

**BUSINESS LAW SECTION OF THE FLORIDA BAR
COMPUTER LAW AND TECHNOLOGY COMMITTEE**

Meeting Minutes – Fla. Bar Annual Meeting
Boca Raton Resort
June 26, 2019 12:30-1:30 p.m.

Chair: James P. “Scott” Curry
Vice Chair: Steven Blickensderfer
Second Vice Chair: Josh Saltz (not present)
Academic Chair: Professor Vicenc Feliu, Nova Law School
CLE Liaison: Peter Maslow
Pro Bono Liaison: Marisa Dorough (not present)

Computer law committee portion of the meeting began at 12:30 p.m.

There were 15-20 people at various times in attendance. One person joined via teleconference.

Scott Curry, Chair of the Committee, called the meeting to order, and roll call and introductions were made.

Darren Spielman moved to approve the minutes from the Winter Meeting, which Robert Kain seconded, and the motion was unanimously approved.

Scott announced changes to leadership of the Committee effective at the conclusion of the meeting. Steven Blickensderfer, First Vice Chair, will assume role of Chair. Josh Saltz passed on the role of First Vice Chair, and Peter Maskow will assume that position. Joshua Marks had previously volunteered for, and will assume the role of, Second Vice Chair.

Peter spoke on CLEs. The Committee organized an online CLE presentation in April regarding the ADA’s application to websites, which was conducted by Susan Stephan, Associate Dean of Graduate and Online Programs and Adjunct Professor at Nova Law. Immediately after today’s meeting, the Committee is hosting a live CLE on blockchain and cryptocurrency. At the Labor Day Retreat, the Committee is planning a CLE on data privacy laws, such as the GDPR and CCPA.

Steven gave an update from the Legislative Committee. The Legislature passed a law that creates a blockchain taskforce (the “legislative taskforce”) to study the technology and make proposals. There was discussion regarding the makeup of the legislative taskforce and whether it would be comprised of anyone from the Committee’s Blockchain and Cryptocurrency Taskforce. It is unknown at this time, but the Committee’s Taskforce will be monitoring the progress of the organization of the legislative taskforce.

Steven discussed the biometric privacy bill that was introduced and patterned after the Illinois’ Biometric Privacy Act (BIPA), which allows for a private right of action. Scott mentioned that he and Steven had prepared a whitepaper to address concerns regarding the bill, which they

submitted to the Legislative Committee during the session. The whitepaper was uploaded to the Committee's website. The Legislative Committee relied on the whitepaper in their discussions with members of the Legislature. The bill failed to pass, but it is expected to resurface next session.

Steven next discussed the social media bill that was introduced and failed to pass. Robert Kain drafted a whitepaper on it that was circulated to the Legislative Committee while the bill was still alive. There was discussion concerning the aim and operation of the bill, which would have targeted social media platforms and regulated their ability to moderate speech. It is not known whether the bill will resurface next session.

Robert Kain discussed another bill that passed amending the state's cyberstalking law to criminalize the transmission of photographs that are sexual in nature. It has a criminal and civil component. The amendment is expected to have an immediate impact on family law practitioners, among others. Steven encouraged those who are interested in criminal technology issues such as this to bring them up at future meetings, as the meetings tend to focus on civil issues.

Scott asked for volunteers for open subcommittee liaison positions, including (i) articles; (ii) inclusion; (iii) communications; (iv) marketing; and (v) Labor Day retreat. Robert Kain mentioned that he has an article he is preparing to submit regarding blockchain and cybersecurity to the Florida Bar Journal on behalf of the Committee.

Robert Kain gave an update from the Blockchain and Cryptocurrency Taskforce. Consistent with the earlier discussion on the new blockchain legislation, the Taskforce is focused on understanding its role in light of the recently appointed legislative taskforce. The Taskforce is looking into having a member or members appointed to that legislative taskforce. The Taskforce is also positioning itself to be a source of assistance and support for the legislative taskforce going forward.

Scott re-raised the issue of changing the Committee's name. It was discovered that the Committee name (Computer and Technology Law Committee) was being used inconsistently. For example, the Section's website for the Committee used the name "Computer Law and Technology Committee," which has since been fixed to reflect the correct name: "Computer and Technology Law Committee."

Committee members next discussed whether the Committee should change its name to more accurately reflect the substantive areas that are seeing increased activity, such as cybersecurity, data privacy, and blockchain technologies. The matter was discussed. The struggle is coming up with a name that adequately brands the Committee and reflects all of its various subject areas without being overly specific on one area or running the risk of becoming outdated as technology progresses. Stephen Teppler said the comparable committee in the ABA struggles with the same thing. There is also the problem of having a name that clashes with the Bar's Standing Committee on Technology. There seemed to be a consensus that adding "emerging" or "new" to the name in front of "Technology" would be beneficial. Some potential names discussed include: Computer, Cyber, Privacy, and Technology Law Committee; Computer, Internet, Privacy and

Technology Law Committee; Computer, Cyber and Technology Law Committee; Computer, Internet and Technology Law Committee; Cyber, Privacy and Technology Committee; Computer and Emerging Technology Law Committee; Security, Privacy and Emerging Technologies Law Committee; and Computer Law and New Technology Committee. The matter was tabled for future consideration.

Section Chair-Elect Jay Brown and members of the Executive Council entered the room and introduced themselves. He encouraged members of the Committee to volunteer for liaison positions to the Section's non-substantive committees. Doug Bates, Chair of the Legislation Committee, gave an overview of the legislative activity that concerned the Committee. He noted that we can expect to see the biometric bill again, and possibly the social media bill. He encouraged the Committee to submit any position papers on expected legislation by the Labor Day Retreat. Aimee Diaz Lyon requested that someone from the Committee request from them the list of search terms they use to filter bills to the Committee, so that they can be updated to capture bills that are of interest to the Committee. Steven promised to follow up on that request.

Discussion of the "hot topics" were skipped due to time constraints. Scott closed by encouraging members to recruit those interested in the Committee to join and participate at future meetings.

At 1:31p.m., Darren moved to adjourn the meeting, which Robert seconded, and the motion was unanimously approved.

1:35 p.m. to approximately 2:35 p.m., the Committee hosted a CLE on blockchain called "Blockchain for the Florida Lawyer: Foundations, Critical Considerations, and Updates" presented by Steven Tepler, Justin Wales, Scott Curry, and Eric Hibbard, and moderated by Peter Maskow.

The next meeting will be held at the Business Law Section's Labor Day Retreat at the Ritz Carlton in Naples, from August 30 to September 1, 2019.