

# Minutes 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@dvlip.com](mailto:kmurena@dvlip.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

Roy Kobert moved to approve the minutes. Seconded by Judge Paul Hyman Jr. No discussion. Motion passed unanimously.

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

Kenny Murena

Kenny Murena encouraged members of the Bankruptcy/UCC Committee to take on pro bono work. Mr. Murena discussed reaffirming the Section's pro bono commitment and promoted two ways to contribute to the Section's pro bono efforts: the Veterans' Financial Literacy Project 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**

Mark Stein, Section Chair

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

Chair Stein introduced the other officers and Peter Valori (Secretary) and Robert Barron (Legislation). Chair Stein also introduced Karly as the new Section administrator. Chair Stein mentioned the upcoming Federal Securities Institute and encouraged attendance. He also discussed the Executive Council Retreat in Scotland. Robert Barron discussed status of pending legislation, including amendments to the judgment lien statute and warehouse lien amendments. Luis Rivera (CLE Committee) discussed the Sections initiative to put on more Section CLE events and encouraged participants in CLE programming.

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**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.

Adina Pollan presented and did not have any comments outside of the agenda. She thanked the volunteers on the legislative review subcommittee and discussed the need for additional volunteers and asked for additional participation. Kenny Murena also commented on the process of the subcommittee.

*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)

Professor Davis provided an update on the judgment lien clarification bill. The bill clarifies a number of issues related to the Judgment Lien Act passed in 2022. It addresses 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. The House judiciary committee has approved the bill unanimously and is expected to pass the next committee unanimously.

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*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. 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.

Dennis Levine provided an updated on the status of this legislation. Mr. Levine stated that the bill should really be called the Towing and Storage Lien. The warehouse lien aspect is not going forward in the new bill. The bill is back on the agenda this year. Mr. Levine is going to testify in Tallahassee. Mr. Levine provided some examples of recent cases he had demonstrating the need for the legislation. He closed by asking for additional help from the Bankruptcy/UCC Committee.

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

Kenny Murena gave the report. These amendments are intended to modernize Chapter 517. As of last week, a 110-page amendment was filed. There is a companion bill in the Senate and House; they are in good shape. The bills are going through the committee process. Professor Cohn will be subject matter. Professor Davis reported that the bill has passed the committee.

*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)

Luis Rivera reported. The bills have been re-filed. There was a bill that passed two sessions ago that would have increased the motor vehicle exemption to \$5,000 but only for debtors in bankruptcy. That bill was vetoed by the governor. The issue has been relatively stagnant. Mr. Rivera will check the status of the bills and report back.

*D. Legislative Items to be Monitored*

*a. Foreclosure Notice Bill*

April Stone, Hon. Catherine Peek McEwen

Judge McEwen stated she has nothing to add and stands on the report from the agenda:

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.

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.

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

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

Marianne Dorris stated that there are no updates to report. It has not made its way into an existing bill and will not be its own bill.

- c. *UCRERA Amendments*

**Judge Mindy Mora**, Kathleen DiSanto

Judge Mora reported. RPPTLS are no longer pursuing amendments to the act. They suggested a few potential fixes but are dropping their efforts. Courts are just starting to evaluate this law and apply it to different receiverships. The plan is to wait for courts to interpret the statute and see if any more substantive changes are needed in the next few years for a more comprehensive amendment to the statute if necessary.

- 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)

Judge McEwen reported and asked committee to read the update in the agenda. Judge McEwen encouraged committee members, if they care about venue reform, to meet with representative while they are in district and encourage them to co-sponsor the bill. The agenda update is provided below:

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.

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;

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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 McEwen 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

Judge McEwen presented and indicated there has been some pushback recently to the extension of the existing higher debt limit for Subchapter V bankruptcy cases. The issue is a work in progress and legislative efforts are ongoing.

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

Judge McEwen did not have anything additional to report above the written report, restated below:

Amendments are under consideration by the JCUS Civil Rules Advisory Committee. A recently proposed amendment to Fed. R.

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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.

Kenny Murena reported that he did not have any updates.

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.

Kenny Murena reported that this item was carried over from the Labor Day Retreat. No updates.

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

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for this in F.S. sec. 222.22.)

Kenny Murena reported that this item was carried over from the Labor Day Retreat. No updates.

*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)

Adina Pollan provided the update. Mark Wolfson and Ms. Pollan have been working on this issue but again asked for volunteers to assist with addressing these issues. Ms. Pollan recapped the issue related to the *Beach Boulevard* case (*In re NRP Lease Holdings, LLC*, 50 F.4th 979 (11th Cir. 2022)). The study group is in the process of working with the secretary of state's office to refine the search and make it more user friendly for the people inputting the information. The two issues that have been flagged are retroactivity and specifics on how the search engine should run. The goal is to get something accomplished this year. Ms. Pollan asked for volunteers to assist the study group in their efforts.

Mark Wolfson also reported that he and Robert Barron have met with interested parties and that the division of corporation has an in-house team that are working on the issue. The division of corporations is looking to the section for an indication of which direction they would like to go in addressing the issue. Mr. Wolfson reported that Professor Lopucki at University of Florida will be publishing an article related to the search logic issue.

