

# Agenda for the Meeting of the Bankruptcy/UCC Committee of the Business Law Section of the Florida Bar at the Winter Meeting

Thursday, January 18, 2024, 9:00 a.m. – 11:00 a.m., Room Crystal E

Kenny Murena, Chair [kmurena@dvllp.com](mailto:kmurena@dvllp.com)

Adina Pollan, First Vice-Chair (Legislative) [apollan@mcglinchey.com](mailto:apollan@mcglinchey.com)

Matthew Hale, Second Vice-Chair (Study Groups) [mhale@srbp.com](mailto:mhale@srbp.com)

Hon. Mindy Mora, Judicial Chair

## I. Welcome & Approval of Minutes from the Prior Meeting - Exhibit A

Kenny Murena

## II. Introductions of Special Guests and Pro Bono Reminder

Kenny Murena

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

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),

Northern District of Florida Pro Bono Initiative

Southern District of Florida Pro Bono Opportunities

- Take a Chapter 7 or Chapter 13 Case
- Mentor a student clinic team (usually a chapter 7 case or adversary proceeding) at one of our three participating law schools in Miami-Dade and Broward Counties
- Mentor a non-bankruptcy lawyer who is doing a bankruptcy case pro bono
- Represent a creditor in an adversary proceeding (many times a discharge action involves domestic support obligations)
- Represent a debtor in an adversary proceeding (usually a discharge action or objection to exemptions)
- Represent a debtor at a 2004 examination
- Represent a creditor at a 2004 examination
- Represent a debtor for an MMM mediation
- Staff a pro se clinic (usually 2 hours)
- Help with intake at a legal services provider

## III. Business Law Section Update & Welcome

Mark Stein, Section Chair

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Manny Farach, Section Chair-Elect  
Stephanie Lieb, Section Treasurer  
Peter Valori, Section Secretary  
Gregory Yadley, Section Chair of Long-Range Planning  
Doug Bates, Section Immediate Past Chair

## IV. Legislation

### A. *Legislative Overview for 2024 Session*

**Robert Barron, Legislation Committee Chair**

Woody Pollack, Legislation Vice Chair

Aimee Diaz Lyon, Section Lobbyist

### B. *Legislative Review Subcommittee*

**Adina Pollan, Legislative Vice Chair**

Jodi Dubose, Andrew Layden, James Silver, Luis Rivera, Thomas Zeichman, Dave Slenn

Subcommittee considered the proposed legislative position, the white paper, and the proposed bill presented by the Legislative Committee of the RPPTLS regarding disputes under the Florida Uniform Disposition of Community Property Rights at Death Act (sec. 732.216-732.228). The bill proposes to statutorily exempt title disputes arising under the Act from Florida's creditor claim procedures. Claims raised under the proposed Act may also be raised in connection with a dispute related to business litigation, a bankruptcy proceeding, or a corporate change of control situation. The Committee did not determine that the proposed bill affects our interests and so a Study Group was not formed.

### C. *2024 Legislative Items*

#### a. *Judgment Lien Amendments*

**Prof. Jeff Davis, Jodi Dubose**

[HB 0175](#) by Rep. Christopher Benjamin (D-Miami Gardens)

SB 984 by Sen. Rouson (D-St. Petersburg)

The bill specifies provisions to be used in resolving priority of conflicting rights between judgment lienholder and secured party. It specifies that rights of certain judgment debtors to proceed against judgment debtor's property are subject to certain provisions and provides that an account debtor may discharge certain obligations through a settlement agreement.

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Judgment Lien Act was passed in 2022. Amendments proposed by the Study Group were presented to and approved by this Committee at the June 2023 Annual Meeting. As of Labor Day Retreat, the Study Group was reviewing possibility of legislative fix for some bad case law that narrowly interprets judgment liens and considering whether a glitch bill was needed.

10/16/2023 - House filed the bill

11/02/2023 - House referred to Civil Justice Subcommittee; Regulatory Reform & Economic Development Subcommittee; Judiciary Committee

11/02/2023 - House referred to Civil Justice Subcommittee, an amended was needed, and the amended Bill will it mirror the Senate Bill. The Bill passed the Subcommittee unanimously.

