**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 – March 8, 2021

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**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 Reese Henderson on 3/7 to record your attendance for this meeting.

**1. Opening:** Reese Henderson called the meeting to order at 11:33 a.m.

Officers in addition to chair Reese Henderson are, Vice-Chair Sanjay Kurian, Vice-Chair Bruce Partington and Secretary, Robert Doan.

The minutes from the March 8, 2021, meeting were distributed by Robert Doan on 2/8/2021 and again on Reese on 3/7 for approval today. They were approved.

**2. Subcommittee Reports:**

A. ABA Forum on Construction Law Liaison: Claramargaret Groover (cgroover@beckerlawyers.com) is the Forum Liaison. Regional meetings will be held in September 2021 in Denver, Nashville, New York, Los Angeles, Seattle, and Chicago.

National meetings will be held as follows:

Fall 2021 – Project Management (this was originally planned in Seattle for April 2020)

Midwinter 2022 will be held February 22, 2022, in San Diego (originally planned for San Diego Midwinter 2021)

Annual 2022- New York City in May 2022.

The Diversity and Inclusion Brunch is 3/18/2020

B. ADR Subcommittee: Deborah Mastin and Giselle Leonardo are co-chairs. Giselle reported in February that they are planning a presentation related to ADR for a future meeting. They are working on a survey on attorney conduct during negotiations. It may be distributed as part of CLI registration or to the CLC as a whole, with results being revealed at CLI. They are also working on a discussion on issues impacting the practice of neutrals. You can contact Deb or Giselle if you are interested in participating or if you have topics you would like to see/hear during that ADR themed presentation. [deborahmastin@gmail.com](mailto:deborahmastin@gmail.com) or [gleonardo@leonardoarbitration.com](mailto:gleonardo@leonardoarbitration.com).

C. Certification Exam: Joe Dill is the chair and Natalie Thomas is the Vice-Chair. The 2021 exam application submission date has passed. The exam will be administered remotely on May 13, 2021, except for those few people that will handwrite their exam in person in Tampa. Please get peer reviews in as soon as possible.

D. Certification Review Course: Mindy Gentile (mgentile@pecklaw.com) and Elizabeth Ferguson (ebferguson@mdwcg.com) are chairs. Elizabeth reported that the review course will not be held simultaneous with the CLI. It will be virtual only and will take place in March on the 4th-6th. The brochure will go out soon. Once registered, participants can view on their own schedule.

E. Construction Law Institute: Jason Quintero (jquintero@carltonfields.com) is the Chair. Jason reported last month (Feb) that this year will be a “hybrid” program, but will be moved from March to May 20-22. There will be both live and webcast components. The event will be at the JW Marriott again. Brad Weiss, Deb Mastin are co-chairs. Contact Jason, Brad or Deb or Trevor Arnold if you would like to get involved. They need volunteers to assist if you are interested.

F. Construction Litigation: Brett Henson (bhenson@shumaker.com) and Natalie Yello (natalie.yello@gray-robinson.com ) are chairs. Brett reported that the Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month. They provide monthly case law updates for members of the Subcommittee. Email Brett or Natalie if you are interested in participating with the subcommittee. The last meeting was on March 4, featuring, Paschen v. B&B Site Development Inc. There is a case law update tap on the CLC website. On March 23 there will be a joint E-CLE on the new summary judgment standard with the Real Property Litigation Committee. Chris Smart and Amanda Buffington will present. There are looking for CLE webinar topics for the future if you are interested.

NOTE: ITEMS G and H are reported every other month in odd numbered months. Last month’s reports are shown below.

G. Construction Regulation: Chris Cobb is the chair ([CCobb@cobbgonzalez.com](mailto:CCobb@cobbgonzalez.com)). Chris reported that 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. The CILB is meeting in person in Orlando in March. Is April they will be in Palm Beach. The new CILB chair is Shelly Wood, a sheet metal contractor from Jupiter, FL. She was the Vice Chair prior to taking the chairmanship. The new Vice Chair is Michael Strickland, a CGC from the Lakeland area.

