

**Agenda for the Bankruptcy/UCC Committee  
of the Business Law Section of the Florida Bar 2023 Winter Meeting**  
Thursday, January 26, 2023, 9:00 a.m. – 11:00 a.m., Longboat 2

Mariane Dorris, Chair [mdorris@shukerdorris.com](mailto:mdorris@shukerdorris.com)  
Kenny Murena, Legislative Vice-Chair [kmurena@dvllp.com](mailto:kmurena@dvllp.com)  
Adina Pollan, Vice-Chair [apollan@mcglinchey.com](mailto:apollan@mcglinchey.com)  
Hon. Mindy Mora, Judicial Chair

**I. Welcome & Approval of Minutes from the Prior Meeting - Exhibit A**  
Mariane Dorris

**II. Introductions of Special Guests and Pro Bono Reminder**  
Mariane Dorris

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) and the Middle District of Florida Bankruptcy Court's Districtwide Virtual Pro Se Clinic (Volunteer attorneys and unrepresented parties who want a virtual consult with a volunteer attorney can register at: <http://www.bankruptcyproseclinic.com> and will then be matched up for a virtual consult at a mutually convenient time).

**III. Business Law Section Update & Welcome**

Doug Bates, Section Chair  
Mark Stein, Section Chair-Elect  
Manny Farach, Section Treasurer  
Stephanie Lieb, Section Secretary  
Gregory Yadley, Section Chair of Long Range Planning  
Kacy Donlon, Section Immediate Past Chair

**IV. New Business**

*Honoring Legacy of Honorable Michael G. Williamson*  
Russ Blain, Doug Bates

**V. Legislation**

*A. Legislative Overview for 2023 Session*

Peter Valori, Legislation Committee Chair  
Aimee Diaz Lyon, Section Lobbyist

*B. Legislative Review Subcommittee*

Kenny Murena  
Jodi Dubose, Andrew Layden, James Silver, Luis Rivera, Thomas Zeichman

C. 2023 Legislative Items

a. *Judgment Lien Amendments*

Prof. Jeff Davis, Jodi Dubose

b. *ABC Gitch Bill*

Patricia Redmond, Jodi Dubose

c. *Warehouse Lien Amendments* (§713.585)

Dennis LeVine

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

Jennifer Morando, John Hutton

e. *Motor Vehicle Exemption*

Kelly Roberts, Luis Rivera

f. ***FDUTPA Exhibit B - White Paper on Proposed Revisions to Fla. Stat. § 501.207 and incorporated proposed amendment***

R. Scott Shuker

The proposed amendment **adds the following language** to Remedies of enforcing authority, §501.207(3), Fla. Stat.

(3) Upon motion of the enforcing authority or any interested party in any action brought under subsection (1), the court may make appropriate orders, including, but not limited to, appointment of a general or special magistrate or receiver or sequestration or freezing of assets, to reimburse consumers or governmental entities found to have been damaged; to carry out a transaction in accordance with the reasonable expectations of consumers or governmental entities; to strike or limit the application of clauses of contracts to avoid an unconscionable result; to bring actions in the name of and on behalf of the defendant enterprise, **without regard to any wrongful acts that were committed by the enterprise, its stockholders, officers, directors, or employees, and without regard to whether the enterprise had any innocent stockholders or directors at the time of such wrongful acts, which wrongful acts by any stockholders, directors, officers or employees shall not be ascribed to the enterprise or the receiver;** to order any defendant to divest herself or himself of any interest in any enterprise, including real estate; to impose reasonable restrictions upon the future activities of any defendant to impede her or him from engaging in or establishing the same type of endeavor; to order the dissolution or reorganization of any enterprise; or to grant legal, equitable, or other appropriate relief. The court may assess the expenses of a general or special magistrate or receiver against a person who has violated, is violating, or is otherwise likely to violate this part. Any injunctive order, whether temporary or

permanent, issued by the court shall be effective throughout the state unless otherwise provided in the order.

**The proposed Triple Motion for the Proposed Legislation to amend §501.207(3), Fla. Stat.:**

The following triple motion was made by R. Scott Shuker, seconded by [ to come ].