11/16/24 –Senate referred Bill to Civil Justice Subcommittee – We expect this to pass the Subcommittee unanimously.

Update from Professor Davis

**b. Warehouse Lien Amendments (§713.585)**  
**Dennis LeVine**

HB 0179 by Rep. Melony Bell (R-Fort Meade)  
SB 774 by Sen. Keith Perry (R-Gainesville)

The Bills prohibit the Florida Highway Patrol from excluding wrecker operators from wrecker operator system based on prior felony convictions, authorize towing-storage operator to charge fees, revise requirements for law enforcement agencies and the Department of Highway Safety and Motor Vehicles relating to removal of vehicles or vessels, revise requirements for sale, liens, and notices of lien, require towing-storage operator to accept certain types of payment, revise requirements for sale or disposition of property at self-service storage facilities, and specify copies of specified documents constitute proof for transfer of title and requires that rental agreements authorize tenants to designate alternate contact person.

During the 2023 Legislative Session, HB 1085 (Wrecker and Towing-Storage Operators Bill) by Rep. Maney (R-Fort Walton Beach) was introduced in both the House and Senate. We were told it had backing of leadership of both houses.

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Towing lobby was very organized and attempted to stop the legislation. The bill made it through several committees but died at its last committee stop. Dennis Levine planned to bring it back up for the 2024 session.

10/16/23 – House filed Bill

11/2/23 - House referred to Transportation & Modals Subcommittee; Civil Justice Subcommittee; Infrastructure Strategies Committee

11/2/23 – House referred to Transportation & Modals Subcommittee

Senate filed Bill and it was referred to a Subcommittee that will hear it on 1/17/24

We are expecting a strike-all amendment to be filed.

Update from Dennis Levine or Legislative Committee

*c. Florida Statutes, Chapter 517 Amendments*  
**Will Blair**

At Labor Day meeting, the Chapter 517 Task Force proposed legislation that updates and modernizes Chapter 517 of the Florida Statutes – The Florida Securities and Investor Protection Act – explaining that the new revisions incorporate a number of pro-business changes on a statute that hasn't been updated in a while. The Task Force provided to this Committee a proposed bill, an explanatory white paper, and the triple motion, this Committee supported the bill, and the triple motion was made and passed at the EC meeting.

1/10/24 – Filed 110-page amendment to Bill. We think both Bills will be in great shape. Bill is on Agenda for 1/16/24 Senate Banking and Instruments Committee meeting at which we will have a representative attend as an expert.

*d. Motor Vehicle Exemption Bill*  
**Luis Rivera, Kelly Roberts**

Value of Motor Vehicles Exempt from Legal Process

[HB 981](#) / [HB 0029](#) by Rep. Benjamin (D-Miami Gardens)

[SB 1014](#) / [SB 0158](#) by Sen. Polsky (D-Boca Raton)

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The initial legislative effort began with a basic bill to increase the Florida motor vehicle exemption from \$1,000 to \$5,000. This Committee formed a study group in 2022 to look at the Florida exemptions available in comparison to the exemptions available in other states. As the bill moved through the House and Senate, the bill was amended to provide that the increased exemption amount would only apply to debtors in bankruptcy and would not apply outside of a bankruptcy proceeding. The BLS objected to the proposed legislation, which ultimately provided the impetus for Governor DeSantis to veto the bill. A new bill was proposed that would apply the exemption to all debtors (in bankruptcy and outside of bankruptcy) but it died in committee in the House and Senate.

As of the Labor Day meeting, there was uncertainty as to the outlook for this legislation in the 2024 legislative session. The Study Group was reconstituted with the goal of presenting a more comprehensive white paper on Florida's exemptions and recommendations.

9/5/23 – House filed Bill

10/5/23 – House referred Bill to Civil Justice Subcommittee; Insurance & Banking Subcommittee; and Judiciary Subcommittee and it passed its first Committee of reference

In Senate, the Bill passed its first Committee of reference

The Bill does not have the COLA that we would have liked.

