committee for the Section decided to cancel the in-person Labor Day Retreat which was scheduled to be held at the Ritz Carlton in Naples. However, the work of the Section was not slowed by this decision. The Executive Committee met in Naples while each of the Section's Committees, Task Forces as well as the Executive Council met via Zoom videoconference September 2-4. Our attendance exceeded our expectations with all committees reporting higher numbers of attendees than when the Section met in person.

WINTER MEETING 2021

The Section is planning to meet virtually for its Winter Meeting January 13-15. .

The foregoing is just an overview of the various projects and events that comprise the ongoing work of the BLS. We are looking forward to the continued success of these efforts and the ongoing participation of the BLS members in these endeavors during these challenging times.

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