RESOLVED, that the Florida Bar Business Law Section (the "Section") supports proposed legislation amending § 501.207(3), (the "Amendment") of the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"). The Amendment being added to FDUTPA is based upon (i) the legislative staff analysis of the Fla. S. Judiciary Comm.; and (ii) the reasoning provided in *Freeman v. Dean Witter Reynolds, Inc.*, 865 So. 2d 543, 550 (Fla. 2d DCA 2003), *Isaiah v. JPMorgan Chase Bank*, 960 F.3d 1296 (11th Cir. 2020) and *Perlman v. PNC Bank, N.A.*, 38 F.4th 899 (11th Cir. 2022). The form of the Amendment is subject to such further changes as are deemed appropriate and approved by (i) the Bankruptcy/UCC Committee, and (ii) the Executive Committee of the Section; and it is further

RESOLVED, that the Amendment: (1) Is within the Section's subject matter jurisdiction as described in the Section's bylaws; (2) Either is beyond the scope of the bar's permissible legislative or political activity, or is within the bar's permissible scope of legislative or political activity and the proposed Section position is consistent with an official bar position on that issue; and (3) Does not have the potential for deep philosophical or emotional division among a substantial segment of the bar's membership.

*D. Legislative Items to be Monitored*

- a. *Foreclosure Notice Bill **Exhibit D***  
April Stone, Hon. Catherine Peek McEwen
- b. *UCRERA Glitch Bill*  
Hon. Mindy A. Mora  
Opposition from the Florida Land Title Association, not RPPTL, stopped the process. The glitch bill has been sent to FLTA and so far, the opposition seems to have died down; we will know more soon.
- c. *Bankruptcy Venue Reform Act of 2021 (H.R. 4193/ S.2827)*  
John Hutton, Hon. Catherine Peek McEwen

- d. *Nondebtor Release Prohibition Act of 2021 (H.R. 4777/S.2497)*  
Hon. Catherine Peek McEwen

*E. Study Groups*

- a. *New: UCC 9-Financing Statements **Exhibit C***

Adina Pollan [apollan@mcglinchey.com](mailto:apollan@mcglinchey.com)

The recent UCC 9 decision of the 11th Circuit on the answer to the question certified to the Florida Supreme Court on the precision with which a debtor name must appear on a UCC-1 has caused a few to suggest a study group should be created to study whether to propose a legislative fix (although the fix may be both legislative and administrative with Sec. of State). Possible legislative proposal to bring Florida's search registry into the 21st century and provide a safe harbor as well as review other states with the requisite search logic which could serve as a model.

- b. *UCC Article 12*

Robert Kain [rkain@conceptlaw.com](mailto:rkain@conceptlaw.com)

Michael Dunn [Michael.dunn@dunnlawpa.com](mailto:Michael.dunn@dunnlawpa.com)

Jaime Leggett [jleggett@bastamron.com](mailto:jleggett@bastamron.com)

- c. *Uniform Voidable Transactions Act Task Force*

John Hutton

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

*A. Bankruptcy/UCC Committee CLE Programs*

- a. *Previously Held CLE Programs*

- i. *View From the Bench*

November 3 (Tampa) 4 (Miami), 2022

Stephanie Lieb, Brad Saxton

- ii. *Panel Discussion: Benefits and Pitfalls of Subchapter V*

Course No. 6887

January 25, 2023

Moderated by: R. Scott Shuker

Panelists: Luis E. Rivera, Amy Denton Mayer, Judge Roberta Colton, Judge Jacob Brown, and Judge Jason Burgess

Sponsored by: Shuker & Doris, P.A., Gray Robinson and Stichter, Riedel, Blain & Postler, P.A