The laws were changed last year to allow out of state license holder of 10+ years to qualify for licensure in Florida. There are issues regarding reciprocity and whether it is fair to Florida contractors. There is a draft currently in place to switch it to more of an “endorsement” method of recognizing another state’s test. The first draft will be discussed at CILB this month.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair. No report this month other than to invite anyone who’d like to get involved. They will be presenting to the committee mid-year.

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.

I. Construction Lien Law Task Force / Contractors University Subcommittee: Lee Weintraub (lweintraub@beckerlawyers.com) is chair. NOTE: All contractor’s university activities are on indefinite Corona-hold.

J. Legislative Subcommittee: Sean Mickley (sam@kirwinnorris.com) and Kelly Humphries ([khumphries@gunster.com](mailto:khumphries@gunster.com)) are Co-Chairs. HB21 now has a senate companion bill (SB270). It has been assigned to three committees. The committee has previously decided to oppose the bills as opposed to authoring technical guidance. A 558 task force is being chaired by Brian Wolf. The consensus was to limit 558 to its intended purpose of encouraging pre-suit communication without evolving to more burdensome prerequisite to actions by claimants. Lee commented on a bill jointly working with AGC and NACM which is mostly a bill to clean up / wordsmith various sections of Ch 713. There is a proposed amendment by Barry Kalmanson regarding release language, but the supporters of the bill are opposed to it as an infringement on freedom of contract.

K. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. David reported there are currently 493 members. Previously, we had reported 700+ due to records that were included for now inactive members. They continue to work to update membership info and reach out to those who may have unintentionally dropped their membership in RPPTL, and thus CLC. If you are aware of anyone that would like to become a member of the committee, let David or an officer of CLC know.

L. Newsletter: Peter Kapsales (pkapsales@milnelawgroup.com) (adsander@mdwcg.com) is chair of this committee. There should be a newsletter in April or May, but they need an article. Articles should be 500+/- words and have far less formal requirements than Action Line or the Bar Journal. Send submissions of ideas to Peter if you are interested in submitting.

M. Publications: Nick Elder ([nelder@cobbgonzalez.com](mailto:nelder@cobbgonzalez.com)) is the new chair. Articles for Action Line should be 1000-3000 words. April 15 is the next deadline for Action Line. 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 Fotie ([ajf@katzbarron.com](mailto:ajf@katzbarron.com)) for ideas or to volunteer to peer review.

N. Small Business Programs: Lisa Colon Heron (lcolon@smithcurrie.com) is the chair. No report this month.

O. Website: Hardy Roberts (hroberts@careyomalley.com) and Jade Davis (jadavis@shumaker.com) are chairs. Visit rpptl.org and you can then access the CLC webpage. The CLE credits have been updated on the website. Jade added subcommittee tabs to the site with up to date contact information recently. Reach out to her if you’d like to link to a landing page.

P. CLE: Katie Heckert (kheckert@carltonfields.com) and Frank Moya (fmoya@carltonfields.com) are the chairs. CLE credit number have been issued in real time as of late, including for today’s meeting. The March presentation will be George Dubose on moisture problems from intrusion and HVAC design. There are several openings for speakers in early 2021 and beyond.

You can contact Katie or Frank if you are interested in presenting in 2020, 2021 or to request a topic.

**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: (Started at 12:08 P.M. and ended at 1:08 P.M.)

Our speaker for today’s CLE was George DuBose, of Liberty Building Forensics, whose presentation was entitled “Why Air Barrier Failures are Costing Your Clients Money.” NOTE: Volunteer speakers for future CLE presentations are encouraged to notify co-chairs Scott Lehman or Katie Heckert 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 1:08 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **April 12, 2021,** beginning at 11:30 a.m., as a regular conference call. The Zoom link and dial in information will be distributed by email from Reese Henderson prior to the meeting.