

Business Law Section of the Florida Bar
Business Litigation Committee

WINTER MEETING
Thursday, January 27, 2022
10:00 a.m. – 12:00 p.m.

Allison Leonard, Chair
Paige Greenlee, First Vice-Chair
Chris DeCort, Second Vice-Chair
Judge Darrin Gayles, Federal Judicial Chair
Judge Edward LaRose, State Judicial Chair

AGENDA

1. Pro Bono Pledge

The mission of the Pro Bono Committee is to achieve 100% participation in Pro Bono Service by Business Law Section members and attorneys in their firms.

2. Introduction of Judicial Chairs

3. Introductions

4. Housekeeping Matters:

- a. Review of Website and Resources
 - i. Manny Farach's case law update also through mailing list.
- b. Committee Level Listserv
 - i. Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlit-flabizlists.org>
- c. Legislation Subcommittee Listserv
 - i. Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlitlegislation-flabizlists.org>

5. Action Items:

- a. Approval of Labor Day Retreat Meeting Minutes
- b. Codification of Tortious Interference Claims – Vote to approve triple motion to EC to adopt policy opposing bill – White Paper to be Posted on Website.
 - i. [HB 313](#) by Rep. Jenna Persons-Mulicka (R-Ft. Myers); [SB 1312](#) by Sen. Ben Albritton (R-Bartow)
 - ii. *Provides it is unlawful for any person, by inducement, persuasion, misrepresentation, intimidation, or other unjust means, to intentionally and unjustly: (1) cause the breach of a lawful contract; or (2) interfere with or disrupt a business relationship. It also provides that a person injured in this manner has a civil cause of action for treble damages,*

temporary or permanent injunctive relief. It also allows the prevailing plaintiff to be awarded attorney fees and costs. Further, the bill specifies that codification of tortious interference does not preempt other remedies or causes of action under other statutes or common law.

6. HOT TOPIC - Civil Rules Task Force Presentation

7. Discussion Items:

a. Legislation Issues:

i. District Court of Appeal

1. [HB 7027](#) by House Judiciary
2. *Creates a sixth appellate district court of appeal headquartered in Pinellas County. The PCB also realigns the judicial circuits within the existing First, Second, and Fifth districts. The sixth district is composed of the Sixth, Twelfth, and Thirteenth circuits and the Third and Fourth districts are unchanged. Further, the number of appellate judges in some of the DCAs are changed in the following manner: the First DCA will have 13 instead of 15; the Second DCA will move from 16 appellate judges to nine; the Fifth DCA will increase from 11 to 12 appellate judges; and the new Sixth DCA will have 15 appellate judges. The result is a total increase of seven new appellate judgeships. The PCB also create a sixth office for the appellate public defender and the Criminal Conflict and Civil Regional Counsel. Lastly, it adds a count court judgeship in Lake County.*

ii. Invalid Restrictive Covenants in Health Care Employment Restrictions

1. [SB 842](#) by Sen. Jason Brodeur (R-Lake Mary) and [SB 1442](#) by Sen. Shevrin Jones (D-Miami Gardens)
2. *Specify that certain restrictive covenants in employment agreements between physicians and hospitals do not support a legitimate business interest.*

iii. Employment Restrictions

1. [SB 1618](#) Sen. Doug Broxson (R-Pensacola) and [HB 1191](#) by Rep. Thad Altman (R-Indian River)
2. *Provide restrictive covenants are only enforceable against a former employee, agent, or independent contractor who voluntarily resigned or was terminated because of misconduct.*

iv. Judicial Notice

1. [SB 634](#) by Sen. Jennifer Bradley (R-Orange Park); [HB 677](#) by Rep. Will Robinson (R-Bradenton)
2. *Establish a process for a court to take "judicial notice" of certain information taken from mapping services, such as Google Maps.*

- v. Civil Actions for Deprivation of Rights, Privileges, or Immunities
 - 1. [SB 1342](#) by Sen. Manny Diaz (R-Hialeah) and [HB 829](#) by Rep. Cord Byrd (R-Jacksonville Beach)
 - 2. *Provide a cause of action for the deprivation of certain rights, privileges, or immunities under the State Constitution. They also prohibit injunctive relief under certain circumstances and consider the plaintiff is the prevailing party under certain circumstances. Further, the bills provide for damages and reasonable attorney fees and costs, including contingency fees and expert witness fees and provide that interest accrues on a judgement beginning on a certain date. Lastly, they provide a waiver of sovereign immunity under certain circumstances.*

b. Committee and Task Force Liaisons

c. Business Law Section Legislation Update – Aimee Lyon and Doug Bell

- i. Service of Process
- ii. Judgment Lien
- iii. Chapter 517 – Florida Securities and Investor Protection Act
- iv. UCC – pick your partner
- v. Financial literacy instruction
- vi. Secured Transactions/Kearney
- vii. Restrictive Covenants – Brian Barakat
- viii. Data Privacy

d. Substantive Committee Update

- i. Bankruptcy/UCC
- ii. Computer & Technology Law
- iii. Corporations, Securities & Financial Services
- iv. Intellectual Property

e. Task Force Update

- i. Civil Rules Task Force – Russell Landy
- ii. Series LLC Task Force – Allison Leonard
- iii. Business Courts Task Force – Melanie Damian
- iv. Financial Literacy Task Force – Amanda Finley
- v. Fla. Stat. § 607.0750 and Fla. Stat. § 605.0801 – Phil Schwartz
- vi. Misc.

f. Standing Committee Update

- i. Pro Bono
- ii. Communications
- iii. CLE
- iv. IMF/Membership
- v. Other

- g. CLE/Hot Topic – Case Law Update
 - i. Annual CLE event – Chris DeCort

- h. Additional reports on old matters

8. New Business

9. Adjournment