

**Agenda for the Bankruptcy/UCC Committee  
of the Business Law Section of the Florida Bar**  
Winter Meeting  
Thursday, January 27, 2022, 10:00am – 12:00pm  
Zoom Meeting

James Moon, Chair  
Mariane Dorris, Legislative Vice-Chair  
Kenny Murena, Vice-Chair  
Hon. Catherine Peek McEwen, Judicial Chair

**I. Welcome and Approval of Minutes from the Prior Meeting**  
James Moon

**EXHIBIT A**

**II. Introductions of Special Guests and Pro Bono Reminder**  
James Moon

**III. Business Law Section Update & Welcome**  
Kacy Donlon, Section Chair  
Doug Bates, Section Chair-Elect  
Mark Stein, Section Treasurer  
Manny Farach, Section Secretary

**IV. Legislation**

A. *Legislative Overview for 2022 Session*  
Stephanie Lieb, Legislation Committee Chair  
Aimee Diaz Lyon, Section Lobbyist

B. *Legislative Review Subcommittee*  
Mariane Dorris

C. *Reports from Legislative Study Groups*

***2022 Legislative Items***

a. *Judgment Lien Amendments*  
Prof. Jeff Davis  
Jodi Dubose

HB 1173 introduced by Rep. Benjamin on 1/4/22 now in Civil Justice & Property Rights Subcommittee

SB 1785 was filed on 1/7/22 but no apparent action on it

- b. *“Pick Your Partner” SB 336 and HB 519 reflect updates recently made to Article 9 of the UCC clarifying that certain overrides of restrictions on transferability do not apply to an ownership interest in a GP, LP or LLC*  
(Joint with Corporations)  
Jeff Davis  
Matt Hale

Effective Date Jan. 1, 2023

SB 336 passed the Rules Committee on 1/20, On Special Order Calendar  
HB 519 Reported out of Judiciary Committee, Added to Second Reading Calendar

Need to Create CLE Program for Bankers to Explain this Law once entered  
– Need CLE program ready for summer. VOLUNTEERS NEEDED TO CREATE CLE PROGRAM

- c. *Chapter 48 Amendments Task Force*  
(Joint with Business Litigation Committee)  
Jim Murphy, Co-Chair  
Adina Pollan, Bankruptcy/UCC Liaison

*Triple motion made (by Biz Lit) at June 2021 EC meeting*

- d. *Warehouse Lien Amendments (§713.585)*  
Dennis LeVine

Passed EC at Labor Day Retreat 2021 (Sept. 2021)  
Not a 2022 session issue...looking at 2023

- e. *Prohibition on Causing Breach of Contract / Unjust Interference with Business Relationship (HB 313/SB1313)*  
James Moon

This legislation is apparently designed to prohibit a person from causing breach or violation of lawful contract or intentionally unjustly interfering with or disrupting business relationship; authorizes injured person to bring civil cause of action; authorizes injunctive relief & specified damages; prohibits enforcement of certain contracts.

**EXHIBIT B**

**2021 Legislative Items – Carrying Over to 2022**

*f. Kearney Fix (Re: Requirements for Waivers of Exemptions)*

Jennifer Morando  
John Hutton

HB 451 Passed Judiciary Committee 1/20, Placed on Calendar on Second Reading  
SB 406 On Agenda for Appropriations 1/27 (11:30 am)

*g. Foreclosure Notice Bill*

April Stone  
Judge McEwen

*D. Reports from Other Ongoing Study Groups*

*a. Florida Exemption Review/Revisions*

Kelly Roberts

HB 265 – 1<sup>st</sup> reading 1/14, now in Insurance & Banking Subcommittee  
SB 528 – Introduced 1/11

**EXHIBIT C** – HB 265 Auto Exemption Increase

**EXHIBIT D** – HB 265 Bill Tracking / History

*b. ABC Glitch Bill Study Group*

Jodi Dubose  
Patricia Redmond

*c. Article 9*

Juan Mendoza

*d. Bankruptcy Venue Reform Act*

John Hutton  
Hon. Catherine Peek McEwen

*E. Items to be Monitored*

*a. Financial Literacy Task Force*

Amanda Finley

Veteran's Financial Literacy Program held on Oct. 30, 2021 (hybrid in-person / virtual)

SB 1054 (re-do of 2019 legislation the section supported) which would enact a separately credited financial literacy course as a prerequisite for high school graduation and a standard high school diploma has been referred to the Senate Education Committee first.

