**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 12, 2018

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**RECORDING ATTENDANCE:** Attendance **must** be recorded BY EACH MEMBER through the use of Google Documents. An email with the link to log attendance is sent out the day of each meeting. Please contact Scott Pence if you have not been receiving the links.

**1. Opening:** Scott Pence called the meeting to order at 11:33 a.m.

Officers acknowledged in addition to chair Scott Pence were, Vice-Chair Reese Henderson, Vice-Chair Neal Sivyer, Secretary, Robert Doan.

The minutes from the January 8, 2017, meeting were approved.

PLEASE USE THE ATTENDANCE REPORTING LINK CIRCULATED BY SCOTT TO RECORD YOUR ATTENDANCE.

**2. Subcommittee Reports:**

A. ABA Forum on Construction Law Liaison: Cary Wright is the liason. The Mid-Winter Meeting was January 17-19 in Fort Myers, FL, and was the highest attended mid-winter meeting to date. Check your emails for a link. The annual meeting will be held April 11-13 in New Orleans. The fall meeting will be in Montreal. More info will be available in coming months. There are 12 divisions within the ABA forum on construction law, plus a young lawyer division. Contact Cary if you are interested in getting involved with the ABA Forum.

B. ADR Subcommittee: Deborah Mastin is chair. No report this month.

C. Certification Exam: Alex Espino is chair. The exam is being written. There are 52 new applications.

D. Certification Review Course: Mindy Gentile and Deb Mastin are chairs. 2018 Review Course will be March 8-10. JW Marriot Grand Lakes.

E. Construction Law Institute: Sanjay Kurian is the chair. Registration link is live. The golf tournament starts at noon on March 8, with registration at 11am, CLE presentations are on the 9th and 10th. The opening reception is Thursday night. Contract Sanjay or Jason Quintero for information on 2018 or if you would like to join the subcommittee. JW Marriot Grand Lakes is the location again this year.

F. Construction Litigation: Neal Sivyer is chair. Last webinar on “expert Witnesses” was on November 20th. You can buy the course on the Bar website and watch on demand. The next topic may be delay and schedule analysis. If you are interested in speaking, contact Neal. You can sign up through the RPPTL website or follow the link on the RPPTL CLE email that went out recently.

G. Construction Regulation: Fred Dudley and Steve Sellers are chairs. No report.

H. Construction Transaction Subcommittee. Claramargaret Groover is chair. No report this month.

I. Contractors University Subcommittee: Lee Weintraub is chair. The events are geared toward contractors, not attorneys. There will be 3-5 per year. The goal is to have up to 5 presenters and up to 15 contractors. Contact Lee or Cary to get involved. They are currently launching a sister program for engineers.

J. Legislative Subcommittee: Sanjay Kurian is chair and Sean Mickley is co-chair. There are several pieces of legislation including SB536, which is a modification to the statute of repose. It has passed all committees and moving through toward approval. There is also legislation related to Ch. 558 (SB680), which is similar to what was proposed last year. It is moving forward, but slowly to date. HB1077 will likely not move forward regarding expired permits. There is also an effort to change the notice of non-payment on bonds, that would make the process more involved and require additional information similar to a sworn statement, however it has not gone through committees and will likely die. SB604 (and a companion house bill) just came up, and provides for personal liability of a contractor that fails to maintain insurance for damages to persons and property.

K. Membership Subcommittee: The chair is David Zulian. His email address is [dazulian@napleslaw.com](mailto:dazulian@napleslaw.com). There were 663 members per a prior report.

L. Newsletter: Tim Bench is chair: They are working on the next edition. Tim would like to include information in each quarterly email regarding subcommittee news and updates, so subcommittee chairs please provide him with an executive summary of your subcommittee’s current activity, e.g. the information you provide in your telephonic report. The newsletter subcommittee is also seeking 1 to 2 article submissions of 250 words or less for the newsletter per issue.

M. Publications: Please contact Brett Henson and Kelly Humphries if you have any ideas for articles or would like to peer review articles of others. We would like to have a construction article in Action Line every quarter. There is an “Altman” centered article already submitted and a statute of repose article possibly in the works. Email Brett at [bhenson@slk-law.com](mailto:bhenson@slk-law.com) or Kelly at [khumphries@gunster.com](mailto:khumphries@gunster.com) for ideas or to volunteer to peer review.

N. Small Business Programs: Lisa Colon Heron is the chair. The committee monitors small business regulations at the federal level (SBA and other matters) that may affect our clients. There is a new proposed rule from SBA regarding Veteran Owned Business certification.

O. Tech Subcommittee: Today’s call is being recorded for a podcast, which will be available in the iTunes store.

P. Website: Brent Zimmerman is chair. Send Brent an email if you have comments or suggestions. The CLE credits have posted for meetings through November of last year.

Q. CLE: Randy Dow ([rdow@boydjen.com](mailto:rdow@boydjen.com)) and Scott Lehman are the chairs. Scott reported that we need speakers and topic ideas for upcoming months from now through June. An application for CLE course numbers has been submitted for recent CLE’s. The numbers will be circulated when they come out. Please contact Randy or Scott if you are interested in presenting or have any suggestions.

**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. There is an upcoming special meeting on February 23 (around 1230pm) held jointly with the Insurance and Surety Subcommittee at the RPPTL Committee meeting. Scott Pence will distribute more information via email soon.

There will be a 558 survey sent out via email soon which will take 3-5 minutes to complete. Please be on the look out and help the task force by responding. In addition to “radio button” responses, there will be an optional free response section to provide feedback on the 558 process.

**4. Continuing Legal Education Presentation:** (Started at 11:54 A.M. and ended at 12:39 P.M.)

Our speaker was Douglas K. Gartenlaub, Esq., of Burr & Forman, LLP in Orlando, FL. Mr. Gartenlaub’s presentation is entitled “Stucco (Cementitious Finish) Claims: How to Prevent, Prepare For and Defend Them.” NOTE: **Volunteer speakers for future CLE presentations are encouraged to notify new chair Randy Dow as soon as possible.** Presentations should be in 45-minute segments, but may be continued to a subsequent meeting if more time is required, and may include more than one speaker; discussion and debate will be welcome.

**5. Closing:**

No further business was conducted after conclusion of the CLE presentation and Q & A period following. The meeting was adjourned at 1:05 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **March 12, 2018,** beginning at 11:30 a.m., as a regular conference call. The dial in info is: 888-376-5050 / Pin ***7542148521#***