**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 – January 13, 2025

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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.

Vice-Chairs of the CLC are Bruce Partington, Brett Henson, and Jason Quintero. Secretary is Robert Doan.

The minutes from the December 9, 2024, meeting were circulated the day of the meeting and again on January 13, by Sanjay and approved today.

**2. Subcommittee Reports:**

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

Cary Wright reported on upcoming national meetings will be held as follows:

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 will be a practicum on Wednesday from 1-4 p.m. “Fact discovery,” will be the primary focus. Division dinners (13) take place on Thursday evening after a reception. Online registration is closed, but “walk-up” registration is available.

The trial academy will take place in Dallas, TX, March 13-15, and focuses on advanced trial skills.

April 23 – 25, the Annual meeting will take place in Austin, TX.

If you’d like to learn more about getting involved in the Forum generally, including sponsorship opportunities, 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 brendzio@milesadr.comThey will have a panel presentation next month on new trends in construction ADR. You can submit questions in advance if you would like.

C. Certification Exam: Bruce Alexander (bruce@bgalawadr.com) and Dara Lindquist (dlindquist@carltonfields.com) are the new chairs. The application deadline for the 2025 exam is this month. Dara reported that all questions are drafted and will go out to pre-testers soon.

D. Certification Review Course: Scott Pence (spence@carltonfields.com) and Greg Hutt (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) is the current Chair. Sanjay 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.) The link is live.

F. Construction Litigation: Jason Lambert (jason.lambert@hwhlaw.com) Michael Feinberg (Michael.feinberg@ansbacherlaw.net) are the co-chairs. Clarika 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-chair (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) reported. James Barlow is co-chair (jbarlow@careyomalley.com). No report this month. 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 ) are Co-Chairs. Brett reported. 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 still moving forward with our lobbyist upon receiving RPPTL support at the last section meeting. It continues to progress toward consideration in the session. Bruce added that some issues were raised about the “clock starters” for new construction versus existing and for roads. Another question was added about why some trades/professions were added, and the reason is because they were not listed in the statute previously, which created a gap.

K. Membership Subcommittee: The chair is David Zulian (dazulian@napleslaw.com). Co-Chair is Mark Smith (msmith@careyomalley.com) David reported previously there are currently 555 members. 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 and Hilary Morgan (hmorgan@shermanhoward.com) is co-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 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) 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 in previous meetings 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. The next meeting is at noon on January 31, via Zoom.

N. Publications: Andrew Foti (afoti@stearnsweaver.com) is the chair. Mike Rothfeldt (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 and there will not be an article in there. Andrew hopes to double up in one of the next editions. 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. There is a free bid protest CLE on January 23 at noon, through the Admin Law Section of the Florida Bar. The first meeting for this subcommittee will be on the last Wednesday of this month. Lisa will circulate a link on the listserv.

P. Website: Jack Taylor (jack.taylor@forthepeople.com) and Klarika Caplano (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. Klarika reported that they do publish the CLE numbers as soon as they are issued by the Bar, but there is often a delay from the Bar. Other items such as agendas, newsletters, minutes and approved CLE’s are on the site.

Q. In-House Counsel: David Ehrlich and (dehrlich@tcco.com) and Joe Darr (jdarr@brasfieldgorrie.com) are the chairs. Joe Darr reported. Will meet on the last Tuesday of every other month. They are up to 40 members and would like to see that increase. The next meeting is January 21 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) is chair along with Jill Dutmers (jdutmers@shutts.com) as the new co-chair. 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. Jill reported they are open to any topics or offers to present.

**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:

Today’s CLE was “Compelling Arbitration in Multi-Family Construction Defect Cases,” presented by Dara Lindquist and Jason Bullinger, both of Carlton Fields. The presentation started at 11:53 a.m. and ended at 12:24 p.m.

