



BUSINESS LAW SECTION
OF THE FLORIDA BAR

EXECUTIVE COUNCIL 2021 LABOR DAY RETREAT AGENDA

Monday, September 6, 2021 from 8:30 a.m. to 11:30 a.m.

IN PERSON and VIA ZOOM PLATFORM

I. Call to Order – Kacy Donlon, Chair (Exhibit 1 – Executive Council Members)

II. Commitment to Pro Bono Service

The Section reaffirms its goal to achieve 100% participation in pro bono service by Business Law Section members and attorneys in their firms. One way to achieve this goal is to participate in the Veterans’ Financial Literacy Project. (Carlos Sardi)

The Section proudly acknowledges the following Executive Council members who have pledged at least \$1000 to The Florida Bar Foundation Endowment Trust to become Fellows of The Florida Bar Foundation:

Douglas Bates
Leyza Blanco
Giacomo Bossa
Jay Brown
Michael Chesal
Robert Charbonneau
Christopher DeCort
Hon. Caryl Delano
Kacy Donlon
Jodi Dubose
Manuel Farach
Hon. Gill Freeman (Ret.)
Paige Greenlee
Hon. Paul Hyman
Hon. Laurel Isicoff
Stephanie Lieb
Allison Leonard
John Macdonald

Eli Mattern
James Matulis
Kathleen McLeroy
Hon. Catherine McEwen
Hon. Mindy A. Mora
Jennifer Morando
Woodrow “Woody” Pollack
Adina Pollan
Carlos Sardi
Philip Schwartz
Detra Shaw-Wilder
Lynn Walter Sherman
Mark Stein
Michelle Suarez
Gary Teblum
Dineen Wasylik
Donald Workman

Recognition of Sponsors

The Section acknowledges the generous contribution of all its sponsors, including the following Diamond (\$10,000), Sapphire (\$7,500) and Emerald (\$5,000):

DIAMOND SPONSOR	SAPPHIRE SPONSORS	EMERALD SPONSORS
<i>Michael Moecker & Associates</i>	<i>Berger Singerman Buchanan Ingersoll & Rooney PC Eisner Amper Morgan & Morgan Nelson Mullins</i>	<i>Agentis Ankura Akerman Barakat & Bossa City National Bank Dal Lago Law Damian & Valori Edelman Lieberman Revah Johnson Cassidy Newlon & DeCort Kaufman Rossin Melan Budwick Sequor Law Shutts Thomson Reuters Truist Underwood Murray</i>

III. Remarks from Florida Bar President Candidates

IV. Approval of Minutes – Manny Farach, Secretary

- a. **June 11, 2021 Annual Meeting (Exhibit 2)**
- b. **July 7, 2021 Specially Called Meeting (Exhibit 3)**

V. Treasurer’s Report (Exhibit 4) – Mark Stein, Treasurer

VI. Recognition of Section Fellows – Christina Taylor

VII. Items to be Voted on

- A. Bankruptcy/UCC – James Moon, Chair; Marianne Dorris, Vice Chair; Kenneth Murena, Second Vice Chair; Honorable Catherine McEwen, Judicial Chair; Professor Jeffrey Davis, Academic Chair

1. **Exhibit 5: Judgment Lien Amendments**

The Bankruptcy/UCC Committee moves that:

The Business Law Section (1) support legislation to update and clarify Section 55.205, F.S., Effect of judgment lien, to explicitly cross-reference Section 319.27, F.S; (2) support amendments to

Chapters 55, 56 and 319 F.S. to (i) clarify the effect of a certificate of title on a judgment lien, and (ii) establish procedures for enforcement of a judgment lien against a motor vehicle, mobile home, or vessel; (3) support legislation to expand the scope of the Florida Judgment lien on personal property to reach accounts and payment intangibles as defined in Ch . 679, F.S. of a judgment debtor that is located in this state; and (4) support legislation that makes clear that the above judgment lien can be enforced only through judicial process and not through self-help or replevin without the express consent of the judgment debtor in a post-default record.

2. Exhibit 6: Warehouse Liens

The Bankruptcy/UCC Committee moves that:

The Business Law Section support legislation to amend Fla. Stat. Chapter 713.78 to clarify that (1) storage liens on motor vehicles and vessels can be foreclosed only under the procedures set out in Fla. Stat. 713.78 and 559.917; (2) the same procedures for a lender or owner of a vehicle or vessel to request an inspection related to a towing and storage liens is the same as set out in 713.585 for a repair lien are also applicable to towing and storage liens for vehicles and vessels under Fla. Stat. 713.78; (3) the same procedures for posting a bond regarding repairs on vehicles and vessels in 713.585 and 559.917 are also applicable to towing and storage liens for vehicles and vessels under Fla. Stat. 713.78.

