**Legislative Positions 2021-2022 — Business Law Section**

# Bankruptcy / Uniform Commercial Codes / Debtor-Creditor Issues

1. Supports the creation of §702.13 Florida Statutes, providing for notice to homeowner in mortgage foreclosure action of possibility of relief under U. S. Bankruptcy Code.
2. In any proposed legislation regarding “Credit Counseling Services”, supports clear definitions and language to exclude licensed Florida attorneys, including bankruptcy attorneys who represent debtors, from the scope of the bills.
3. Opposes any amendment to existing Florida law governing real property foreclosures unless those amendments carefully preserve and protect the property rights and due process rights of the holders of interests in or affecting Florida real property.
4. Supports enactment of a separately credited financial literacy course as a prerequisite for high school graduation and a standard high school diploma,
5. Supports the Uniform Voidable Transfers Act in Florida, as promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL), which would amend the current Chapter 727, Uniform Fraudulent Transfers Act
6. Supports the Bankruptcy Venue Reform Act of 2019 or any similar subsequent legislation.
7. Opposes amendments to Section 689.151, Fla. Stat. that would (1) permit an owner of personal property create a tenancy by the entireties by a direct transfer to the owner and the owner’s spouse, notwithstanding the absence of the required common law unities of time and title, and/or (2) change

the presumptions to (a) require “clear and convincing” proof that TBE was not intended or created, and

(b) create a “conclusive presumption” as to the “intent to create a tenancy by the entirety” when a spouse’s name is added to an ownership document.

15. Supports legislation to update and clarify Section 55.205,F.S., Effect of judgment lien, to explicitly cross-reference section 319.27,F.S.

# Business Entities / Securities / Financial Services

1. Opposes legislation to impose income tax on limited liability companies and subchapter S corporations.
2. Opposes legislation that would transfer the functions of the Division of Corporations in the Department of State to the Department of Revenue.
3. Opposes “sunset” of the Division of Corporations of the Department of State.
4. Supports clarification of Florida Statutes, Section 213.758 “Transfer of tax liabilities” in order to streamline the transfers of businesses and stocks of goods.
5. Opposes changes to Ch. 607, F.S. which addresses the filing of biennial reports by domestic and foreign corporations.
6. Supports proposed legislation updating and modernizing the Florida Business Corporation Act (Chapter 607 of the Florida Statutes), harmonizing certain of those provisions with provisions in other Florida entity statutes, including within Chapters 605 and 620, and cleaning up certain glitches within such other Florida entity statutes.

# Business Litigation / Alternative Dispute Resolution

1. Supports the replacement of word “files” and “filing” with “serves” and “serving” wherever they appear in subsection (1) of §768.79, the Offer of Judgment and Demand for Judgment Statute.

# Intellectual Property / Computer Law

1. Supports ensuring the identification of goods and services in the Revised Model Trademark Act, Ch. 495, Fla. Stat., conforms to Federal Law.
2. 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.
3. 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.

# Judiciary / Administration of Justice

1. Supports adequate funding of the state courts’ system, state attorneys’ offices, public defenders’ offices, and court-appointed counsel.
2. Supports legislation consistent with the Supreme Court of Florida’s certification of need for additional judges.
3. Supports the funding and allocation of appropriate and necessary resources to fund complex business litigation pilot projects in the 9th, 11th, 13th, and 15th judicial circuits, provided that pilot project funding is to be in addition to existing court funding.
4. Supports adequate funding for civil legal assistance to indigent persons through the Florida Access to Civil Legal Assistance Act.
5. Opposes term limits for judges at any level of Florida’s state court system.