**5. Closing:**

The meeting was adjourned at 12:25 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **February 10, 2025,** 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 12:59 pm was:

|  |  |  |
| --- | --- | --- |
| 1/13/2025 9:15:31 | Jason Handin | jhandin@kaufmanlynn.com |
| 1/13/2025 9:15:38 | Michael Feinberg | michael.feinberg@ansbacher.net |
| 1/13/2025 9:20:51 | Jack Taylor | jack.taylor@forthepeople.com |
| 1/13/2025 9:22:13 | Brian Oblow | brian.oblow@arlaw.com |
| 1/13/2025 9:22:44 | jack taylor | jack.taylor@forthepeople.com |
| 1/13/2025 9:46:35 | Jason Bullinger | jbullinger@carltonfields.com |
| 1/13/2025 9:53:22 | Joseph W. Lawrence, II | jlawrence@vlplaw.com |
| 1/13/2025 10:55:32 | Alan Lubitz | lubitzlaw@gmail.com |
| 1/13/2025 11:02:27 | Kevin McGavock | kevin.mcgavock@akerman.com |
| 1/13/2025 11:02:40 | Robert B. Worman | rworman@wormanlaw.com |
| 1/13/2025 11:07:46 | Anne-Solenne Rolland | aroll |
| 1/13/2025 11:18:31 | Brett Duker | bduker@ssclawfirm.com |
| 1/13/2025 11:20:48 | David Greene | dg@woodstriallaw.com |
| 1/13/2025 11:23:22 | Klarika J. Caplano | Klarika@Coats-Schmidt.com |
| 1/13/2025 11:25:13 | Matthew Maranges | matt@pbmlegal.net |
| 1/13/2025 11:25:38 | Ryan Sullivan | ryan.sullivan@hwhlaw.com |
| 1/13/2025 11:25:50 | Sanjay Kurian | skurian@beckerlawyers.com |
| 1/13/2025 11:26:00 | Christopher M. Cobb | ccobb@cobbgonzalez.com |
| 1/13/2025 11:26:50 | james gonzalez | jgonzalez@cobbgonzalez.com |
| 1/13/2025 11:27:08 | Brian Eves | beves@sbwhlegal.com |
| 1/13/2025 11:27:22 | Shawn Heath  | shawn@DSHattorneys.com |
| 1/13/2025 11:27:49 | Dara Lindquist | dlindquist@carltonfields.com |
| 1/13/2025 11:29:13 | Diane Perera | dperera@dpconstructionlaw.com |
| 1/13/2025 11:29:19 | Bruce King | Bking@carltonfields.com |
| 1/13/2025 11:29:54 | Kimberly Hirschman | khirschman@therhlawfirm.com |
| 1/13/2025 11:30:09 | Brian Rowlson | browlson@bradley.com |
| 1/13/2025 11:30:28 | Sean Hipworth | shipworth@fbswlaw.com |
| 1/13/2025 11:30:29 | Pamela Holcombe | pamela@anastasialaw.net |
| 1/13/2025 11:30:31 | Jeffrey Bogert | jeffrey.bogert@mc-atty.com  |
| 1/13/2025 11:30:39 | John Pairitz | jsp@ansbacher.net |
| 1/13/2025 11:30:44 | Carrie E. Hight | chight@taylordaylaw.com |
| 1/13/2025 11:31:25 | Bryan Rendzio | brendzio@milesadr.com |
| 1/13/2025 11:31:33 | Craig Distel | cdistel@mcdonaldhopkins.com |
| 1/13/2025 11:31:34 | George Reynolds | greynolds@carrallison.com  |
| 1/13/2025 11:31:47 | Jill Dutmers | jdutmers@shutts.com |
| 1/13/2025 11:31:48 | Bryan Krasinski | bmk@kubickidraper.com |
| 1/13/2025 11:31:48 | Julie Morse Foran | jmforan@ectinc.com |
| 1/13/2025 11:31:49 | Joe Dill | joe.dill@atritt.com |
| 1/13/2025 11:31:52 | Sheryl Dobek | attnysldobek@msn.com |
| 1/13/2025 11:31:57 | Brett Henson | bhenson@carltonfields.com |
| 1/13/2025 11:32:00 | Drew Greminger | dgreminger@bushross.com |
| 1/13/2025 11:32:05 | Mark Young | mwy@kubickidraper.com |
| 1/13/2025 11:32:09 | Ryan Hatler | ryan@hatlerlaw.com |
| 1/13/2025 11:32:14 | Kenneth Roger RIchie | ken.richie@hklaw.com |