B. Business Litigation –Allison Leonard, Chair; Paige Greenlee, Vice Chair; Chris DeCort, Second Vice Chair; Honorable Edward LaRose, Judicial Chair (State); Honorable Darrin Gayles, Judicial Chair (Federal)

1. Exhibit 7 - Chapter 48 (Services of Process) Task Force – Giacomo Bossa and James Murphy, Co-Chairs

The Business Litigation Committee moves that:

The Business Law Section support changes to Chapter 48, F.S., and other statutory provisions addressing service of process, to: (1) simplify the methods of service of process on business entities to eliminate redundancies and inconsistencies, (2) clarify the statutory scheme to avoid confusion, (3) better elucidate the methods for effectuating service of process in foreign countries, and (4) modernize the methods and procedures for service of process on business entities, while ensuring compliance with fundamental notions of due process.

2. Exhibit 12 – RPPTL Service of Process

Support the Real Property Probate and Trust Law Section of the Florida Bar position to create Section 49.072, Florida Statutes, establishing a process to serve unknown parties in possession of real property.

3. Exhibit 8 - Amicus Brief Guideline Subcommittee – Dineen Wasylik, Chair; Honorable Edward LaRose, Judicial Chair

- C. Corporations, Securities & Financial Services – Stephen Sandiford, Chair; Michelle Suarez, Vice Chair; Toni Tsvetanova, Second Vice-Chair; Professor Stuart Cohn, Academic Chair

- 1. **Exhibit 9** - Chapter 517 Task Force – Prof. Stuart Cohn, Chair

The Corporations, Securities & Financial Services Committee moves that

The Business Law Section support the legislative proposals by the Florida Office of Financial Regulation for the amendment of Chapter 517, the Florida Securities and Investor Protection Act, as presented to the Section by the Office of Financial Regulation.

- D. E-Discovery & Digital Evidence Committee- Sara Paris, Chair; Jack Kallus, Vice Chair; Avery Chapman, Second Vice Chair; Hon. William Matthewman, Judicial Chair; Prof. Zachary Catanzaro, Academic Chair

- 1. **Exhibit 10** - Proposed Amendments to the Fla. R. Civ. P. Task Force – Bart Valdez, Chair; Hon. Ralph Artigliere, Judicial Chair

The E-Discovery & Digital Evidence Committee moves that:

The Business Law Section support changes to certain Florida Rules of Civil Procedure to (1) revise Rule 1.010 to conform to Federal Rule 1 to accomplish the just, speedy, and inexpensive determination of each action, (2) revise to Rule 1.280 to conform to the initial disclosures required by Federal Rule 26(a) and to develop a discovery plan early in the case, (3) revise Rule 1.200 to require a Case Management Conference in most cases, (4) revise Rule 1.350 to conform to the 2015 Federal Rule 34 amendments addressing overbroad or nonspecific objections as a basis for responding parties to withhold documents, and (5) revise Rule 1.410 to adhere to the 2015 amendments to Federal Rule 45 in regard to non-party subpoenas.

- E. Intellectual Property Law –Michele Moss, Chair; Sam Lewis, Vice Chair; Darren Spielman, Second Vice Chair; Honorable Mary Scriven, Judicial Chair; Professor Jake Linford, Academic Chair

- 1. **Exhibit 11** – Proposed Comment to USPTO

The Intellectual Property Law Committee moves that:

The Business Law Section support the submission of a Comment to the United States Patent and Trademark Office explaining how the inconsistent application of the current jurisprudence regarding patent eligibility by the U.S. Patent and Trademark Office combined with conflicting opinions from the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court regarding the scope of patent ineligible subject matter has impacted patent prosecution for computer related patents, patent enforcement and litigation and the global patent marketplace.

2. Notice of Intent to Appear – possible amicus brief

The Intellectual Property Law Committee moves that:

The Business Law Section support the filing of a Notice of Intent to file an Amicus Brief in the matter of WPB Hotel Partners, LLC v. Point Conversions, LLC, Case No. SC21-1071. The matter at issue: whether the 4th District Court of Appeals erred in ruling that it has subject matter jurisdiction of claims for unjust enrichment, injunctive relief, conversion and violation of Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA") even though these claims relate to the "scope, validity or infringement of a patent" which is within the exclusive subject matter jurisdiction of the federal courts meets the criteria listed in the Business Law Section Amicus Guidelines as it is an issue within the subject matter of the Business Law Section and the issue does not carry the potential of deep philosophical or emotional division among a substantial segment of The Florida Bar.

VIII. Reports of Remaining Substantive Law Committees and Legislation Committee

- A. Computer Law & Technology – Eli Mattern, Chair; Daniel Davis, Vice Chair; Talia Boiangin, Second Vice Chair; Honorable Julie Sneed, Judicial Chair; Professor Vincenc Feliu, Academic Chair
- B. Legislation –Stephanie Lieb, Chair; Peter Valori, Vice Chair; Professor Jeffrey Davis, Academic Chair; Professor Stuart Cohn, Academic Chair

