**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 – October 14, 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 11:33 a.m.

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

The minutes from the September 9, 2024, meeting were circulated before the meeting by Sanjay and approved.

**2. Subcommittee Reports:**

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

Upcoming national meetings will be held as follows:

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. (Boston, Chicago, Los Angeles and New Orleans.)

January 15-17 will be the mid-Winter meeting in Tampa and will focus on representation of Owners. “Maximizing Returns: Proven Strategies for Owners and Developers.”

There is a book out on Design Build and EPC contracting. It is available through the ABA website.

If you’d like to learn more about getting involved in the Forum generally, including sponsorship opportunities, 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. Reese reported a recent change in the rule regarding mediator conflicts. They spelled out three clear conflicts: 1, where the mediator is related by blood or marriage, 2, where the mediator used to represent the client, 3 if you are currently providing services to one of the participants. They also added a section on social media and stated that there is no obligation to disclose social media connections in and of themselves, but that referred back to rule on conflicts that would affect self-determination. There were additional changes and clarifications added as well.

C. Certification Exam: Bruce Alexander ([bruce@bgalawadr.com](mailto:bruce@bgalawadr.com)) and Dara Lindquist ([dlindquist@carltonfields.com](mailto:dlindquist@carltonfields.com)) are the new chairs. The application deadline for the 2025 exam is this month. 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. 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. They are actively working on programming at this time. (3/6 is just golf and welcome reception for the CLI side. Programming is 3/7-3/8.)

F. Construction Litigation: Jason Lambert ([jason.lambert@hwhlaw.com](mailto:jason.lambert@hwhlaw.com)) Michael Feinberg ([Michael.feinberg@ansbacherlaw.net](mailto:Michael.feinberg@ansbacherlaw.net)) are the co-chairs. Jason & Michael reported: The Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month at 11 AM. Email either one of them if you’d like to be on the email list.

G. Construction Regulation: Chris Cobb is the chair (CCobb@cobbgonzalez.com) and James Gonzalez (jgonzalez@cobbgonzalez.com) is co-chair. No report this month.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair. Alex Leon is a new co-char ([aleaon@haberlaw.com](mailto:aleaon@haberlaw.com)). 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. James Barlow is co-chair (jbarlow@careyomalley.com). David reported previously 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 James or David if you would like the zoom link for the next meeting. They are still having difficulty with the Bar on getting programming re-certified. No report this month.

J. Legislative Subcommittee: Sean Mickley (smickley@whitebirdlaw.com) and Nick Elder ([nelder@cobbgonzalez.com](mailto:nelder@cobbgonzalez.com) ) are Co-Chairs. Nick reported. Nothing new this month. The Real Property Round Table passed our legislative initiative regarding 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 is moving forward with our lobbyist upon receiving RPPTL support at the last section meeting. The government law section recently responded to our position statement and said they have no objection. New filings will start soon for the upcoming session.

K. Membership Subcommittee: The chair is David Zulian ([dazulian@napleslaw.com](mailto:dazulian@napleslaw.com)). Co-Chair is Mark Smith ([msmith@careyomalley.com](mailto:msmith@careyomalley.com)) David reported there are currently 555 members, up one from the last report. 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. They will do another annual audit/cleanup of the roster.

L. Newsletter: Peter Kapsales (pkapsales@milnelawgroup.com) is chair and Hilary Morgan ([hmorgan@shermanhoward.com](mailto:hmorgan@shermanhoward.com)) is co-chair of this committee. Brett Henson reported: 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 Natalie if you are interested in submitting. Also, subcommittees should submit 25-50 words on activities of the subcommittees.

M. Pro Bono Subcommittee: Pamela Holcombe (pamela@anastasialaw.net) is the chair of this subcommittee and Hardy Roberts ([hroberts@careyomalley.com](mailto:hroberts@careyomalley.com)) is co-chair. Anyone interested in joining the subcommittee or in receiving referrals for pro bono assignments should contact Hardy 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. They are looking for relationships in areas across the state with pro bono organizations. There is a meeting coming up this Tuesday.

N. Publications: Andrew Foti ([afoti@stearnsweaver.com](mailto:afoti@stearnsweaver.com)) is the chair. Mike Rothfeldt ([mrothfeldt@carltonfields.com](mailto:mrothfeldt@carltonfields.com)) is co-chair. Andrew encouraged people to submit articles or ideas for articles. Articles for Action Line should be 1000-3000 words. The deadline for the spring edition is January 15. 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 Mike 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. No report today.

P. Website: Jack Taylor ([jack.taylor@forthepeople.com](mailto:jack.taylor@forthepeople.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. No update this month.

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 chairs. Joe Darr reported. Will meet on the last Tuesday of every other month. They are up to 37 members and would like to see that increase. The next meeting is November 19 at 11 AM. There will be a discussion on trending AIA contract modifications. If anyone knows any in-house that might be interested in joining, let David or Joe know by email.

R. CLE: Sean Sullivan ([ssullivan@beckerlawyers.com](mailto:ssullivan@beckerlawyers.com)) is chair along with Jill Dutmers ([jdutmers@shutts.com](mailto:jdutmers@shutts.com)) as the new co-chair. Sean reported that they are still working on the backlog of approvals with the Bar and another batch is forthcoming. If you are presenting, please submit the information to Jill or Sean as soon as possible in advance so that the CLE number is available right away. Sean reported they have open spots early 2025 – Summer 2025.

**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:**

4. Continuing Legal Education Presentation:

There was no CLE presentation this month.

**5. Closing:**

The meeting was adjourned at 12:07 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **November 11, 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:

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

Meeting ID: 825 0313 2938

The attendance list as of 12:34 pm was:

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| --- | --- | --- | --- |
| 10/14/2024 8:45:15 | Cary Wright | cwright@carltonfields.com |  |
| 10/14/2024 8:47:50 | Michael Feinberg | michael.feinberg@ansbacher.net |  |
| 10/14/2024 9:33:51 | Chris Bracken | cbracken@thefund.com |  |
| 10/14/2024 10:13:57 | Kevin McGavock | kevin.mcgavock@akerman.com |  |
| 10/14/2024 11:15:58 | Daniel Zorrilla | dz@obzci.com |  |
| 10/14/2024 11:24:30 | David Minacci | david@manausalaw.com |  |
| 10/14/2024 11:25:37 | Nicholas elder | nelder@cobbgonzalez.com |  |
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| 10/14/2024 11:28:29 | Jason Lambert | jason.lambert@hwhlaw.com |  |
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