

# Agenda for the Meeting of the Bankruptcy/UCC Committee of the Business Law Section of the Florida Bar at the Winter Meeting 2026

Thursday, January 29, 2026, 1:00 p.m. – 3:00 p.m., Palometa

Matthew Hale, Chair [mhale@srbp.com](mailto:mhale@srbp.com)

Andrew Layden, Vice-Chair (Legislative) [alayden@bakerlaw.com](mailto:alayden@bakerlaw.com)

Kathleen DiSanto, Second Vice-Chair (Study Groups/CLE) [kdisanto@bushross.com](mailto:kdisanto@bushross.com)

The Hon. Mindy Mora, Judicial Chair

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

Matthew Hale

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

Matthew Hale

The Section reaffirms its goal to achieve 100% participation in pro bono service by Business Law Section members and attorneys in their firms.

Congratulate our very own Carlos Sardi, past chair of this Committee, for winning the Section Pro Bono Award.

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/>), or by visiting the **Florida Pro Bono Matters** website to locate a case you can help with (<https://fundingfla.org/florida-pro-bono-matters/>).

Interested volunteers can also 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.bankruptcyproseclinicfls.com/>

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

Stephanie Lieb, Section Chair  
Peter Valori, Section Chair-Elect  
Robert Barron, Section Treasurer  
Woodrow Pollack, Section Secretary  
Gregory Yadley, Section Chair of Long-Range Planning  
Manny Farach, Section Immediate Past Chair

**IV. Legislation**

*A. Legislative Overview for 2026 Session*

**Dineen Wasylik, Legislation Committee Chair**

Mariane Dorris, Legislation Vice Chair

Aimee Diaz Lyon, Section Lobbyist

*B. Legislative Review Subcommittee*

**Andrew Layden, Legislative Vice Chair**

Richard Fechter, Michael Lessne, Jason Burnett, Katelyn Garciga, Daniel Halperin,  
Jennifer Morando, Elena Paras Ketchum, Jeffrey Schlerf, Jim Moon, Jessey Krehl,  
Andrew Wit, Christian Haman

*C. Legislative Items Being Monitored*

1. *Foreclosure Notice Bill*

**April Stone, Hon. Catherine Peek McEwen**

2. *Federal Legislative Updates*

*a. Bankruptcy Venue Reform Act*

**John Hutton, Hon. Catherine Peek McEwen**

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

FRCP 16, 12/1/24 – Amendments went into effect

Bankruptcy Rules 3002.1, 12/1/25 – Amendments went into effect

*c. Amendments to Bankruptcy Rule 2002; Official Forms 101 and 106C;  
Evidence Rules 609 and 707.*

**Matt Hale**

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The Judicial Conference Committee on Rules of Practice and Procedures recently published for public comment proposed amendments to Bankr. Rule 2002 and Official Forms 101 and 106C, and FRE 609 and 707. A link can

The proposals and supporting materials are posted on the Judiciary's website at: <https://www.uscourts.gov/rules-policies/proposed-amendments-published-public-comment>.

The Public comment period is now open and closes on **February 16, 2026**.

### *D. Study Groups*

#### 1. *Judicial Sales Procedures* **Matthew Hale**

In 2024, a newspaper article brought to light that certain parties were conducting judicial foreclosure sales that deviated from the standard foreclosure sale process set forth in Section 45.031 of the Florida Statutes. For the 2025 legislative session, a Florida senator filed SB 48, which proposed numerous amendments to Section 45.031 of the Florida Statutes governing “judicial sales procedure.” The BLS approved a triple motion to oppose the legislation as originally drafted because the proposed legislation appeared to substantially impair the existing rights and remedies of secured lenders in foreclosure sales. For example, the legislation contained limits on credit bidding and included a minimum sale price requirement of 75% of the tax-assessed value.

A study group was formed, which collaborated with RPPTLS and the Florida Bankers Association, to provide comments on several amended versions of SB 48 that were introduced during the 2025 legislative session. SB 48 ultimately did not pass in the 2025 legislative session.

For the 2026 legislative session, a new Judicial Sales Procedures bill has been proposed, SB 300. Attached as **Exhibit B** is a copy of SB 300.

We have been working with RPPTLS to agree on a potential form of a bill that would be agreeable in the event SB 300 gains traction. Notably, we propose to limit the restrictions on alternative sales procedures to only residential foreclosure sales. Under our proposal, both the plaintiff and the property owner (in a residential foreclosure sale) would need to consent to foreclosure sale procedures

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that deviate from the standard judicial sales procedures in Fla. Stat. 45.031. The proposed language would also remove the private right of action that is currently in SB 300.

A copy of the working draft of the proposed language is attached as **Exhibit B-2**.

2. *MCA/Commercial Financing Disclosure Law Study Group*  
**Daniel Etlinger**

At the June 2025 committee meeting, this study group was reconstituted and broadened to review and advise on certain issues relating the merchant cash advance agreements, including language contained in the Commercial Financing Disclosure Law (Fla. Stat. § 559.9613), identification of secured parties in UCC-1 financing statement, and service of process issues.

The Study Group has prepared a white paper analyzing the issues and proposing legislation to address these issues. Attached as **Exhibit C** is the white paper for review and discussion at the Winter Meeting.

