**Construction Law Committee**

**Memorandum of Committee Minutes**

To: All Construction Law Committee Members

The Florida Bar: Real Property, Probate and Trust Law Section

From: Robert E. Doan, Secretary

Re: Meeting Minutes – March 11, 2024

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**RECORDING ATTENDANCE:** NOTE: Recording your attendance helps track participation and gives you a record to look back on when reporting CLE. Use the link distributed by Sanjay Kurian to record your attendance for this meeting.

**1. Opening:** Chair Sanjay Kurian called the meeting to order at 11:31 a.m.

Vice-Chairs are Bruce Partington and Elizabeth Ferguson. Secretary is Robert Doan.

The minutes from the February 12, 2024, meeting were distributed by Rob Doan after the meeting on February 12 and this morning by Sanjay. Minutes were approved.

**2. Subcommittee Reports:**

A. ABA Forum on Construction Law Liaison: Tony Lehman ([alehman@hlpwlaw.com](mailto:alehman@hlpwlaw.com)) is the Forum Liaison.

Upcoming national meetings will be held as follows:

The annual meeting will be in New Orleans and the topic is “The Art and Science of Construction Litigation.” The dates will be April 11-13. There is very little, if any, room left at the hotel where the vent takes place but plenty nearby.

The fall meeting will be in Pittsburg in late October from October 23-25. The focus will be on representing and advising design professionals.

The Forum is hosting a webinar this week on 2/13 at 1 p.m.

If you’d like to learn more about getting involved in the Forum generally, feel free to reach out to Tony. If you are interested in being published in one of the periodicals, he can assist.

B. ADR Subcommittee: Reese Henderson and Bryan Rendzio are the co-chairs. Anyone who is interested in participating, please contact reese.henderson@gray-robinson.com or bryan.rendzio@ansbacher.com. Reese discussed the recently released updated AAA construction industry rule changes for arbitration. One particular issue relates to joining additional parties. The deadline for joinder request must now be filed before the merits arbitrator has been confirmed, unless good cause is shown and prejudice would result if joinder was not permitted at a later date. Reponses to the request are due within 14 days (used to be 10). If the joined party fails to make their required deposits, the requesting party shall pay them. Regarding merits arbitrator selection, the AAA may now limit the number of strikes. If there is no agreement of parties, AAA can appoint without submission of additional lists. Regarding dispositive motions, the arbitrator shall now consider the time and costs of briefing a dispositive motion before allowing it. New Rule 45 provides for confidentiality orders. New Rule 51 provides for methods of delivery of an award. New Rule 52 (Old rule 51) provides that the arbitrator may clarify his/her award upon request of a party or at arbitrator’s own initiative. Sanjay is forwarding Reese’s email regarding these changes.

C. Certification Exam: Joe Passeretti ([jap@beggslane.com](mailto:jap@beggslane.com) ) is the new chair. Katie Heckert ([kheckert@carltonfields.com](mailto:kheckert@carltonfields.com)) is vice-chair. No report this month.

D. Certification Review Course: Scott Pence ([spence@carltonfields.com](mailto:spence@carltonfields.com)) and Greg Hutt ([ghutt@trenam.com](mailto:ghutt@trenam.com)) are the co-chairs. No report this month.

E. Construction Law Institute: Brad Weiss ([brad@bmwlawyers.net](mailto:brad@bmwlawyers.net)) is the current Chair. Brad reported that the meeting will be March 21-23, 2024 and will be at the JW Marriot / Ritz property again this year. Registration is open. The room block is currently sold out but there are accommodations nearby. Golf registration opens at 11 and play starts at noon.

F. Construction Litigation: Ryan Sullivan ([Ryan.Sullivan@hwhlaw.com](mailto:Ryan.Sullivan@hwhlaw.com)) Lucien Johnson ([Lucien.johnson@foley.com](mailto:Lucien.johnson@foley.com)) are the co-chairs. Lucien reported: The Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month at 1130AM. The last meeting was cancelled. If you would like to receive the emails, email Ryan or Lucien at the email addresses above. If anyone is interested in presenting, please let them know. The next meeting is April 4 at 1130. There are several new cases since the last meeting.

G. Construction Regulation: Chris Cobb is the chair (CCobb@cobbgonzalez.com) and James Gonzalez (jgonzalez@cobbgonzalez.com) is co-chair. No report this month. This subcommittee will continue to work on presenting new construction licensing issues related to contractors, architects, engineers, mostly at the state level, as well as changes to the administrative code related to licensure.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair. No report this month.

The goal of this subcommittee is to provide a practical resource to construction transactional attorneys to refer to when drafting / updating / customizing standard AIA docs. There will be an annual or semi-annual report form the subcommittee that notes which cases related to certain sections of the standard AIA docs.

1. Contractor’s University: Chair, David Zulian ([dazulian@napleslaw.com](mailto:dazulian@napleslaw.com)) reported. Debbie Crockett is co-chair (dscrockett@napleslaw.com). David reported that they are working on getting the courses renewed with the Bar. They will be setting up regional workshops and moving forward and looking for new members to get involved as well. The goal is to host several intimate seminars across the state for contractors on various topics such as lien law and contract clause tips. Email Debbie or David if you would like the zoom link for the meeting.

