**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 8, 2020

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

**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 2/7 to record your attendance for this meeting.

**1. Opening:** Reese Henderson called the meeting to order at 11:32 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 January 11, 2020, meeting were distributed by Robert Doan on 1/13/2021 and again on Reese on 2/7 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. Michael Kamprath reported: February 24-26 there will be a virtual conference with a la carte registration available.

The regional meetings on 2/26 in Boston, Denver, L.A., and Nashville will be moved to September, and the fall meeting will be in Seattle. Contact Claramargaret Groover if you are interested in getting involved with the ABA Forum.

B. ADR Subcommittee: Deborah Mastin and Giselle Leonardo are co-chairs. Giselle reported 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.

D. Certification Review Course: Mindy Gentile (mgentile@pecklaw.com) and Elizabeth Ferguson (ebferguson@mdwcg.com) are chairs. No report this month. From January: 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 is not yet finalized.

E. Construction Law Institute: Jason Quintero (jquintero@carltonfields.com) is the Chair. Jason reported 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. Natalie 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 next meeting will be on ¾ and they are looking for a case law update presenter. On March 23 there will be a joint E-CLE on the new summary judgment standard with the Real Property Litigation Committee. 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 previously 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. They will start putting together the monthly written updates next month. The CILB is meeting in person in Jax in January this week. 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.

There was a seminar recently on the Occupational Freedom and Opportunity Act. There is a meeting with Louisiana to explore a reciprocal licensure arrangement. Chris will attend and report back.

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. 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. They met and had a robust attendance. 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. There was no consensus on details to effectuate that stance.

K. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. No report this month. David previously reported there are currently 747 members. They are still actively working on syncing up the RPPTL / CLC active member lists. 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. No report this month. 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. Biden’s Covid Relief plan, includes $15B in grants for small businesses and $35B in loans through the PPP program. Many counties and municipalities also have programs through the CARES Act. Last week Indian River County approved $1.5M of CARES Act fund to be administered in $10k grants to small businesses.

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 12:01 P.M. and ended at 1:04 P.M.)

Our speaker for today’s CLE was be George R. Truitt, whose presentation is entitled “Design Professionals: Dodging Defect Dangers.” 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 1:04 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **March 8, 2020,** 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.