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

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

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

Matt Hale provided the update on the study group. The study group is reviewing 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. The study group is monitoring legislation in other states that



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have passed similar statutes and are still reviewing the issue to determine if any legislative action is warranted.

c. *UCC Article 12*

**Matthew Hale**

Robert Kain [rkain@conceptlaw.com](mailto:rkain@conceptlaw.com) (not present)

Hon. Mindy A. Mora

Matt Hale provided an update on the study group's progress. The BLS has a task force focusing on the 2022 amendments to the UCC which incorporate Article 12 and addresses among other things perfection of liens on digital assets. The Bankruptcy/UCC Committee formed our own study group in June 2023 to review the Article 12 UCC amendments. The study group's initial focus was to review the amendments to all of the other UCC articles to ensure that Florida's non-uniform provisions will remain intact. The study group has done that and has not observed any issues in that respect. The study group also reviewed issues related to the definition of "money" and the legislation passed last year that amended the UCC's definition of "money" to exclude Central Bank Digital Currency from the definition. The study group feels comfortable that the Article 12 amendments do not expressly conflict with that amendment. Mr. Hale discussed additional issues the study group is exploring, namely reviewing the Article 12 amendments' interplay with the judgment lien statute.

Andrew Hinkes and Michael Dunn, from the Article 12 task force, also provided commentary on the UCC Article 12 amendments. Mr. Hinkes discussed the overview of the driving policy and principles of Article 12.

Judge Mora discussed in further detail the issues relating to Florida's judgment lien statute and its interplay with digital assets and the goals of Article 12.

Kenny Murena discussed his experience working on behalf of a receiver seeking to marshal cryptocurrency assets, noting that there is not a clear-cut procedure to collect on these types of assets.

Andrew Hinkes explained further that international law enforcement can be very helpful in recovering digital assets that have been improvidently transferred or stolen. However, in the civil context, Mr. Hinkes echoed Judge Mora in that domestication of a judgment and collection activities would be necessary to enforce a judgment against a foreign intermediary.

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Mark Wolfson commented about the effect of the judgment lien statute on digital assets, inviting a discussion about the nature of the property rights involved in digital assets.

Andrew Hinkes discussed further the concept of perfection by control and non-temporal super priority conferred by perfection by control as to controllable electronic records.

Kenny Murena discussed a recent receivership example regarding cryptocurrency on a physical cold storage “thumb” drive. Andrew Hinkes went through the control issues relative to Mr. Murena’s example.

Judge Mora closed with remarks encouraging members of this Committee with UCC experience and expertise to join the Study Group and provide input regarding the proposed Amendments.

### *Motor Vehicle Exemption Study Group*

**Kelly Roberts, Luis Rivera**

*See 2024 Legislative Items (above)*

### *d. ABC Study Group*

**Trish Redmond, Jodi Dubose**

Kenny Murena reported an update from Trish Redmond regarding movement from the Uniform Law Commission and movement towards a potential uniform act. The study group will continue to monitor.

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

### *A. Bankruptcy/UCC Committee CLE Programs*

Kenny Murena discussed the push for the substantive committees of the Section to put on more CLE programming. Anyone interested in putting on a CLE program should reach out to Luis Rivera to coordinate a CLE.

Judge Mora also emphasized the importance of this initiative to the financial position of the Section.

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Luis Rivera further discussed potential CLE programming ideas and the intent behind the push to create more CLE programming at the committee level. Mr. Rivera further encouraged committee members to reach out and volunteer to put on a CLE to benefit the Section.

Kenny Murena further encouraged members to approach committee leadership regarding potential ideas for CLE programs.

Judge Mora invited discussion about potential CLE program ideas. Some ideas borne out of the discussion:

- Carlos Sardi mentioned the CLE programming from the BBA for the Southern District of Florida and a potential partnership.
- Judge Mora proposed an idea for a CLE for Judge Hyman and Roy Kobert regarding mediations and judicial settlement conferences.
- Jim Silver raised a potential topic regarding mandatory non-binding arbitration and major clawback litigation regarding the termination of a property association declaration.
- Bob Charbonneau discussed the prospect of a general UCC Article 9 seminar.
- Joe Pack raised potential CLE topics relating to CMBS loans, assignments for the benefit of creditors, and UCC Article 9 sales.

a. *CLE Programs Held in 2023*

i. *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,

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

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- 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 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)

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- 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 Committees and Organizations**

Kenny Murena discussed the following CLE programs of the Section:

- i. Second Annual Symposium titled “Perspectives in Bankruptcy Law”  
(Florida State University College of Law Business Review)  
This Symposium will feature 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=IwAR17eoidlii3uNj1izJbtivEUW\\_rcysM1JHsy4uDcX\\_R0uFW1Su2q8s-\\_E](https://docs.google.com/forms/d/e/1FAIpQLSd-G6RfA1FNyCI9QJboPpC5kJcq7zfLd9cVC2CJwkmAKcDSSg/viewform?fbclid=IwAR17eoidlii3uNj1izJbtivEUW_rcysM1JHsy4uDcX_R0uFW1Su2q8s-_E)

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

- 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://member.floridabar.org/s/lt-event?id=a1RDm000000punrMAA#/Overview>

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- iii. 48<sup>th</sup> Annual Alexander L. Paskay Memorial Bankruptcy Seminar  
(American Bankruptcy Institute and Stetson University College of Law)  
This seminar will feature programming options geared toward both  
business and consumer issues, taught by a faculty of prominent regional  
and national speakers and bankruptcy judges.

