

FL Bar Computer & Technology Law Committee 0 01/28/2016 Meeting Minutes

Transcribed by: Keith Kanouse Jr

CADRE - Seth Nagin spoke on effort to have Utah propose legislation that would mirror CADRE. It currently has a Dem and Rep sponsor.

Articles – Matthew Horowitz (mhorowitz@feldmangale.com) spoke regarding business law looking for articles and to his contact regarding CTLC or other subject matter articles. Currently, Scott Curry has volunteered to write article on the FL Data Breach Statute.

New FL Bar Article Three Person Team - Chris Brussard – Vice Chair of Communications committee spoke regards tying topic to author to editor for future articles. Moving forward, the communications committee is looking for all three. Additionally, there is a new position, a manager, who will be over all three. Communications can be sent to FLbarlaw@gmail.com. Blog will be on news section of FL Bar website and email blast.

Hot List – Presented by Keith Kanouse

- Adobe Systems, Inc. v. Christenson, Case No. No. 12-17371 (9th Cir. Dec 30, 2015) – Copyright holder bears burden of establishing infringement to disprove first sale doctrine defense
- Vernor v. Autodesk Inc., Case No. No. 09-35969 (9th Cir. Sept. 10, 2010) - Computer Program License Not a First Sale Under the Copyright Act
- Data Captured in Automobile Event Recorders Are Now Confidential Under Federal Law
- FTC v. Craig Brittain (DOCKET No. C-4564) Order – ‘Revenge Porn’ website w/‘Takedown’ Website Service

SB 960/HB 1087 – Bradley/Rooney – Relating to Protection of Motor Vehicle Dealers’ Consumer Data – CSFS/Comp Law

- No issue with bill

SB 1220/HB 1021 – Garcia/Steube – Relating to Award of Attorney Fees in Public Records Enforcement Actions – CSFS/Biz Lit/Comp Law;

- Possible concern with bill to be raised with committee

SB 1414 – Simmons - Relating to Cyber Harassment – Comp Law/IP;

- Modification to “revenge porn” 2015 FL law that looks to better define whereby victim had expectation of privacy; Mark Rendaza has 5 page article against the passage of the bill

SB 1146 – Montford – Relating to Student Data Privacy – Comp Law/IP

Fiduciary Access to Digital Assets – Presentation by Nicole Valdivieso, Esq.

- Allows fiduciary with the authorized access, control and/or copy to User’s digital assets, such as facebook account. Originally proposed in 2015 by died after Facebook and Google opposed.
- Online tool must be available at all times

- If online tool is available, the online tool would override any secondary authority, including a will. However, the requesting custodian would still be able to seek a court order for access.
- Facebook currently has a legacy account option

CTLC committee approved the Digital Assets bill unanimously

7th annual IP Symposium – Full Day CLE; April 7th in Tampa

Leadership Committee spoke regarding that the CTLC needs to draft up policies and procedures (to which there is a template) before June's meeting.