**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 – July 8, 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 11:32 a.m.

Chair, Sanjay Kurian was not able to attend. Vice-Chairs are Bruce Partington and Elizabeth Ferguson. Secretary is Robert Doan.

The minutes from the June 10, 2024, meeting were distributed by Rob Doan after the meeting on Jume 10, and circulated last evening 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:

There is a planning retreat in Anchorage, AK in July. This is for leadership only.

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

December 5 will be a four city, concurrently held group of meetings on infrastructure.

January 15-17 will be the mid-Winter meeting in Tampa and will focus on representation of Owners.

If you’d like to learn more about getting involved in the Forum generally, feel free to reach out to Tony. There is a new book coming out on procurement this summer, and a book on representing owners around the time of the mid-winter meeting. 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. Bryan sent a summary to Sanjay regarding Notice of Rejection of Arbitration Decision and Request for Trial.

C. Certification Exam: Joe Passeretti ([jap@beggslane.com](mailto:jap@beggslane.com) ) is the new chair. Results were released. Congrats to the newly certified members. The application deadline for the 2025 exam is October of this year. 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. March 6-8 will be the dates in 2025. No report this month.

E. Construction Law Institute: Brad Weiss ([brad@bmwlawyers.net](mailto:brad@bmwlawyers.net)) is the current Chair. Vice-Chair Trevor Arnold reported: March 6-8 will be the dates in 2025. This is a week earlier than last year. It will still be at the JW Marriott Grande Lakes.

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. Ryan reported: The Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month at 1130AM. The July 1 meeting was attended by 21 people. 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*. LeMartec corp vs East Coast Metal Structures Corp*. Dealt with attys’ fees. Significant issues test still reigns supreme over judgment rule.

G. Construction Regulation: Chris Cobb is the chair (CCobb@cobbgonzalez.com) and James Gonzalez (jgonzalez@cobbgonzalez.com) is co-chair. James reported. 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. CILB July meetings are currently taking place The August meetings will be August 12. There will be several new items to report on next month.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair.

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. Claramargaret provided a report for circulation. AIA G728 and G729 were issued this year and are fully editable. They are the result of several years worth of negotiations/discussions.

1. Contractor’s University: Chair, David Zulian ([dazulian@napleslaw.com](mailto:dazulian@napleslaw.com)) reported. Debbie Crockett is co-chair (dscrockett@napleslaw.com). Davided reported in they are still struggling getting the courses renewed with the Bar (due to 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 next meeting.

J. Legislative Subcommittee: Sean Mickley (smickley@whitebirdlaw.com) and Bret Henson ([bhenson@shumaker.com](mailto:bhenson@shumaker.com)) are Co-Chairs. Bruce Partington reported. The subcommittee has been working on an effort to fix a problem with the newest language in 95.11(3)(b) which leaves certain types of projects unaddressed, specifically with respect to projects where there is no certificate of occupancy or final inspection for certain types of projects (renovations for example, horizontal improvements under FDOT jurisdiction where “final acceptance” is the ending benchmark but unmentioned by the statute.) It will be discussed at the upcoming RPPTL Section meeting at the Breakers and should be on the 2025 legislative agenda. HB1021 (condo statute of repose) is now in effect.

K. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. David previously reported there are currently 554 members, up one. 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. Pam pointed out that you do not necessarily take on a case 100%, but rather can advise and consult a legal aid organization. There are two cases needing help coming up. So far they have had 100% placement and hope to keep it up.

N. Publications: Nick Elder (nelder@cobbgonzalez.com) is the chair. Andrew Foti (afoti@stearnsweaver.com) is co-chair. Nick encouraged people to submit. Articles for Action Line should be 1000-3000 words. Nick reported: July 15 and October 15 will be the next ActionLine deadlines. 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. Lisa welcomes help in working on this subcommittee, which focuses on tracking case law as well as regulatory and administrative changes and cases that affect government contracting, including small business and MBE/WBE programs. Lisa mentioned a case the Supreme Court recently granted cert on regarding the Federal act that imposes liability for fraud involving government funds. Oral arguments are in October.

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. Klarica reported that they are uploading caselaw updates from the litigation subcommittee. The Bar is still behind on updating some CLE approvals. Chair names will be updated soon.

Q. In-House Counsel: David Ehrlich and ([dehrlich@tcco.com](mailto:dehrlich@tcco.com)) and Joe Darr ([jdarr@brasfieldgorrie.com](mailto:jdarr@brasfieldgorrie.com)) are the charis. The First meeting is 30th of this month. Will meet on the last Tuesday of every other month. They are up to 25 members and would like to see that increase. If anyone knows any inhouse that tmight be interested in joining, let David or Joe know by email.

R. 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 still 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:**  Brett Henson reported there will be a new subcommittee within the CLC for In House Counsel. Our future co-chairs, Joe Darr ([jdarr@brasfieldgorrie.com](mailto:jdarr@brasfieldgorrie.com)) and David Ehrlich ([dehrlich@tcco.com](mailto:dehrlich@tcco.com)) reported they will do meetings every other month, with the first meeting being in July. Membership is limited to those who currently serve as in-house counsel.

4. Continuing Legal Education Presentation:

Our CLE presentation for this meeting will be “Attorney’s Fees in Construction Litigation” presented by attorney Gabriel Alonso. The CLE began at 12:00 p.m. and concluded at 12:45 am.

**5. Closing:**

The meeting was adjourned at 12:36 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **August 12, 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

The attendance list as of 12:37 pm was:

|  |  |  |  |
| --- | --- | --- | --- |
| 7/8/2024 8:29:04 | Michael Feinberg | michael.c.feinberg@gmail.com |  |
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