

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

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

Adina Pollan, Chair adina@hakimian.us

Matthew Hale, First Vice-Chair (Legislative) mhale@srbp.com

Andrew Layden, Second Vice-Chair (Study Groups/CLE) alayden@bakerlaw.com

The Hon. Mindy Mora, Judicial Chair

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

Adina Pollan

II. Introductions of Special Guests and Pro Bono Reminder

Adina Pollan

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** (<https://flabizlaw.org/pro-bono-pledge/veterans-financial-literacy-program/>).

Interested volunteers can participate in one of the many pro se clinics statewide:

- The Middle District of Florida Bankruptcy Court has a 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.
- The Northern District of Florida Bankruptcy Court also has a Pro Bono Initiative. Information can be found here: <https://www.flnb.uscourts.gov/ndflbba-pro-bono-initiative>
- The Southern District of Florida Bankruptcy Court has Pro Bono Opportunities, which can be found here: <https://www.flsb.uscourts.gov/legal-assistance-debtors>

III. Business Law Section Update & Welcome

Manny Farach, Section Chair

Stephanie Lieb, Section Chair-Elect

Peter Valori, Section Treasurer

Robert Barron, Section Secretary

Gregory Yadley, Section Chair of Long-Range Planning

Mark Stein, Section Immediate Past Chair

**Agenda for the Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar at the Annual Meeting**

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

IV. Legislation

A. Legislative Overview for 2025 Session

Woody Pollack, Legislation Committee Chair

Dineen Wasylik, Legislation Vice Chair

Aimee Diaz Lyon, Section Lobbyist

B. Legislative Review Subcommittee

Matt Hale, Legislative Vice Chair

Thomas Zeichman, Bob Charbonneau, Jodi Dubose, James Silver, Luis Rivera, Dave Slenn, Ivan Reich, Jessey Krehl, Joseph Pack, Zach Hyman, Steve Wirth, Christian Haman, Justin Luna, Jim Moon, Jesus Lozano, Dave Jennis, Paul Giordano, Alma Torres

1. *SB 48, Judicial Sales Procedures*
(Sen. Ileana Garcia, R-Miami)
2. *SB 162, Consumer Finance Loans*
(Sen. Lori Bernman, D-Boynton Beach)
3. *HB 147, Prohibited Practices in Consumer Debt Collection; SB 232, Debt Collection*
(Rep. Peggy Gossett-Seidman, R-Boca Raton; Sen. Ana Maria Rodriguez, R-Miami)
4. *SB 128, Residential Property Insurers*
(Sen. Danny Burgess, R-Tampa)
5. *HB 133, Public Accountancy; SB 160 Public Accountancy*
(Rep. Mike Caruson, R-Palm Beach; Sen. Joe Gruters, R-Sarasota)
6. *SB 262, Trusts*
(Sen. Lori Bernman, D-Boynton Beach)

C. Legislative Items Being Monitored

1. *Foreclosure Notice Bill*

April Stone, Hon. Catherine Peek McEwen

Still on pause for now, but need to see if anything has changed.

**Agenda for the Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar at the Annual Meeting**

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

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

R. Scott Shuker, Michael A. Friedman

Any sponsor or bill update?

3. *Federal Legislative Updates*

a. *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

Still being monitored?

b. Amendments to Federal Rules of Civil Procedure 16, 26 and new Rule 16.1;
Bankruptcy Rules 3002.1 and 8006; Evidence Rule 801.

Any comments received or updates?

D. Study Groups

1. *UCC Article 9 - Financing Statements*

Adina Pollan adina@hakimian.us

Mark Wolfson mwolfson@foley.com

The website has been updated and has gone live.

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

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

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

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 was formed 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 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.

At the 2024 Winter Meeting, the study group reported that it 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. Two issues that have been flagged are retroactivity and specifics on how the search engine should run. The goal was to get something accomplished in 2024.

At the 2024 June Meeting, the study group reported that Mark Wolfson wrote a paper that will be published shortly. Also, Joseph Van de Bogart is running with additional changes to the website.

2. *UCC Article 12 – New Fla. Stat. § 669 and Related UCC Amendments*

Robert Kain rkain@conceptlaw.com

Matthew Hale

The Hon. Mindy A. Mora

Any updates?