### *D. Legislative Items to be Monitored*

#### *a. Foreclosure Notice Bill*

April Stone, Hon. Catherine Peek McEwen

As of the Labor Day meeting, there was no traction from Attorney General Moody's office towards pushing this legislation forward, with Judge McEwen having discussed with the Attorney General's chief of staff the need to determine the optimal timing for advancing the bill, not wanting to push it until the foreclosure rates were up.

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1/13/24 Update from Judge McEwan: No update - the Bill will not be pulled off the shelf until foreclosure rates around the State start to shoot up.

*b. FDUTPA: Revisions to Fla. Stat. § 501.207(3)*

**R. Scott Shuker**, Michael A. Friedman

Triple motion on the proposed revisions passed, but we did not get a sponsor in time for the 2023 session. As of Labor Day Meeting, the Task Force was searching for a sponsor, hoping the revisions would gain traction, and considering looking for another bill to attach its revisions to, but through there might not be a vehicle for it in the 2024 session. The Task Force was considering reaching out to Attorney General's office for input and assistance.

*c. UCRERA Amendments*

**Judge Mindy Mora**, Kathleen DiSanto

As of the 2023 Labor Day Meeting, there was no agreement among the title insurance and traditional real estate members of RPPTLS and BLS regarding the language of the proposed glitch bill (proposed by RPPTLS) and the RPPTLS backed off and put it in our hands. The Task Force reported that it would make a recommendation of whether and how to proceed.

On 1/12/24, the UCRERA Task Force met by Zoom. RPPTLS are not pursuing any glitch bill proposing amendments to UCRERA and nothing was introduced for this Legislative Session. Task Force decided to not propose any amendments.

*d. Federal Legislative Updates*

*i. H.R. 1017 - Bankruptcy Venue Reform Act*

(There is no companion bill in the Senate)

*118th Congress (2023-2024)*

**John Hutton**, Hon. Catherine Peek McEwen (not present)

As of the 2023 Annual Meeting, the House Bill had bipartisan support, it had approximately 10 sponsors including U.S. Rep. Katherine Castor, we needed Republican cosponsors, and there was no companion Senate Bill. There was a report that Senator Warren will help and that Rep. Laurel Lee was mulling it over.

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As of the 2023 Labor Day Meeting, the Bankruptcy venue reform was not a priority in the 118th Congress. The Act was introduced and referred to the Judiciary Committee in February, where it has sat without action. There were nine cosponsors joining the original sponsor, who is a Democrat. Seven cosponsors were Democrats; two were Republican. One of the cosponsors is from Florida: Rep. Kathy Castor, a Democrat. Judge Jay Brown got a sponsorship commitment from a Republican representative from Jacksonville, but the member's office has not pushed the original sponsor to list him. If that comes through, we will have one bipartisan pair from Florida co-sponsoring. Judge McEwan explained that Rep. Laurel Lee, a Republican from Florida who is on Judiciary and is a former state judge, is interested in learning more. The only other Floridian on Judiciary is Rep. Matt Gaetz, another Republican. And early in 2023, Doug connected Judge Isicoff with Rep. Gaetz's office to foster NCBJ legislation relations. Judge McEwan expressed the importance of garnering bipartisan support for any bill in the present Congress and did not think Judiciary will think the bill deserves attention unless there is a large number of cosponsors. There have been rumblings that Senator Elizabeth Warren may lend her support, and possible Representative Laurel Lee.

1/13/24 Update from Judge McEwan: The Bankruptcy Venue Reform Act (H.R. 1017) is stuck in neutral. There is no Senate companion bill. Only one of the ten sponsors is in the Florida delegation, Kathy Castor of Tampa. If you want to move the bill out of neutral, then you need to enlist support of more co-sponsors from Florida. The House has in-district work periods Jan. 22-26 and Feb. 20-29. If you don't know who your local House Rep. is or how to find the district office phone number in order to make an appointment, please contact Judge McEwan.

