**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 – February 10, 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 11:31 a.m.

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

The minutes from the January 14, 2025, meeting were circulated the day of the meeting and again this morning, 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.

Toney Lehman reported on upcoming national meetings will be held as follows:

The mid-Winter meeting in Tampa was a success and focused on representation of Owners. “Maximizing Returns: Proven Strategies for Owners and Developers.”

The trial academy will take place in Dallas, TX, March 13-15, and focuses on advanced trial skills, including volunteer expert witnesses for practical exercises and experienced litigators providing instruction.

April 23 – 25, the Annual meeting will take place in Austin, TX. The topic focuses on representation of general contractors. There will be a practicum on expert witness engagement and discovery. There will also be extra curriculars like wine country and BBQ tours.

 A new publication on owner representation will be coming out soon.

The fall meeting will be October 1-3 in Louisville, KY. Topic will be discussed as we get closer.

If you’d like to learn more about getting involved in the Forum generally, including sponsorship opportunities, feel free to reach out to Tony or Sanjay. 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.com There is a panel presentation this month on new trends in construction ADR.

C. Certification Exam: Bruce Alexander (bruce@bgalawadr.com) and Dara Lindquist (dlindquist@carltonfields.com) are the new chairs. No report this month.

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. Brad 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. The room block is almost sold out. (3/6 is just golf and welcome reception for the CLI side. Programming is 3/7-3/8.) The registration link is live. There will be 13.5 hours of CLI on the CLI course side.

F. Construction Litigation: Jason Lambert (jason.lambert@hwhlaw.com) Michael Feinberg (Michael.feinberg@ansbacherlaw.net) are the co-chairs. 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. No report this month.

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). David reported they continue to try to work with the DBPR to get the credits approved. 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.

J. Legislative Subcommittee: Sean Mickley (smickley@whitebirdlaw.com) and Nick Elder (nelder@cobbgonzalez.com ) are Co-Chairs. Sean reported. Overall it has been a quite year thus far with respect to any new construction related bills.

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.

UPDATE: The homebuilders association has recently opposed the above measure without substantive comment as to why. As a result, it is not making much traction through committee at the moment. Bruce added that there was a request for technical assistance related to elevators and relevant code changes last week.

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 562 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. No report this week.

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 last meeting was at noon on January 31, via Zoom. Brett added that they have a number of attorneys that have volunteered to take cases. They are currently trying to do is work with the statewide pro bono coordinator to speak at an upcoming RPPTL meeting to the members at large. They are also working on a statewide data base to pair attorneys with cases in their geographic area. There is also a new program that will award CLE credit for pro bono work.

N. Publications: Andrew Foti (afoti@stearnsweaver.com) is the chair. Mike Rothfeldt (mrothfeldt@carltonfields.com) is co-chair. Articles for Action Line should be 1000-3000 words. The deadline for the next editions are April 15 and June 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. Belinda Bacon (bbacon@sfwmd.gov) will be serving as the new co-chari. They will present at CLE to the CLC in April and will be working on that in the next meeting .

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 previously 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. No new report this month.

Q. In-House Counsel: David Ehrlich and (dehrlich@tcco.com) and Joe Darr (jdarr@brasfieldgorrie.com) are the chairs. Davide reported. Will meet on the last Tuesday of every other month. There was recently a presentation on risk management. They are up to 45 members. There continue to be discussions on trending AIA contract modifications. They will get together in person at the CLI for those in attendance. 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. Sean reported they are open to any topics or offers to present. There is a AAA presentation in March and small business/ government contracts in April. Sanjay added that we are still trying to get past CLE credit numbers issued by the Bar.

**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 “Insider’s Perspective on the New Rules and Recent Trends in Construction Alternative Dispute Resolution,” presented by Bruce Norris and Jim Nulman, with Brian Oblow. The presentation started at 11:53 a.m. and ended at 1:00 p.m.

**5. Closing:**

The meeting was adjourned at 1:01 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **March 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 1:02 pm was:

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| --- | --- | --- | --- |
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