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

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

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

**Agenda for the Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar at the Annual Meeting**

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

- a. *Florida Exemption Study Group*
Kelly Roberts, Luis Rivera

 - 4. *ABC Study Group*
Trish Redmond, Jodi Dubose
- V. Continuing Legal Education**
- A. *2024 Bankruptcy/UCC Committee CLE Programs Since 2024 September Meeting*
 - 1. *The Judge Michael G. Williamson View from the Florida Bankruptcy Bench*
November 7-8, 2024, 4.5 hours

 - B. *Upcoming 2025 CLE Programs Sponsored by Other Committees or Organizations*

 - C. *Future CLE Programs Relevant to this Committee*
 - 1. *Insolvency Options for Florida Businesses*
March 12, 2025
Via Zoom
**Joe Luzinski, Kenny Murena, Elena Ketchum, Brett Lieberman,
Christian Haman**

 - 2. *What Florida Litigators Need to Know About Bankruptcy*
April 1 or 2, 2025
Via Zoom
**Chris DeCort, Kathleen DiSanto, Eyal Berger, Megan Murray,
Christian Haman**

 - D. *Ideas for Future CLEs:*
 - 1. *Bankruptcy Evidence – potentially early May 2025*
Doug Bates, Scott Underwood, Dave Jennis

 - 2. *Wealth Transfers and Fraudulent Transfers – No Date Set*
David Slenn, John Hutton

 - 3. *The Evolving “Bad Faith” Dismissal Standard for Chapter 11 Bankruptcy Cases –
No Date Set*

 - 4. *Intro. To Bankruptcy Primer for Young Lawyers – No Date Set*

 - 5. *How to Effectively Work with Trustees in Bankruptcy Cases – No Date Set*

**Agenda for the Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar at the Annual Meeting**

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

6. The Effect of *Purdue Pharma* and Related Cases on Bankruptcy Practice – No Date Set

E. CLE Committee Report & Florida Bar Journal
Kathleen DiSanto kdisanto@bushross.com
Dan Etlinger
The Hon. Caryl Delano

Andrew Layden is the CLE liaison for this Committee and can provide updates.

Brad Saxton to discuss view from the bench case digest project.

VI. Communications Committee Report & BLS Newsletter

April Stone astone@tmppllc.com
DeeDee Bitran
Emma Refuveille
The Hon. Paul Hyman

VII. Out of State Division Newsletter Submissions

Don Workman, Hon. Catherine Peek McEwen

VIII. Cross-Committee Partnership and Other Liaison Reports

A. IMF Committee – **Katherine Van de Bogart**, Valerie David, The Hon. Lori Vaughn,
The Hon. Virginia Norton

B. Financial Literacy – **John Hutton**, Tara Trevorow, The Hon. Jay Brown

C. Membership Committee – **Christina Taylor**, Luis Rivera, Zach Evangelista, The
Hon. Karen Specie

D. Pro Bono – **Tara Trevorow**, Raina Shipman, Luis Rivera, The Hon. Laurel Myerson
Isicoff

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

F. Regional Bankruptcy Bar Liaisons

Megan Murray mmurray@underwoodmurray.com (BBA-ND Fla., BBA-SD Fla.,
TBBA)

Christian Haman chaman@dallagolaw.com (CFBLA, JBBA, SFBPA)

**Agenda for the Meeting of the Bankruptcy/UCC Committee
of the Business Law Section of the Florida Bar at the Annual Meeting**

Thursday, January 23, 2025, 9:00 a.m. – 11:30 a.m., TBD

G. *American Bankruptcy Institute (ABI)*

Adina Pollan

- Alexander L. Paskay Memorial Bankruptcy Seminar – February 27-28, 2025 in Tampa, FL
- Paskay Endowment Hockey Event – February 27, 2025 in Tampa, FL
- Annual Spring Meeting – April 24-26, 2025 in Washington, DC

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

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

IX. New Business

X. Future Meetings, Retreats

- Annual Florida Bar Convention – June 25-29, 2025, at The Boca Raton, 501 East Camino Real, Boca Raton, FL
- Annual Labor Day Retreat – August 29-September 1, 2025, at the JW Marriott Marco Island, Marco Island, FL
- Virtual Fall Florida Bar Meeting – October 14-19, 2025