### ii. Subchapter V Debt Cap Ceiling Sunset Extension

1/13/24 Update from Judge McEwan: The NCBJ is working the Hill to get the Subchapter V debt cap ceiling sunset extended or, better yet, making the current debt cap permanent. The deadline is near the end of June. Judge Isicoff and Judge McEwan have been personally involved in the effort. Rep. Laurel Lee of Tampa is on the House Judiciary Committee, so her support is key. Rep. Matt Gaetz is also on Judiciary. His support would also be instrumental if anyone can help with that.

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- iii. Amendments to Federal Rules of Civil Procedure 16 and 26 regarding privilege logs

1/13/24 Update from Judge McEwan: Amendments are under consideration by the JCUS Civil Rules Advisory Committee. A recently proposed amendment to Fed. R. Bankr. P. 7031 to permit special masters will be considered by the JCUS Bankruptcy Rules Advisory Committee for further comment, or not, this Spring. The attempt has failed twice, once in the 1990s and once in 2009. If anyone would like to comment on the proposal, do that by sending an email to Judge McEwan, and she will pass it on. The proposal can be found on the U.S. Courts' rules suggestions webpage at the very top (Judge Kaplan is the proponent).

- iv. Congressional Legislation affecting Student Loans

H.R. 306 – *Stopping Abusive Student Loan Collection Practices in Bankruptcy Act*

*of 2023*: This legislation would add a provision in the Bankruptcy Code to provide for attorneys' fees and costs for the debtor if the Debtor pursues dischargeability of student loan debt and the debt is ultimately discharged.

H.R. 138 – *Private Student Loan Bankruptcy Fairness Act of 2023*: Under this proposed legislation, private student loans would be dischargeable without the need for a debtor to establish undue hardship as required under current law.

S. 136 – *ISA Student Protection Act of 2023*: Under this proposed legislation, educational income share agreements would not be subject to same undue hardship standard typical of student loan discharges.

- v. Congressional Legislation on Exemptions

H.R. 962 – *Protecting Gun Owners in Bankruptcy Act of 2023*. The legislation would increase the exemption for firearms to \$3,000 and clarifies that such firearms are household goods not subject to liens in bankruptcy.

- vi. Congressional Legislation on Health Savings Accounts

H.R. 2959 and companion S. 2621 – *Health Savings Act of 2023*. This legislation seeks, among other things, to exempt HSA's from creditor claims under federal bankruptcy exemptions (Florida law already provides for this in F.S. sec. 222.22.)



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*E. Study Groups*

- a. *New: UCC Article 9 - Financing Statements*  
**Adina Pollan** [apollan@mcglinchey.com](mailto:apollan@mcglinchey.com)  
**Mark Wolfson** [mwolfson@foley.com](mailto:mwolfson@foley.com)

The 11th Circuit decision in the case *In re NRP Lease Holdings, LLC*, 50 F.4th 979 (11th Cir. 2022) which held that under Florida law, because the Florida Secured Transaction Registry did not employ “standard search logic” for searches of financing statements, the statutory safe harbor for financing statements that fail to correctly name the debtor could not apply, and so the financing statements filed by creditor that incorrectly named debtor were “seriously misleading” and ineffective to perfect creditor's security interest in debtor's assets. In answering the 11th Circuit’s certified questions, the Florida Supreme Court in *1944 Beach Boulevard, LLC v. Live Oak Banking Co.*, 346 So.3d 587, 593 (Fla. 2022) adopted “the definition of ‘standard search logic’ accepted in the secured transactions industry, which requires the search to identify specific hits, if any,” and held that “the search option offered by the Registry, which returns the entire index, is not a ‘standard search logic.’” The court held that “section 679.5061(3) provides one way and one way only to search the filing office's records for purposes of determining whether the safe harbor applies to a financing statement that incorrectly names a debtor— i.e., ‘using the filing office's standard search logic, if any.’” *Id.* As a result, the court explained that “[b]ecause the Registry lacks a ‘standard search logic,’ the search contemplated by section 679.5061(3) is impossible, which means that filers are left with the zero-tolerance rule of section 679.5061(2).” *Id.* Because the zero-tolerance rule applies “until the Registry employs a standard search logic, ... any financing statement that fails to correctly name the debtor as required by section 679.5031(1) is ‘seriously misleading’ and therefore ineffective.” *Id.*

Study group is to make recommendation regarding possible legislative or administrative 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.