IX. Reports of Remaining Permanent and Other Committees

- A. Antitrust and Trade Regulation Subcommittee – Dee Dee Fischer, Chair; Honorable Edward LaRose, Judicial Chair
- B. Bankruptcy Judicial Liaison Committee- Jennifer Morando, Chair; Hon. Roberta Colton, Judicial Chair
- C. Blockchain and Cryptocurrency Task Force – Woody Pollack, Chair; Jude Cooper, Vice Chair; Robert Kain, Second Vice Chair; Prof. Zachary Catanzaro, Academic Chair
- D. Business Courts Task Force – Jon Polenberg and Hon. Gill Freeman, Co-Chairs
- E. Chapter 607 Sub-Committee – Philip Schwartz and Gary Teblum, Co-Chairs, Andrew Schwartz, Vice Chair
- F. CLE Committee- Andrew Layden, Chair; Utibe Ikpe, Vice Chair; Luis Rivera, Second Vice Chair; Hon. Caryl Delano, Judicial Chair
- G. Communications Committee- Chris Thompson, Chair; Crystal Potts, Vice Chair; Shirley Palumbo, Second Vice Chair; Hon. Paul Hyman, Judicial Chair

- H. COVID-19 Pandemic Recovery Task Force – Detra Shaw-Wilder and Bart Valdes, Co-Chairs
- I. Financial Literacy Task Force – Carlos Sardi, Chair; James Murphy, Vice Chair; Honorable Laurel Isicoff and Honorable Karen Specie, Judicial Co-Chairs
- J. Health & Wellness Task Force – Dineen Wasylik Chair; Honorable Jerry A. Funk, Judicial Chair
- K. Inclusion/Mentoring/Fellowship Committee- Christina Taylor, Chair; Valeria Angelucci, Vice Chair; Kelly Roberts, Second Vice Chair; Hon. Lori Vaughn, Judicial Chair (Federal); Hon. Virginia Norton, Judicial Chair (State)
- L. IOTA Task Force – John Macdonald, Chair
- M. Labor Day Retreat Committee- Amanda Fernandez, Outgoing Chair, and April Stone, Incoming Chair; Robert Charbonneau, Vice Chair; Jennifer Morando, Second Vice Chair
- N. Marketing, Promotions & Sponsorship Committee- Brett Lieberman, Outgoing Chair, and Jacqui Calderin, Incoming Chair; Matthew Hale, Vice Chair; Peter Maskow, Second Vice Chair
- O. Membership Committee- Terry Sanks, Chair; Dana Robbins, Vice Chair; Juan Mendoza, Second Vice Chair; Hon. Karen Specie, Judicial Chair
- P. Opinion Standards Committee- Robert Barron and Gary Teblum, Co-Chairs
- Q. Pro Bono Task Force & Pro Bono Committee- Amanda Finley, Chair; Kathleen McLeroy, Vice Chair; Glaucia Jones, Second Vice Chair; Hon. Laurel Isicoff, Judicial Chair
- R. Scholar and Fellows Retention Task Force –Amir Isaiah, Chair; John Dorris Vice Chair; Honorable Mindy Mora, Judicial Chair
- S. Chapter 542 Task Force - Brian Barakat, Chair
- T. Uniform Commercial Real Estate Receivership Act (UCRERA) Task Force – Amanda Fernandez, Chair; Adina Pollan, Vice Chair
- U. Uniform Voidable Transfers Act (UVTA) Task Force – John Hutton, Chair; David Slenn, Vice Chair

X. Reports of Section Liaisons

- A. The Florida Bar Board of Governors – Jorge Piedra
- B. The Florida Bar Continuing Legal Education – Andrew Layden
- C. The Florida Bar Council of Sections – Doug Bates
- D. The Florida Bar Diversity & Inclusion Committee – Lynn Sherman
- E. The Florida Bar Real Property, Probate & Trust Law (RPPTL) Section – James Marx
- F. The Florida Bar Young Lawyers (YLD) Division – Cherine Valbrun
- G. The Florida Institute of CPAs (FICPA) – Donald Workman
- H. The Out-of-State Division of The Florida Bar – Lawrence Kunin
- I. The Working Group on Legal Opinions (WGLO) – Philip Schwartz

XI. Other Reports

- A. Chair’s Report – Kacy Donlon
 - a. EC Retreat – Ireland
 - i. Pre-Trip – March 12-15 – Tralee/Dingle/Galway
 - ii. Main Trip – March 15-20 – Dublin/Belfast/Antrim Coast
 - iii. Post-Trip – March 20-23 – Donegal/Co. Mayo - Westport
- B. Chair-Elect’s Report – Doug Bates

XII. New Business

XIII. Good and Welfare

XIV. Future Full Section Meetings

- A. Mid-Year Meeting: January 26-29, 2022 – Rosen Shingle Creek
- B. EC Retreat – Ireland – March 12-23
- C. Annual Labor Day Retreat: September 2-5, 2022- Ritz Carlton, Naples

XV. Future Section Events

- a. October 5th - Course 5224—Mediation Perspectives-From Business Litigation to Bankruptcy---Joint program with ADR
- b. October 30th – Veteran’s Financial Literacy Project
- c. February 10-11, 2022 – Federal Securities Institute
- d. January 2022 - View from the Bench- Tampa-CAMLS
- e. January 2022 - View from the Bench-Miami- Jungle Island
- f. April 28-29, 2022 – IP Symposium

XVI. Adjournment