J. Legislative Subcommittee: Sean Mickley (smickley@whitebirdlaw.com) and Bret Henson ([bhenson@shumaker.com](mailto:bhenson@shumaker.com)) are Co-Chairs Brett reported. The session closed on March 8. An update document will be circulated. Some highlights of enrolled bills (sent to Gov. Desantis) include bills on continuing contracts (HB149), residential permits (HB267); HVAC warranty bill; Sovereign Immunity for professional firms (HB619); Public Works with Local Funding (HB705); Unsolicited PPP Proposals (HB781); Consumer protection regarding roofing (HB939); There may be a study group on the need for a glitch bill regarding statute of limitations and statute of repose. Contact Brett for more information.

K. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. David reported there are currently 553 members, up one from last month. If you are aware of anyone that would like to become a member of the committee, let David or an officer of CLC know. You must be a member of RPPTL to join.

L. Newsletter: Peter Kapsales (pkapsales@milnelawgroup.com) is chair of this committee. They are always looking for new articles. Articles should be at least 750-1000 words and have far less formal requirements than Action Line or the Bar Journal. Send submissions of ideas to Peter or Ben if you are interested in submitting. No report this month.

M. Pro Bono Subcommittee: Elizabeth Ferguson (ebferguson@mdwcg.com) is the chair of this subcommittee and Pamela Holcombe is co-chair ([pamela@anastasialaw.net](mailto:pamela@anastasialaw.net).) Anyone interested in joining the subcommittee or in receiving referrals for pro bono assignments should contact Elizabeth or Pam for more information. Volunteering attorneys work in conjunction with legal aid counsel on cases. She pointed out that you do not necessarily take on a case 100%, but rather can advise and consult a legal aid organization. A report will be circulated with the minutes after today’s meeting. Pam reported that there will be a Construction Law 101 presented by Elizabeth at the Jax Bar association that can be used by legal aid groups as a construction law primer.

N. Publications: Nick Elder (nelder@cobbgonzalez.com) is the chair. Andrew Foti (afoti@stearnsweaver.com) is co-chair. Articles for Action Line should be 3000 words. Andrew reported: July 15 will be the next ActionLine deadline (1000 - 3000 words). Florida Bar Journal feature articles should be 7000 words or less and columns should be 4500 or less. If you have any ideas for articles or would like to peer review articles of others, please email Nick or vice-chair Andrew Foti for ideas or to volunteer to peer review.

O. Government Contracts: Lisa Colon Heron (lcolon@smithcurrie.com) is the chair. Lisa reported on a few matters: Meetings are the 3rd Wednesday of the month at lunchtime. HB 705 is a new bill limiting local preference awards, previously mentioned by Brett.

P. Website: Jack Taylor ([jtaylor@angius-terry.com](mailto:jtaylor@angius-terry.com)) and Klarika Caplano ([klarika@coats-schmidt.com](mailto:klarika@coats-schmidt.com) ) are the co-chairs. Visit rpptl.org and you can then access the CLC webpage. Email either one of them if you’d like to be involved. All CLC course numbers are updated on the website when available. Clarika was updating the site today with recent minutes, agendas and CLE presentations.

Q. CLE: Jade Davis ([jdavis@hallboothsmith.com](mailto:jdavis@hallboothsmith.com) ) is the chair. Sean Sullivan ([ssullivan@beckerlawyers.com](mailto:ssullivan@beckerlawyers.com)) is joining the committee as a co-chair. Sean reported that they are working on the backlog of approvals with the Bar. If you are presenting, please submit the information to Jade or Sean as soon as possible in advance so that the CLE number is available right away.

**REMINDER: Each committee member is responsible for posting their own CLE credits on TFB website; neither the committee nor subcommittee can do so.**

**3. New Business:**  None.

4. Continuing Legal Education Presentation:

Sean introduced our speaker today. Our CLE presentation for this meeting is Sherry Lambson-Eisele, Esq., of Boyd Jenerette. Her presentation was on, “Legislative Updates and Revisions to Service of Process in 2023: What You Need to Know.” The CLE began at 12: 03 p.m. and concluded at 12:55 pm.

**5. Closing:**

The meeting was adjourned at 12:55 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **April 8, 2024,** beginning at 11:30 a.m., via Zoom. The Zoom link and dial in information will be distributed by email from Sanjay Kurian to the construction official business listserv prior to the meeting, but unless there is an unexpected change, should be: Zoom Link

Join Zoom Meeting  <https://beckerlawyers.zoom.us/j/82503132938>

Meeting ID: 825 0313 2938

Below is the attendance list for the meeting, as of 3:54 pm:

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| --- | --- | --- | --- |
| Timestamp | Full Name | Email Address |  |
| 3/11/2024 9:21:00 | Sanjay Kurian | skurian@beckerlawyers.com |  |
| 3/11/2024 9:30:19 | Todd A MacLeod | tmacleod@bacharagroup.com |  |
| 3/11/2024 10:34:53 | Jason Moyer | jmoyer@moyerlawgroup.com |  |
| 3/11/2024 11:27:33 | Roert B. Worman | rworman@wormanlaw.com |  |
| 3/11/2024 11:28:58 | michael yates | myates@mjylaw.com |  |
| 3/11/2024 11:29:11 | Tony Lehman | alehman@hlpwlaw.com |  |
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| 3/11/2024 11:32:14 | Shawn Heath | Shawn@DSHattorneys.com |  |
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| 3/11/2024 11:44:55 | Bryan Botic | bryan.botic@fivesgroup.com |  |
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