

Minutes of the Business Law Section of the Florida Bar
Business Litigation Committee

LABOR DAY RETREAT MEETING
Saturday, September 2 at 1:30 in Plaza II & III
The Ritz Carlton Naples

Brian Barakat, Chair
Joseph Van de Bogart, First Vice Chair
Utibe Ikpe, Second Vice Chair
Judge Darrin Gayles, Federal Judicial Chair
Judge Edward LaRose, State Judicial Chair

1. Call to Order

Chair Barakat called the meeting to order shortly after 1:30pm.

2. Attendees:

- Maxwell Hollman- msh2H@fsu.edu
- Michelle Rodriguez- mr22bg@fsu.edu
- Bryan A Maroto- bryan@ser-associates.com
- Jennifer Castiblanco- jennifer.castiblanco@eisneramper.com
- Maresa Semper- Asemper@fsu.edu
- Christian Haman- Chaman@dallagslaw.com
- Barabara Riesberg- Briesberg@taylorenghish.com
- Melanie Damian- mdamiabn@dullp.com
- Aleiola Martinez-Molina- Aleida@Axslawgroup.com
- Ruseell Weigel- Ruseell.weigel@flofr.gov
- Aubrey Mys – Aubrey.mys@ufledu
- Gabriella Cerasoli Gcerasoh@ufl.edu
- Amanda Fernandez- Afernandex@riveromestre.com
- Allison Leonard- Aleonard@dvllp.com
- Shannon McLin- SMclin@floridaappeals.com
- Rachel Fisch- Rachel.Fisch@realadvice.com
- Leah Aein- Lhein@KTTlaw.com
- Mark Levy- Mark.Levy@brinkleymorgan.com
- Daniel Villa- Danielvilla@ufl.edu
- James Marx- Jamesemarxrosenthal.com
- Brad Matley- brm@thamesmarkey.law
- Ed Larose- larose@flcourts.org
- Rodolfo Sorondo, Sr.
- Alan Fine- Alan.Fine@privatersolutions.com

- Jon Polenberg- JPolenberg@berckerlawyers.com
- Jude Cooper- Jcooper@becekrrlawyers.com
- Simen Brier- SBrier@Cozen.com
- Rick Gross- Mgross@carltonfields.com
- Gill Freeman- judgegill@aol.com
- Harsh Aaron- harsh.arora@nelsonmullins.com
- Richard Fechter- rfechter@bpbcpa.com
- Daniel Hughes- dhughes@bpbcpa.com

3. Pro Bono Pledge

The chair reminded attendees of the 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.

4. Introduction of Judicial Chairs

Chair introduced judicial chairs.

5. Housekeeping Matters

- Review of Website and Resources -Chair reminded everyone that website is available and people can use website to sign up for listserv.
 - Email sign up for new committee members
 - Manny Farach's case law update (also through mailing list)
- Review of Committee Level Listserv
 - Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlit-flabizlists.org>
- Review of Legislation Subcommittee / Listserv
 - Overview and call for volunteers
 - Sign up: <http://lists.flabizlists.org/listinfo.cgi/bizlitlegislation-flabizlists.org>

6. Action Items

- Approval of Annual Meeting Minutes (June 2023) (*materials attached*)

Motion to approve minutes made by Rick Gross. No discussion and minutes unanimously approved.

- Opinion database

Rick Gross made a Motion to create a study group to create an opinion database. Chair sent around signup sheet for study group.

7. Discussion Items

- New Board Certification specialty for Insurance Coverage – Debbie Crockett

Nobody was available to speak on topic.

- b. Florida Uniform Disposition of Community Property Rights at Death Act – Robert Barron (*Materials Attached*).
- c. Change in the number of Judicial Circuit's.
<https://www.flcourts.gov/Administration-Funding/Court-Councils-Commissions-and-Committees/Judicial-Circuit-Assessment-Committee>

Chair reviewed materials on this topic, and the lunch time panel with judges included a discussion on this. In summary, the idea is that some circuits are small and there may be benefit in consolidation. No group has come out in support of the change, as mentioned during the lunch meeting. Chair suggests that we monitor the situation. Adina Pollan commented and stated that there was a survey that came out. Adina Pollan further suggested that everyone take the survey.