b. *Future Programs*

- i. *A.B.C. (Fla. Stat. §727): The State Court Alternative to Bankruptcy Court*  
February 9, 2023: 12:00 p.m. – 1:00 p.m. Webinar.  
Registration Open  
Speakers: R. Scott Shuker, Mark C. Healy, & Patricia Redmond  
Fee: \$50.00 Members, \$110.00 Non-Section Members
- ii. *Practices & Procedures: Bankruptcy Judges of the Jacksonville Division of the Middle District of Florida*  
March 30, 2023: 12:00 p.m. – 1:00 p.m. Webinar with In-Person Attendance in Courthouse  
Speakers: United States Bankruptcy Judges for the Middle District of Florida, Jacksonville Division, Honorable Jacob Brown, and Honorable Jason Burgess  
Moderator: Adina Pollan  
Fee: Free to Section members
- iii. *Practices & Procedures: Bankruptcy Judges of the Orlando Division of the Middle District of Florida*  
April 19, 2023: 4:00 p.m. – 5:15 p.m. Webinar  
Speakers: United States Bankruptcy Judges for the Middle District of Florida, Orlando Division, Honorable Tiffany Geyer, Honorable Grace Robson, and Honorable Lori Vaughan  
Moderator: Ana DeVilliers, Staff Attorney with Chapter 13 Trustee Office  
Fee: Free to Section members
- iv. *Litigating Confirmation Issues*  
May 2023 (TBD) Webinar
- v. *View From the Bench 2023 – Tampa and Miami*  
November 2 (Tampa), Reception (11/01/2023): New Location USF Health CAMLS (124 S Franklin St, Tampa, FL 33602)  
November 3 (Miami)

B. *Communications Committee Report & Newsletter*

Shirley Palumbo [Shirley.Palumbo@gmlaw.com](mailto:Shirley.Palumbo@gmlaw.com)

Requesting articles and blogs for the section newsletters and social media outlets. Here are the submission guidelines for your reference.

<https://flabizlaw.org/blog-submission/>

Topics: what your committee/task force is doing this year, including CLEs, meetings, projects, etc. If any CLE presenter would like to provide a written synopsis of their presentation, we welcome that as well.

*C. CLE Committee Report & Fla. Bar Journal*

Luis Rivera [Luis.Rivera@gray-robinson.com](mailto:Luis.Rivera@gray-robinson.com)

There are upcoming opportunities for committee members to submit articles for publication in The Florida Bar Journal.

Fla Bar Issue May/June 2023, Need article March 1

Fla Bar Issue July/August 2023, Need article May 1

Fla Bar Issue September/October 2023, Need article July 1

*D. 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. *IMF Committee* – Adam Gilbert

b. *Financial Literacy* – Carlos Sardi

c. *Membership Committee* – Dana Robbins, Juan Mendoza

d. *Pro Bono* – Hon. Laurel Myerson Isicoff

e. *Regional Bankruptcy Bar Liaisons*

Megan Murray [mmurray@underwoodmurray.com](mailto:mmurray@underwoodmurray.com)

(BBA-ND Fla., BBA-SD Fla., TBBA)

Christian Haman [chaman@dallagolaw.com](mailto:chaman@dallagolaw.com) (CFBLA, JBBA, SFBPA)

f. *ABI Liaison* – Adina Pollan

February 21-22, 2023

Alexander L. Paskay Memorial Bankruptcy Seminar

JW Marriott Water Street, Tampa, FL

July 20-23, 2023

Southeast Bankruptcy Workshop

Ritz-Carlton, Amelia Island, Amelia Island, FL

We are looking for interesting topics on which to present, so if you have any ideas on what you would like to see, please let Adina know.

ABI's Diversity and Inclusion Mentoring Program (June 2022 – June 2023) seeks to build personal and professional relationships while promoting diversity and leadership within the ABI.

<https://diversity.abi.org/mentoring/apply>

ABI's "40 Under 40 Program"

ABI continues its annual tradition of identifying and honoring 40 individuals under the age of 40 who demonstrate remarkable ability, leadership and achievement in the bankruptcy and insolvency community. The "40 Under 40" honorees are distinguished by professional achievements and service and are selected by a group of experienced insolvency professionals.

<https://abi40under40.org/>

## **VIII. Future Meeting Dates & Events**

Investiture Ceremony of Hon. Judge Jason A. Burgess

February 2, 2023, at 3:00 p.m.

United States District Court

Ceremonial Courtroom, 13A

300 North Hogan Street

Jacksonville, Florida

Investiture Ceremony of Hon. Judge Tiffany Geyer

March 17, 2023, at 3:00 p.m.

United States District Court

George C. Young Federal Annex Courthouse

Orlando, Florida

Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge?

April 3, 2023 (Tampa, Miami, Orlando)

EC Retreat – April 23-27, 2023, Sedona, AZ

Annual Meeting – June 21 – 24, 2023, The Boca Raton, Boca Raton, FL

Labor Day Retreat – August 31 – September 4, 2023, Location TBD

## **IX. Adjourn**