At the 2023 Labor Day Meeting, the Study Group reported on their efforts to remedy the effects of the *Beach Boulevard* case (*In re NRP Lease Holdings, LLC*, 50 F.4th 979 (11th Cir. 2022)). In particular, the Study Group explained it was working with the Secretary of State and the DBPR to find out how to fix the website, which has been more of an operational issue. And, the group was focusing on exploring legislative avenues to remedy the issue in the interim while

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the Secretary of State works through the issue. The Study Group believes that approximately 1/3 of UCC-1s are invalid under this new case. Finally, the Study group was working to get the notice out to all affected parties.

*b. Commercial Financing Disclosure Law - Product Brokers & Providers*

[HB 1353](#) by Rep. Bankson (R-Apopka)

**Jocelyn Macelloni**, Diane Wells, Mark Wolfson, John Hutton, Matt Hale

The bill creates the “Florida Commercial Financing Disclosure Law,” which requires a provider that consummates more than five commercial financing transactions of \$500,000 or less in a 12-month period to give each business that enters into a consumer financing transaction certain written disclosures regarding the total cost of the transaction, and the manner, frequency, and amount of each payment. The bill establishes exemptions to these disclosures and provides that a provider’s characterization of accounts receivable purchase transaction as a purchase is conclusive that the transaction is not a loan or a transaction for the use, forbearance, or detention of money.

A Study Group was formed to investigate whether this Committee wants to propose a glitch bill or other legislation to address this law and to look into what is happening in Florida and nationwide. As of the Labor Day Meeting, the Study Group was planning to prepare a position paper regarding a possible legislative proposal to address definition of “business,” “business purpose transaction,” “accounts receivable purchase transaction,” the Attorney General as the “exclusive” authority to enforce legislation, as well as any other matters deemed necessary.

*c. UCC Article 12*

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

**Matthew Hale**

Hon. Mindy A. Mora

The Uniform Law Commission (“ULC”) proposed new UCC Article 12 (“Art. 12”), to be titled Fla. Stat. § 669, as an expansion of the Uniform Commercial Code (“UCC”), Fla. Stat. §§ 661 –680. Art 12 establishes a baseline framework allowing creditors to secure liens on digital assets owned by debtors and updates UCC Article 9, Secured Transactions, Fla. Stat. § 679, for electronic assets (payment intangibles and payment accounts, § 679.1021), et al. The ULC’s goal

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is to modernize the UCC for basic transactions involving electronic money and digital assets on a national, state-by-state level much like it did in the 1950s for the transactions involving goods.

The Florida Bar Business Law Section (“BLS”) has an Art. 12 – F.S. 669 Task Force reviewing, editing, and commenting on the 140+ page version of F.S. 669. The Art 12 Task Force includes Business Law Section members, Real Property Probate and Trust Law Section members, and representatives from the Florida Bankers Association and interested industry groups.

At the 2023 Annual Meeting, this Committee formed a Study Group, which identified a number of issues with the proposed Amendments and recommended further review and consideration of the proposed Amendments, various terminology used, and how it cross-references and affects other Florida Statutes.

At the Labor Day Meeting, UCC Article 12 Task Force presented to the Committee the proposed Amendments to Florida’s UCC Article 12, a draft Florida UCC Article 12 Bill, and a white paper, and requested input. The Task Force explained that the proposed legislation is ULC approved and contains many revisions to other sections of the UCC and solicited the participation of this Committee. This Committee discussed the proposed legislation, noting that Florida would be one of the first large commercial states to adopt the Article 12 UCC amendments and the importance of the issue on the definition of money and whether it includes Central Bank Digital Currency.

This Committee and its Study Group is reviewing all of the proposed changes to Articles 8 and 9 and elsewhere in the UCC to ensure our non-uniform provisions are not affected. And, the Study Group will look into the new definition of payment intangibles.

