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: Sean Mickley, Vice-Chair of Legislative Subcommittee

Re: Meeting Minutes – April 3, 2019 discussion of SB 1200 / HB 1247

A telephonic meeting of the Construction Law Committee was held on April 3, 2019 to discuss SB 1200 and HB 1247. Participating in the call in addition to the vice-chair were CLC members: Fred Barnes, Barry Kalmanson, Scott Pence, Bruce Partington, Jeff Price, and Stuart Sakwa. Prior to the meeting, Larry Leiby, Jason Quintero, Brian Wolf, Rob Doan, and Robert Worman all provided their vote and input on both bills – those positions being an opposition to the bills consistent with the Construction Law Committee’s position expressed during the meeting discussed below.

The general agreement of the Construction Law Committee was in line with the Legislative Subcommittee’s position that SB 1200 / HB 1247 should be opposed with the exception of the inclusion of Contractors under Section 627.756.

There was a comment from Stuart Sakwa regarding the interplay of 255.05(2)(a)(1) and retainage. Barry Kalmanson suggested that the CLC Legislative Subcommittee propose that the RPPTL Section look into it for the 2020 Legislative Session. Jeff Price also brought up the point that the majority of the reasons why SB 1200 and HB 1247 were initially proposed appear to have been removed from the bill. The remaining changes appear to be solutions in search of a problem where there isn’t one already.

Fred Barnes made a Motion to request that the RPPTL Section oppose SB 1200 and HB 1247 in their entirety with the exception of the inclusion of contractors under Section 627.756. Jeff Price seconded the motion. All members in attendance voted in favor of the motion.

The Legislative Subcommittee of the CLC will prepare a legislative white paper and position form and submit same to the RPPTL Section with these minutes.

END.