

# CONSTRUCTION LAW COMMITTEE

## Memorandum of Committee Members

**To:** All Construction Law Committee Members  
The Florida Bar: Real Property, Probate and Trust Law Section

**From:** Sean A. Mickley, Vice-Chair of Legislative Subcommittee

**Re:** Meeting Minutes – February 21, 2019

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A telephonic meeting of the CLC was held on February 21, 2019 at 12pm. The purpose of the call was to discuss a CLC position on SB 674 dealing with changes to Sec. 4891.113, Fla. Stat. and HB 911 seeking to repeal Ch. 558 pre-suit construction defect process and replacing it with a mandatory non-binding arbitration process.

The CLC's legislative subcommittee had unanimously recommended to the CLC that it should oppose SB 674 and HB 911. These recommendations were presented to the CLC.

The CLC after discussion reached a consensus to oppose SB 674 and HB 911, and to request RPPTL and the Florida Bar to track the bills and oppose them.

The above consensus was reached via the following motions:

Motion 1: For the CLC to oppose SB 674, and to request that the RPPTL and the Florida Bar oppose SB 674. Motion made by Reese Henderson, seconded by Barry Ansbacher. All in favor. Motion passed.

Motion 2. For the CLC to oppose HB 911, and to request that the RPPTL and the Florida Bar oppose HB 911. Motion made by Reese Henderson. Barry Ansbacher seconded the motion, but requested that the CLC advise that the RPPTL and Florida Bar further oppose any additional language that would require additional requirements such as mandatory mediation in lieu of the 558 process. After discussion, Barry Ansbacher withdrew his additional request. Motion was once again made by Reese Henderson, seconded by Hardy Roberts. All in favor. None opposed. Motion passed.

Additional conversation was had concerning the RPPTL section's concern that SB 674 may not relate to an area of law that the RPPTL needs to track. Reese Henderson stated that the RPPTL is routinely asked to review, track, and take positions on lien law and open permit issues which relate to improvements to real property. The proposed changes in SB 674 concern licensure to perform improvements on real property. Accordingly, SB 674 is certainly within the purview of the RPPTL section and it should be tracked.

Attendance:

Sean Mickley  
Reese Henderson

Hardy Roberts  
Barry Ansbacher  
Jennie Schwartz  
Jessica Sebag  
Christopher Burrows  
David Zulian  
jeffrey price  
David Greene  
sean mickley  
Rhonda Hollander  
Matthew Goode  
Eric G. Belsky

Attendance by proxy vote through Sean A. Mickley to oppose the bills and request RPPTL and Florida Bar to take a position on the bills and oppose them:

Frank Silva  
Jason Quintero  
Scott Pence  
Sanjay Kurian  
Bruce Partington  
Brian Wolf  
Michael Gibbons  
Steve Sellers

Motion to adjourn made at 12:15pm. Meeting was adjourned.