An updated version of the White Paper, a summary comparison of existing UCC Articles to proposed adoption of the UCC Amendments (2022), including new Article 12, and the draft Legislation are attached as **Exhibit B** to this Agenda.

Task Force held a Zoom meeting on January 9, 2024

Report from Task Force: During 2024, the Art 12 Task Force’s goal is to seek the approval of the following BLS substantive law committees: Corporations, UCC/Bankruptcy, Business Litigation, and the Blockchain/Digital Assets Committees. Each of these substantive law committees has Art 12 study groups. The Art 12 Task Force plan, endorsed by the BLS leadership, is to seek

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substantive law committee approval of F.S. 669 at the Florida Bar Annual Meeting (June 2024), seek approval of the BLS Executive Committee at the BLS Labor Day Retreat, and thereafter the Florida Bar Executive Committee. F.S. 669 is a critical piece of legislation which, if passed as proposed by the ULC, will establish Florida as a national leader and support a variety of state-wide interests.

The Task Force asks this Committee to pay special attention to Footnote 9 regarding Florida’s new Judgment Lien Statute. Robert Kain proposes to exclude “controllable payment intangibles and controllable accounts, evidenced by a CER,” but this is his personal opinion, not reviewed/supported/commented on by any Task Force members.

Task Force members Michael Dunn and/or Jaime Leggett will provide update to this Committee.

Members of this Committee with UCC experience and expertise are encouraged to join the Study Group and provide input regarding the proposed Amendments.

*d. Motor Vehicle Exemption Study Group*  
**Kelly Roberts, Luis Rivera**

*See 2024 Legislative Items (above)*

*e. ABC Study Group*  
**Trish Redmond, Jodi Dubose**

After the enactment of the “glitch bill” amendments, the ULC announced that it would propose a model Assignment for the Benefit of Creditors Act. So, the Study Group is monitoring this and will provide updates to the Committee as it develops. Since the Labor Day Meeting, there has been some movement at the ULC level and the Study Group will review it.

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

*A. Bankruptcy/UCC Committee CLE Programs*

*a. CLE Programs Held in 2023*

*i. Panel Discussion: Benefits and Pitfalls of Subchapter V*

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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.,

- ii. *A.B.C. (Fla. Stat. §727): The State Court Alternative to Bankruptcy Court*  
April 12, 2023: 12:00 p.m. – 1:00 p.m. Webinar  
Course No. 6721  
Speakers: R. Scott Shuker, Mark C. Healy, & Patricia Redmond  
Fee: \$50.00 Members, \$110.00 Non-Section Members
- iii. *Practices & Procedures: Bankruptcy Judges of the Jacksonville Division of the Middle District of Florida* Course No. 7165  
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
- iv. *Practices & Procedures: Bankruptcy Judges of the Orlando Division of the Middle District of Florida* Course No. 7163  
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
- v. *Bank/UCC & BDA Committees Present the New UCC Article 12: Why, When and What Does It Do?* Course No. 7455  
June 22, 2023; 2:00 p.m. – 4:00 p.m.  
The Boca Raton, Grand Ballroom J  
  
Speakers: United States Bankruptcy Judge for the Southern District of Florida, West Palm Beach Division, Honorable Mindy A. Mora, Robert

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Kain, Jaime Leggett, Michael Dunn, Edwin Smith, Steven Wiese, and  
Andrew Hinkes

- vi. *Litigating Confirmation Issues in a Subchapter V Bankruptcy Case*  
Labor Day Retreat 2023  
September 2, 2023

The program examined the most commonly litigated confirmation issues in a Subchapter V Bankruptcy Case with a focus on evidence needed to support or oppose confirmation. Specific topics included litigating what constitutes fair and equitable under 11 U.S.C. § 1191(c), litigating best interests test under 11 U.S.C. §1129(a)(7) and 1191(b), and litigating feasibility under 11 U.S.C. §1129(a)(11) and 1191(b)