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

The ABC Study Group has been recommissioned to review the Uniform Assignment for Benefit of Creditors Act (the “Uniform ABC Act”), which was approved by the Uniform Law Commission at its recent annual meeting in July 2025. Further information on the Uniform ABC Act can be found here:

<https://www.uniformlaws.org/committees/community-home?CommunityKey=b7e5e644-b4b2-44eb-acbc-019859883add>

The Uniform ABC Act has been introduced in three states: Arizona, Nebraska, and Alabama.

4. *Florida Statute § 28.222(3)(f)*  
**Christian Haman, Daniel Etlinger**

This issue relates to whether Florida clerks offices will accept for recording Notices of Commencement of bankruptcy cases. Section 549(c) of the Bankruptcy Code provides a bona fide purchaser protection for transferees of real property without notice of the bankruptcy case. A trustee can limit this protection by recording “a copy or notice of the petition” in the real property records.

A study group was formed to further review this issue and develop a

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recommendation on whether legislative action may be necessary. Attached as **Exhibit C** is a white paper prepared by the study group analyzing the issue. The recommendation is that no legislative action is needed on this issue because alternative routes exist to record notice of a bankruptcy case through filing the petition or a sworn statement.

### 5. *Insolvency Options for Florida Cannabis Businesses*

**Jim Moon**

At the 2025 Labor Day Retreat meeting, a study group was formed to analyze issues relating to insolvency options for Florida medical marijuana treatment centers.

Existing Florida law does not appear to have a viable framework for addressing the insolvency of legal cannabis businesses, specifically, what happens when such a business fails, needs to be reorganized, or liquidated. Medical Marijuana Treatment Centers (MMTCs) are governed by Fla. Stat. § 381.986. Federal bankruptcy law is not an insolvency option for these businesses. Florida's state-law remedies, such as receivership or assignment for the benefit of creditors (ABC), may be viable options, but licensing and other issues may pose challenges.

The study group has been working to analyze other state laws addressing this issue.

## V. Continuing Legal Education

### A. *Fall 2025-2026 Bankruptcy/UCC Committee CLE Programs*

#### 1. *Monkey Business - Navigating the Shifting Terrain of Dischargeability in Subchapter V*

August 25, 2025, 1 hour

**Hon. Jason A. Burgess; Jonathan Sykes; Luis Rivera**

#### 2. *Unique Tales of Sales – Strategies and Complications with Getting the Deal Done* August 30, 2025 (Labor Day Retreat)

**Elena Paras Ketchum, John Page, Mark Healy, Bradley Tennant**  
*Sponsored by RealAdvice*

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3. *View from the Bench*

**Tampa**

November 6, 2025

USF CAMLS (Downtown Tampa)

**Miami**

November 7, 2025

Akerman LLP (Brickell)

4. *Wealth Transfers and Fraudulent Transfers*

Jan 29, 2026 at the Winter Meeting (virtual CLE to follow)

**David Slenn, John Hutton, Hon. Catherine Peek McEwen**

5. *Practical Evidence*

April 10, 2026 (virtual)

**Douglas Bates, Scott Underwood**

B. *Upcoming 2025 CLE Programs*

1. *Federal Securities Institute*

February 26-27, 2026

Tampa, Florida – Marriott Water Street

2. *9583 Litigating and How to Avoid Litigation under the Private Securities  
Litigation Reform Act of 1995*

**Daniel Y. Gielchinsky and Jonathan E. Groth, DGIM LAW, PLLC**

February 10, 2026 at 12:00 p.m. (virtual)

3. *Intellectual Property Symposium*

April 16-17, 2026

Orlando, Florida – Grand Bohemian

C. Ideas for Future CLEs

1. Bankruptcy Evidence

2. The Evolving “Bad Faith” Dismissal Standard for Chapter 11 Bankruptcy Cases

3. Intro. To Bankruptcy Primer for Young Lawyers

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4. How to Effectively Work with Trustees in Bankruptcy Cases
5. The Effect of *Purdue Pharma* and Related Cases on Bankruptcy Practice

*D. CLE Committee Report & Florida Bar Journal*

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

The Hon. Caryl Delano

Kathleen DiSanto is the CLE liaison for this Committee and can provide updates.

**VI. Communications Committee Report & BLS Newsletter**

**Deedee Bitran** [deedeeb@standwithus.com](mailto:deedeeb@standwithus.com)

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* – **Valerie David**, April Stone, Jessey Krehl, Hon. Virginia Norton

B. *Financial Literacy* – **Tara Trevorrow**, Brett Lieberman, Hon. Lori Vaughan

C. *Membership Committee* – **Carlos Sardi**, Kristina Feher, Amanda Fernandez, Hon. Karen Specie

D. *Pro Bono* – **Raina Shipman**, Terry Sanks, Lauren Stricker, 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](mailto:mmurray@underwoodmurray.com) (BBA-ND Fla., BBA-SD Fla., TBBA)

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

G. *American Bankruptcy Institute (ABI)*

**Adina Pollan**

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- Alexander L. Paskay Memorial Seminar – February 25-26, 2026 in Tampa, Florida
- 2026 ABI Distressed Real Estate Symposium – March 16-18, 2026 in Irving, Texas
- Annual Spring Meeting – April 23-25, 2026 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**

- Executive Council Retreat – March 4-8, 2026, Iceland
- Florida Bar Annual Convention – June 17-21, 2026, Orlando

**XI. CLE Presentation – *Wealth Transfers and Fraudulent Transfers***

Jan 29, 2026 at 2:00 p.m. (during the second half of the Bankruptcy/UCC Committee meeting)

**David Slenn, John Hutton, Hon. Catherine Peek McEwen**