| 1/13/2025 11:32:14 | Christopher M. Utrera | cmu@utreralaw.com |
| 1/13/2025 11:32:21 | Howard Allen Cohen | howard.cohen@bipc.com |
| 1/13/2025 11:33:00 | Sean Sullivan | ssullivan@beckerlawyers.com |
| 1/13/2025 11:33:07 | Laura Jo Lieffers | laura.lieffers@perkinswill.com |
| 1/13/2025 11:33:16 | Mark Lynn | mark.lynn@gmlaw.com |
| 1/13/2025 11:33:24 | Vanessa Gerlich | vwg@kubickidraper.com |
| 1/13/2025 11:33:40 | Lauren Kerr | lkerr@cogburnlegal.com |
| 1/13/2025 11:34:14 | Belinda Ann Bacon | bbacon@sfwmd.gov |
| 1/13/2025 11:35:11 | Jason M. Manor, Esq. | jasonm@johnson-lancaster.com |
| 1/13/2025 11:35:49 | C. David Harper | charper@foley.com |
| 1/13/2025 11:36:15 | Paul Kelly | pkelly@paulkellypa.com |
| 1/13/2025 11:36:49 | Rob Tanner | rst@robtannerlaw.com |
| 1/13/2025 11:37:07 | michael yates | myates@mjylaw.com |
| 1/13/2025 11:38:25 | Bruce Partington | bpartington@clarkpartington.com |
| 1/13/2025 11:39:11 | Bryan Botic | bryan.botic@fivesgroup.com |
| 1/13/2025 11:39:37 | Reese Henderson | reese.henderson@gray-robinson.com |
| 1/13/2025 11:41:35 | Kenn Goff | kenngoff@bellsouth.net |
| 1/13/2025 11:43:16 | Andrea M. Fair | amf@fairconstructionliens.com |
| 1/13/2025 11:43:23 | Reed Grimm | rwg@taylordaylaw.com |
| 1/13/2025 11:43:27 | MIguel  | miguel@brizuelalaw.com |
| 1/13/2025 11:43:42 | Rachel Peterkin | rpeterkin@millersalehouse.com |
| 1/13/2025 11:43:44 | Alex Espino | aespino@vlplaw.com |
| 1/13/2025 11:43:44 | Michael Meyer | mgmeyer83@gmail.com |
| 1/13/2025 11:43:51 | Lisa Colon | lisa.colon@saul.com |
| 1/13/2025 11:44:45 | Joe Darr | jdarr@brasfieldgorrie.com |
| 1/13/2025 11:45:29 | Chip Bachara | cbachara@bacharagroup.com |
| 1/13/2025 11:48:03 | Rhonda Hollander | rhonda@hgl-law.com |
| 1/13/2025 11:48:16 | Robert E. Jones | rob@robjoneslaw.com |
| 1/13/2025 11:48:17 | Matthew Goode | matt@hgl-law.com |
| 1/13/2025 11:48:40 | Natalie Chappel | natalie.chappel@universalorlando.com |
| 1/13/2025 11:50:40 | Anna Stein | anna.stein.umlaw@gmail.com |
| 1/13/2025 11:51:38 | Andrew Foti | afoti@stearnsweaver.com |
| 1/13/2025 11:51:59 | Cary Wright | cwright@carltonfields.com |
| 1/13/2025 11:52:36 | Raymond L. Robinson | ray@rrobinsonlaw.com |
| 1/13/2025 11:53:57 | Ryan Maloney | rmaloney@shutts.com |
| 1/13/2025 11:54:04 | Benjamin Crego | bcrego@broward.org |
| 1/13/2025 11:56:36 | Dan Levin | Dlevin@haber.law |
| 1/13/2025 11:57:32 | Dan Greene | Dan@dangreenelaw.com |
| 1/13/2025 11:59:36 | Rob Doan | robert.doan@cobbcole.com |
| 1/13/2025 12:02:37 | Warren Friedman | wfriedman@fs-legal.com |
| 1/13/2025 12:06:49 | Troy Smith | tsmith@burr.com |
| 1/13/2025 12:09:03 | Michael Childers | mchilders@boydjen.com |
| 1/13/2025 12:12:13 | Sierra Van Allen | svanallen@carltonfields.com |
| 1/13/2025 12:17:01 | Ben Vitale | bvitale@VitaleFirm.com |
| 1/13/2025 12:19:03 | Peter C. Vilmos | pvilmos@burr.com |
| 1/13/2025 12:25:58 | George Dramis | gdramis@bandgatesdramis.com |
| 1/13/2025 12:35:49 | Bryan Capps | Bcapps@theconstructionlawfirm.com |
| 1/13/2025 12:59:08 | Helen Albee | helen.albee@atritt.com |