HB 1115 has been referred to Secondary Education & Career Development Sub; PreK-12 Appropriations Sub; Education and Employment Committee.

*b. Northern District Judgeships/Divisions*

Hon. Karen Specie

Jodi Dubose

Doug Bates

*c. Judicial Term Limits/Legislative Oversight of Judicial Decisions*

Doug Bates

Jodi Dubose

*d. Fla. Stat. § 689.151 Revisions (RPPTLS proposed TBE legislation)*

Andrew Layden

*e. Uniform Voidable Transaction Act Amendments*

John Hutton

*f. Digital/Cryptocurrency Regulation Task Force*

John Hutton

James Moon (re: OFR reach out and Virtual Currency Task Force Creation question)

*g. Nondebtor Release Prohibition Act of 2021*

Hon. Catherine Peak McEwen

Would virtually eliminate the use in bankruptcy cases of non-consensual, non-debtor releases in private claims and those brought by the government.

Introduced by Rep. Jerry Nadler in July 2021, no movement in House since.

**V. NCBJ Sponsorship**

Marine Dorris

NCBJ – Marriott World Center, Orlando, FL, October 18, 2022 – October 22, 2022

Bank/UCC has formed a Sub-Committee to fund raise and assist in planning the State Bar Welcome Reception for the National Conference of Bankruptcy Judges (NCBJ) taking place on October 19, 2022, at the Marriott World Center in Orlando, Florida. As such, Bank/UCC is requesting the Executive Council approve the following: **(i) permit the BLS to serve as the host of the NCBJ Welcome Reception; (ii) solicit and collect funds to plan and pay for the Welcome Reception; and (iii) contribute [TBD] as the Host Sponsor of the needed \$160,000 budget for the Welcome Reception. All funds collected will be deposited with the BLS, all payments to vendors will be made by the BLS, and any remaining funds will be maintained by the BLS for any future Welcome Reception.**

## **VI. Continuing Legal Education, Communications, and Publications**

### *A. Bankruptcy/UCC Committee CLE Programs*

#### *a. Previously Held CLE Programs*

##### *i. 10/5/2021 -- Mediation Perspectives: From Business Litigation to Bankruptcy*

Juan Mendoza  
Kelly Roberts

#### *b. Future Programs*

##### *i. View from the Bench 2022 – Tampa and Miami (POSTPONED – NEW DATES TBD) Hon. Michael Williamson*

##### *ii. CLE Planning Tara Trevorrow*

##### *iii. Contact James Moon or Mariane Dorris if you would like to present a CLE or share ideas for future topics*

### *B. Communications Committee Report & Newsletter Chris Thompson*

### *C. Out of State Division Newsletter Submissions Hon. Catherine Peek McEwen Don Workman*

## **VII. Cross-Committee Partnership and Other Liaison Reports**

### *A. Other Liaison Reports*

- a. *CLE Committee* – Andrew Layden
- b. *IMF Committee* – Christina Taylor
- c. *Membership Committee* – Terry Sanks
- d. *Pro Bono* – Amanda Finley
- e. \*Civil Rules Task Force – Russell Landy

**EXHIBIT E** – BLS Civil Rules Taskforce Draft Comment

**EXHIBIT F** – IRCC – Final Report

**EXHIBIT G** – IRCC – Final Report (Appendix)

**EXHIBIT H** – Final Letter Workgroup on Improved Resolution of Civil Cases

## **VIII. Old Business**

- A. *Creating an App for FRBP/Code*  
Mark Healy

## **IX. New Business**

## **X. Future Meeting Dates**

EC Council Retreat Trip (Ireland):

- Pre-Trip: March 12, 2022 – March 15, 2022
- Main Trip: March 15, 2022 – March 20, 2022
- Post-Trip: March 20, 2022 – March 23, 2022

2022 Annual Florida Bar Convention – June 22, 2022 – June 25, 2022  
14100 Bonnet Creek Resort Lane  
Orlando, FL 23821

## **XI. Adjourn**