

**Agenda for the Bankruptcy/Uniform Commercial Code
Committee of the Business Law Section of the Florida Bar**
Midyear Meeting – Thursday, February 6, 2020, 9:30 – 11:30 a.m.
Hyatt Regency Orlando

John Hutton, Chair
Jennifer Morando, Legislative Vice-Chair
Jim Moon, Vice-Chair
Hon. Catherine Peek McEwen, Judicial Chair
Prof. Jeff Davis, Academic Chair

I. Welcome and Approval of Minutes from the Prior Meeting

John Hutton
Minutes are attached as **EXHIBIT A**

II. Introductions and Announcements

John Hutton

- i. First in-person meeting of the Committee; but very active and successful telephonic meetings on September 9 and November 19, 2019

III. Business Law Section Update & Welcome

Jay Brown, Section Chair
Leyza Blanco, Section Chair-Elect
Kacy Donlon, Section Treasurer
Doug Bates, Section Secretary

IV. Legislation

a. *Legislative Update for 2020 Session*

Mark Stein, Jennifer Morando
Aimee Diaz Lyon, Section Lobbyist

- i. *Brief Review of Standing Legislative Positions*
Jennifer Morando

EXHIBIT B

- ii. *Legislative Review Subcommittee*

Jennifer Morando

- iii. *Litigation Financing Legislation*

HB 7041 and SB 1828, attached as **Exhibit C**

Attached are two recently filed bills dealing with litigation financing. Please review and let me know if you have any comment. Staff has specifically asked how we feel about the following:

Section 7. Section 559.957, Florida Statutes, is created to read:

559.957 Contingent right to proceeds assignable; priority of lien or right to proceeds.—

(1) A consumer may assign his or her contingent right to receive an amount of the potential proceeds of a civil action or claim.

(2) A litigation financier’s lien on the potential proceeds of a civil action or claim has priority over liens that attach to such proceeds subsequent to the attachment of the litigation financier’s lien, except for any of the following:

(a) Attorney, insurance carrier, or health care practitioner liens or liens based upon subrogation interests or reimbursement rights related to the subject civil action or claim.

(b) Child support, Medicare, tax, or any other statutory or governmental lien.

John Hutton, Jennifer Morando

iv. Asbestos Legislation

SB 1582 by Sen. Simmons (R-Orlando) & HB 741 by Rep. Leek (R-Daytona Beach)

Jennifer Morando

b. Reports from Study Groups of Ongoing Projects

i. Aviation Committee Legislation
Lynn Sherman

ii. Digital/Cryptocurrency Regulation
(Section wide task force)
Blockchain legislation pending, see **Exhibit D** summary
SB 1870 & SB 1872 & SB 1874 by Sen. Hutson (R-Palm Coast)

HB 1391 & HB 1393 & HB 1395 by Rep. Grant (R-Tampa)
These bills seek to create a Financial Technology Sandbox program in Florida within the Office of Financial Regulation. The Taskforce supports legislation that defines blockchain technology in such a manner as to encourage innovation in the blockchain space without tying any statutory definition to a specific implementation of the technology.

John Hutton

- iii. Uniform Commercial Real Estate Receivership Act* – Update on status of pending legislation (joint with Biz Lit & RPPTL); Attached for informational purposes as **Exhibit E** is the latest version (clean and redlined) of the Senate Bill for UCRERA with all of the changes made over the past 6 months or so with input from the BLS Task Force, the RPPTLS, the Florida Bankers Association, the Florida Land Title Association, the Uniform Law Commission, and Senate Bill Drafting.
Kenny Murena
Hon. Mindy Mora
- iv. Bankruptcy Venue Reform Act*
Carlos Sardi
Hon. Catherine Peek McEwen
- v. Judgment Liens excepted from title vehicle statute-* Update
Prof. Davis
Jodi Dubose
- vi. Fla. Stat. § 689.151 Revisions* (TBE legislation pushed by RPPTLs); Update
Andy Layden
John Hutton
Doug Bates
Mark Wolfson
- vii. Personal liability of assignees*
Scott Underwood
- viii. Foreclosure Notice Bill*
Judge McEwen
Douglas Bates

- ix. *Proposed Amendments to UCC 9-406 and 9-408 – White paper attached as **EXHIBIT F** (joint with Corporations)*
Jeff Davis
Matt Hale
- x. *Creating an App for FRBP/Code*
Mark Healy
- xi. *Financial Literacy Task Force*
Amanda Finley

c. Items to be Monitored

- i. *Northern District Judgeships/Divisions*
Hon. Karen Specie
Jodi Dubose
- ii. *Judicial Term Limits/Legislative Oversight of Judicial Decisions*
Doug Bates
Jodi Dubose
- iii. *Uniform Voidable Transaction Act Amendments*
John Hutton
- iv. *Chapter 48 Amendments (joint with Biz Lit)*
Adina Pollan

V. Continuing Legal Education, Communications, and Publications

- a. *Communications Committee Report*
Matt Hale
Shirley Palumbo (BLS Blog)
- b. *CLE Committee Report*
Cori Lopez-Castro
 - i. Florida Bar Journal
- c. *Future CLE Programs*
Brett Lieberman/Andrew Layden
 - i. Fall and spring short programs/webinars – Ideas for Topics (Tech/Evid?); possible UCREA seminar if it passes?

Target dates: March and April, 2020 for evidence seminar
May/June for UCREA?
Andrew Layden

- d. *Out of State Division Newsletter Submissions*
Hon. Catherine Peek McEwen
Don Workman

VI. Cross-Committee Partnership and Liaison Reports

- a. *Current Partnership Initiatives*
Jim Moon, John Hutton

- b. *Liaison Reports*

- i. *Pro Bono* – [Lynn Sherman]
- ii. *IMF Committee* – [Mariane Dorris]
- iii. *Membership Committee* – Andrew Layden

VII. Old Business

VIII. New Business

- a. *Warehouse Liens* (the notice/sale procedures and dispute remedies of 713.585 if the warehouse lien involves a motor vehicle); **Exhibit G**

Dennis LeVine

IX. Future Meeting Dates

- a. BLS Annual Meeting – June 17 – 20, 2020
Hilton Orlando Bonnet Creek

X. Adjourn