- d. Leadership visit

The leadership joined the meeting to provide announcements and address issues. Leadership is asking all substantive committees to create a playbook. This is a short document that will tell incoming officers what their roles are.

- e. Presentation from Robert Pain and Judge Mora

Spoke about proposed legislation, which is a new chapter of the UCC, which deals with security interests in digital assets. A whitepaper has been submitted re changes. They are not currently seeking committee approval, but may seek such approval in the winter. Chair request a liaison to the Bankruptcy UCC study group. Jocelyne Macelloni agreed to serve as the liaison.

- f. Business Law Section Legislative Update

Vice-Chair notes that there are no pending legislation for business litigation. Chair then discusses the following legislation:

- i. 2023 passed legislation:
 - 1. ABC
 - 2. Data Privacy
 - 3. Financial Literacy
 - 4. Judgment Lien
 - 5. Kearney fix
- ii. Expected 2024 legislative issues:
 - 1. UCC Article 12
 - a. Proposed FS 669 (*Materials Attached*)
 - 2. Series LLC
 - a. White Paper (*Materials Attached*)
 - 3. Warehouse Liens
 - 4. FDUTPA

- 5. Judgment Lien Glitch
- 6. UCRERA Glitch
 - a. Amanda Fernandez provided update
- 7. Ch. 517, Florida Securities and Investor Protection Act
 - a. Judge Cohen provided update
- 8. Ch. 617, Not-for-Profit Corporations
- 9. Motor Vehicle Exemption
- iii. 2024 Session start date: March 11, 2024

g. Direct vs. Derivative Study Group (Fla. Stat. § 607.0750(2)(b)) – Giacomo Bossa

Giacomo provided update. Fellows are helping with research, and there is consideration about creating a best practices book.

h. Task Force Updates

- i. Business Courts – no report was provided
- ii. Ch. 517, Florida Securities and Investor Protection Act
 - 1. Triple Motion (*Materials Attached*)
- iii. Restrictive Covenants- Brian Barakat provided update
 - 1. SB 1498 (*Materials Attached*)
 - 2. HB 11 (*Materials Attached*)
- iv. Financial Literacy- no report provided
- v. Fla. Stat. § 607.0750 and Fla. Stat. § 605.0801 – Phil Schwartz (*materials to be provided*)
 - 1. Phil and Gary have completed bill. White papers were circulated. Will go to EC on Monday for a triple motion.

i. Substantive Committee Updates

- i. Bankruptcy/UCC
 - 1. Adina Pollan gave update and advised there is an article 9 study group and sub chapter 5 CLE.
- ii. Blockchain & Digital Assets
 - 1. No report was provided.
- iii. Computer & Technology Law
 - 1. No report was provided.
- iv. Corporations, Securities & Financial Services
 - 1. No report was provided.
- v. Intellectual Property
 - 1. No report was provided.

j. Standing Committee Updates

- i. CLE
 - 1. Utibe Ikpe provided update. CLE committee is looking for articles to be published in FI Bar journal.
- ii. Communications

- 1. No report.
- iii. eDiscovery and Digital Evidence
 - 1. Avery Chapman spoke about bringing back CJE and putting together module.
- iv. Inclusion, Mentoring & Fellowship Committee (IMF)
 - 1. Catherine Vandebogart gave update and reminded everyone that fellows are willing to help with new or outstanding projects.
- v. Membership
 - 1. Christina Talor gave update- asked that we say hello to scholars that are in attendance
- vi. Pro Bono
 - 1. No report.
- vii. Rules of Court
 - 1. Russell Weigel gave report and advised that the committee will be looking at expert disclosure issues.
- k. Florida Bar Committee Updates
 - i. Civil Rules Committee – Allison Leonard
 - 1. No report was provided.
 - ii. Rules of Evidence Committee – Scott Janowitz
 - 1. No report was provided.
- l. Business Litigation CLE update – Joseph Van de Bogart
 - i. This CLE will take place during the big bar conference, instead of during labor day. The CLE will include going over recent legislations that has passed.

8. Adjournment

Giacoma Bossa moved to adjourn the meeting and Russell Weigel seconded. The meeting was then concluded.