- vii. Lunch & Learn with U.S. Bankruptcy Court Judge Lori Vaughan  
Sept 15, 2023 at 11:30am-1:30pm  
George C. Young Federal Building and Courthouse  
400 W Washington St, Orlando, FL 32801
- viii. *The Judge Michael G. Williamson View From the Bench 2023*  
November 2, 2023 (Tampa), Reception (11/01/2023): New Location  
USF Health CAMLS (124 S Franklin St, Tampa, FL 33602)  
November 3, 2023 (Miami)

**B. Future CLE Programs Sponsored by Other Organizations**

- i. Florida State University College of Law Business Review  
Second Annual Symposium titled “Perspectives in Bankruptcy Law”  
featuring current and former U.S. Bankruptcy Court Judges (including  
Chief Judge Karen Specie) as well as prominent bankruptcy scholars

January 26, 2024

Florida State University College of Law

Link to Register: [https://docs.google.com/forms/d/e/1FAIpQLSd-G6RfA1FNyCI9QJboPpC5kJcq7zfLd9cVC2CJwkmAKcDSSg/viewform?fbclid=IwAR17eoicdlii3uNj1izJbtivEUW\\_rcysM1JHsy4uDcX\\_R0uFW1Su2q8s-E](https://docs.google.com/forms/d/e/1FAIpQLSd-G6RfA1FNyCI9QJboPpC5kJcq7zfLd9cVC2CJwkmAKcDSSg/viewform?fbclid=IwAR17eoicdlii3uNj1izJbtivEUW_rcysM1JHsy4uDcX_R0uFW1Su2q8s-E)

Save the Date and Schedule with Registration Link attached as **Exhibit C**

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- ii. 40<sup>th</sup> Annual Federal Securities Institute (Corporations, Securities & Financial Services Committee)

February 15-16, 2024

Tampa Marriott Water Street

Link to Register: <https://flabizlaw.org/calendar/#!event/2023/3/2/39th-annual-federal-securities-institute>

- iii. Florida International University College of Law

Annual View from the Bench & Bar and Judicial Reception

Learn from distinguished federal and state judges, corporate & in-house counsel, government attorneys, and private practitioners about the latest areas of practice growth - from Artificial Intelligence to the science of jury selection. All proceeds will be used to provide scholarships for deserving students who will become the next generation of lawyers and judges.

March 1, 2024

Miracle Theater, Coral Gable, Florida

Link to register: [https://www.eventbrite.com/e/fiu-college-of-law-bench-bar-cle-conference-and-judicial-reception-tickets-784954980477?utm\\_source=substack&utm\\_medium=email](https://www.eventbrite.com/e/fiu-college-of-law-bench-bar-cle-conference-and-judicial-reception-tickets-784954980477?utm_source=substack&utm_medium=email)

*C. Communications Committee Report & Newsletter*

**April Stone** [astone@tmppllc.com](mailto:astone@tmppllc.com)

**Shirley Palumbo** [shirley.palumbo@nexteraenergy.com](mailto:shirley.palumbo@nexteraenergy.com)

**Crystal Potts** [crystal@potts-legal.com](mailto:crystal@potts-legal.com)

The Committee requests articles and blogs for the Section newsletters and social media outlets.

Submission guidelines: <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, the Committee welcomes that as well.

*D. CLE Committee Report & Florida Bar Journal*

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

**Kathleen DiSanto** [kdisanto@bushross.com](mailto:kdisanto@bushross.com)

## Agenda for the Meeting of the Bankruptcy/UCC Committee of the Business Law Section of the Florida Bar at the Winter Meeting

Thursday, January 18, 2024, 9:00 a.m. – 11:00 a.m., Room Crystal E

Past CLE Programs Sponsored by Other Committees relevant to this Committee:

- i. Discovery in Bankruptcy: from Contested Matters to Adversary Proceedings (Bankruptcy Judicial Liaison Committee)  
September 1, 2023
- ii. Updates from a Forensic Accountant & Valuation Perspective: the Surfside Building Collapse & Others (Corporations, Securities & Financial Services Committee)  
September 2, 2023

Future CLE Programs Sponsored by Other Committees relevant to this Committee:

- i. 40<sup>th</sup> Annual Federal Securities Institute (Corporations, Securities & Financial Services Committee)

February 15-16, 2024

Tampa Marriott Water Street

Link to Register: <https://flabizlaw.org/calendar/#!event/2023/3/2/39th-annual-federal-securities-institute>

Please reach out to the CLE Committee if there is any CLE presentations that you are interested in coordinating. The CLE Committee asks members to route all CLEs through the CLE Committee.