February 15-16, 2024

Westin Tampa Waterside Hotel

Link to register: <https://www.abi.org/hybrid/conference/sp24/page>

- iv. Annual View from the Bench & Bar and Judicial Reception  
(Florida International University College of Law)  
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)

No report provided. The Communications Committee provided the following report for the agenda:

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.

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### 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)

Kenny Murena re-emphasized the previous discussions regarding CLE programming that took place during the meeting. Mr. Murena further encouraged members to attend the Federal Securities Institute.

Judge Mora also plugged the ABI Paskay seminar. She is speaking on a panel about bankruptcy crimes. Judge Norton will be holding an ethics program, and there will be a judicial roundtable discussion.

### E. Out of State Division Newsletter Submissions

**Don Workman**, Hon. Catherine Peek McEwen

Kenny Murena reported, Don Workman commented and supported the report. 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

No formal report, but Marianne Dorris mentioned the upcoming BLS Fellows Application process. She encouraged attorneys to send the application and link to young attorneys and encouraged applications.

#### ii. Financial Literacy – **John Hutton**, Tara Trevorow

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 Trevorow, with help from the full Fin Lit Task Force)

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- 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

Elizabeth Brusa provided a report. The committee met this morning and spoke about events, including a Top Golf event in Jacksonville which didn't have great participation. The goal this year is to do more online events given budget concerns and do CLE programming for young attorneys. The committee also discussed the bill that was passed and pushback from teachers unions about the financial literacy programming. The committee will continue to monitor any related legislation.

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

No report

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

No report. Kenny Murena referred to written report:

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

v. *Scholar and Fellows Retention Task Force* – **Zack Hyman**, Chris Broussard, Hon. Catherine McEwen

The task force had a well-attended event. The task force is working diligently to get their report in shape for the June 2024 meeting.



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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)

Megan Murray gave the report for the TBBBA. She mentioned the upcoming Clay Shoot and the Golf tournament which will be at a new location. Ms. Murray also discussed the TBBBA's two forms of monthly CLE programming, consumer and general monthly CLE.

Ms. Murray also provided a report for the Northern District. The Northern District is planning an annual seminar in September likely in Destin. They are expecting to have their own virtual pro se clinic next year.

Ms. Murray also provided a report for the JBBA. The JBBA wrapped up their 2023 year with a holiday party and continues to provide CLE programming at their lunches. The JBBA will be sponsoring the unveiling of Hon. Cynthia Jackson's portrait unveiling. Planning is underway for the JBBA seminar in August 2024. They have been holding brown bag lunches in Judge Burgess' courtroom.

Ms. Murray also provided a report for the CFBLA. The CFBLA ended their year with a holiday party and staff appreciation luncheon. The CFBLA thanked board members and welcomed new board members.

Ms. Murray also provided a report for the SWFLBPA. The Southwest Florida Bankruptcy Professional Association recently hosted a CLE program on merchant cash advances and a following happy hour. Their annual dinner was held in November.

Carlos Sardi provided an update for the BBA and announced it will be having a consumer CLE program. The BBA is assisting Judge Isicoff in the veteran's financial literacy program. The BBA continues to host networking events and happy hours. The BBA annual retreat is scheduled for May 30, 2024.

vii. *American Bankruptcy Institute (ABI)*

**Adina Pollan**

Adina Pollan provided the ABI report. She discussed the upcoming Paskay seminar and the ABI Southeast Seminar on July 25-28, 2024.

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viii. *Commercial Law League of America (CLLA)* – **Robert Charbonneau**

Bob Charbonneau talked about the Subchapter V debt limits and the continuation for the Chapter 13 debt limit. CLLA Capitol Hill day is in February. Mr. Charbonneau encouraged others to participate in lobbying efforts in Washington.

ix. *Florida Institute of CPAs (FICPA)* – **Don Workman**

Don Workman provided the report Don reported on an event in the fall in Doral. He hopes to continue to have events going forward and is looking for more bar members to join the group.

**VII. New Business**

Judge Mora raised an issue regarding the difficulty that chapter 11 debtors face in obtaining debtor in possession bank accounts and working with depositories. Judge Mora reached out to the AUST in Miami and they informed that the program is aware of the issue. She reported that TD Bank may be a good option for DIP accounts per the UST office.

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

Kenny Murena previewed future 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

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**IX. Adjourn**

Dan Stermer moved to adjourn. Seconded by Marianne Dorris. Motion carried.