

CONSTRUCTION LAW COMMITTEE  
Memorandum of Legislative Subcommittee Meeting

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

From: Sanjay Kurian, Chair of Legislative Subcommittee

Re: Meeting Minutes – March 21, 2019 discussion of HB 1247

---

A telephonic meeting of the CLC’s Legislative Subcommittee was held on March 21, 2019, to discuss HB 1247. Participating in the call in addition to the chair were CLC members: Fred Barnes, Barry Kalmanson, Bruce Partington, and Robert Worman. The general agreement of the subcommittee was that the legislation should be opposed and that recommendation would be made to the CLC.

Also, Barry Kalmanson stated that the version of the bill that would be considered in committee on Monday would be significantly different and remove some of the concerns. The subcommittee specifically noted the following as to the proposed legislation:

LINE NUMBERS	COMMENTS
Lines 70-71	No Objection
Line 79	No Objection
Lines 83-87	liens must be under oath, so it’s not irrational that notice of nonpayment should be. No Objection
Line 90	No Objection
Lines 94-100	This is an attempt to create a parallel to a sworn statement. This is a trap for the unwary and unsophisticated lienors. Additionally to the extent it needs to be addressed it already exists in section 255.05(8).
107-08	No Objection
Lines 122-173	Should be deleted in their entirety. To the extent such language is needed then instead of creating a new form simply referring to the form in section 713.23 (1)(d) should suffice.
Line 179	No Objection
Line 183	No Objection
Lines 216-232	Should be deleted. Lines 216-220 will be removed in the Senate version on Monday. The section re rental equipment already in 713.01(12) & (13) (last furnishing) so it is duplicative. Further section 713.16(4) already has a demand for sworn statement.

Lines 237-39	No Objection
Lines 253-264	Same as lines 122-173.
Lines 267-303	Notice of nonpayment form being modified. House staff analysis says makes it more difficult for claimants which contradiction to liberally construing payment bonds for payment. "regulation" Harder to prepare and serve.
Lines 316-331	All should be out in the senate. Oppose all changes to 713.245
Lines 332-335	No objection.