Also, there are upcoming opportunities for members to submit articles for publication in *The Florida Bar Journal*, which is the premier source of practical articles on Florida law. The primary purpose of the Business Law column is to educate or inform the reader on issues of business law and practical concern to lawyers. The CLE Committee welcomes articles and essays addressing important issues in bankruptcy corporation, banking, business, bankruptcy, computer and cyber law, antitrust and franchise law, litigation, and related areas of law in Florida. Anyone interested in submitting an article should reach out to the CLE Committee.

*E. Out of State Division Newsletter Submissions*  
**Don Workman**, Hon. Catherine Peek McEwen



# Agenda for the Meeting of the Bankruptcy/UCC Committee of the Business Law Section of the Florida Bar at the Winter Meeting

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All members, especially young lawyers, are encouraged to submit articles which are almost guaranteed to be published. Most editions have articles from Bankruptcy/UCC members.

## VI. Cross-Committee Partnership and Other Liaison Reports

### A. Other Liaison Reports

i. *IMF Committee* – **Kelly Roberts**, Katherine Van de Bogart

ii. *Financial Literacy* – **John Hutton**, Tara Trevorrow

Committee met before the Winter meeting and provides the following report:

- Recently organized and hosted Military Financial Wellness Summit in Jacksonville (Judge Brown's project)
- Continuing veterans' programs in Miami (Judge Isicoff) and working on future programs in Tampa (Judge McEwen), Pensacola (Judge Specie), and Orlando
- Planned and hosted "Money Talks", a new CLE and networking event aimed at younger professionals (Tara Trevorrow, with help from the full Fin Lit Task Force)
- Expanding outreach, including efforts to assist with financial wellness seminars for Afghan judges who have relocated to the US
- Remaining in touch with those who are advancing curriculum implementation of the Dorothy Hukill Act in public schools

iii. *Membership Committee* – **Juan Mendoza**, Christina Taylor

iv. *Pro Bono* – **Raina Shipman**, Jim Moon, Tara Trevorrow, Hon. Laurel Myerson Isicoff

Committee met before the Winter meeting and provides the following report:

- Gearing up for its next annual Pro Bono Award, accepting nominations
- Published short articles about pro bono heroes via email blasts, along with an article from Fellow Marisol Cruz
- Working on outreach to expand impact – have formed a subcommittee to help with this and other Committee goals

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- v. Scholar and Fellows Retention Task Force – **Zack Hyman**, Chris Broussard,  
Hon. Catherine McEwen
  
- vi. *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)
  
- vii. *American Bankruptcy Institute (ABI)*  
**Adina Pollan**
  
- viii. *Commercial Law League of America (CLLA)* – **Robert Charbonneau**
  
- ix. *Florida Institute of CPAs (FICPA)* – **Don Workman**

**VII. New Business**

**VIII. Future Meeting, Retreats, & Other Events**

- a. 40<sup>th</sup> Annual Federal Securities Institute  
Thursday, February 15, 2024 – Friday, February 16, 2024  
Tampa Marriott Water Street
  
- b. Executive Council Retreat to Scotland  
Main Retreat: Wednesday, April 3, 2024 – Sunday, April 7, 2024  
Post-Retreat: Monday, April 8, 2024 – Friday, April 12, 2024
  
- c. 2024 IP Symposium  
Reception and Dinner - Thursday April 11, 2024  
General Session – Friday, April 12, 2024  
JW Marriott Orlando
  
- d. Annual Florida Bar Convention  
June 19–22, 2024  
Signia by Hilton Orlando, Bonnet Creek & Waldorf Astoria, Orlando

**IX. Adjourn**