

8th Annual

Construction Law *in* Florida



Oct. 24 & 25, 2019

HAMPTON INN &
SUITES - BRICKELL
DOWNTOWN

Miami, FL

ACCREDITATION

**FL CLER, IRMI, AIA,
FL Engineers,
FL Contractors**

(see inside for details)

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

Seminar Overview

Florida's construction industry continues to move at an animated pace. This activity brings increased pressure on owners/developers, design professionals, contractors, subcontractors and their respective counsel. Construction professionals must continue to strive towards understanding and properly allocating risk.

Reaching this ambitious goal requires a clear understanding of these key issues: the variety of industry-standard contract forms; insurance products and how they relate to the allocation of risks; administration of contracts and management of issues that arise during the course of a construction project; performance and payment bonds and surety conventions employed when a project sours; and dispute resolution procedures.

This seminar will be instructed by seasoned construction attorneys and experienced industry professionals. By attending, you will learn about industry trends, including what to avoid and what to embrace. While success in construction cannot be guaranteed, knowing what to do – and when to do it – certainly increases the likelihood.

Who Should Attend:

Architects
Attorneys
Contractors
Engineers
Municipal Employees
Government Employees

Construction Law
Thursday, October 24, 2019

9:00 Welcome and Overview - Day One

EDT

Robert E. Ferencik, Jr., Program Co-Chair

Ferencik Libanoff Brandt Bustamante & Goldstein PA

Scott P. Pence, Program Co-Chair

Carlton Fields

Hardy L. Roberts, III, Program Co-Chair

Carey O'Malley Whitaker Mueller Roberts & Smith PA

9:10 State of Construction in Florida and the U.S.

Case law update; status of construction projects; working with strapped labor markets; impact of tariffs and cost changes in construction projects

Kelly Carey Bagge

Carey O'Malley Whitaker Mueller Roberts & Smith PA

Hardy L. Roberts, III

Carey O'Malley Whitaker Mueller Roberts & Smith PA

10:00 State and Federal Construction Projects

Scheduled and proposed projects

Edward J. Kinberg

Wideman Malek PL

10:45 Break

11:00 Climate Change Impacts on Construction and Existing Infrastructure

Sea level rise and responses; aging infrastructure; seawall height changes & seawater pumping (European models); new construction models; National Floodplain Insurance Program changes

James E. Parker-Flynn

Carlton Fields

11:45 Procurement & Bid Protest Issues Relating to Public Construction Contracting

Consultants' Competitive Negotiation Act; state and local construction procurement requirements; state and local road construction procurement requirements; public private partnership procurement requirements

Joseph M. Goldstein

Shutts & Bowen LLP

12:30 Lunch ~ ~ Sponsored by:



**CAREY, O'MALLEY, WHITAKER,
MUELLER, ROBERTS & SMITH P.A.**
ATTORNEYS AT LAW

**CARLTON
FIELDS**

1:30 Advanced Construction Contracts

Delivery systems; indemnification; insurance clauses; payment terms; top 10 risk-shifting provisions

Scott P. Pence

Carlton Fields

Diane S. Perera

Law Offices of Diane S. Perera PA

2:30 Insurance in the Construction Industry

OCIPS; CCIPS; subcontractor default insurance

George R. Truit, Jr.

Cole Scott & Kissane PA

3:30 Break

3:45 False Claims Act

Recent trends & reducing risks of "whistleblower" FCA suits in the construction industry

A. Brian Albritton

Phelps Dunbar LLP

William J. Tinsley, Jr.

Phelps Dunbar LLP

5:00 Adjourn & Reception ~ Sponsored by:



**CAREY, O'MALLEY, WHITAKER,
MUELLER, ROBERTS & SMITH P.A.**
ATTORNEYS AT LAW

**CARLTON
FIELDS**

9:00 Welcome and Overview – Day Two

EDT

Robert E. Ferencik, Jr., Program Co-Chair

Ferencik Libanoff Brandt Bustamante & Goldstein PA

Scott P. Pence, Program Co-Chair

Carlton Fields

Hardy L. Roberts, III, Program Co-Chair

Carey O'Malley Whitaker Mueller Roberts & Smith PA

9:10 Preparing for a Recession

What we've learned from 2007-2008; finance scheduling; layoffs – doing it right; What to do when someone in the chain goes bankrupt

Ralf R. Rodriguez

Foley & Lardner LLP

Hardy L. Roberts, III

Carey O'Malley Whitaker Mueller Roberts & Smith PA

10:00 Break

10:15 Project Finance

Public/private financing & other funding models

Norberto E. Quintana

Holland & Knight LLP

11:00 Preventing/Minimizing Construction Defect Claims

Edward C. Lohrer

Becker & Poliakoff

12:00 Midday Break

1:15 Mediation and Alternative Dispute Resolution

Contractual ADR inclusions and enforcement; best practices for cost effectiveness; international ADR and enforcement

James L. Nulman

Nulman Mediation Services, Inc.

2:15 Litigation Strategies

Voir Dire; effective use of experts; discovery and the ill-advised email

Robert E. Ferencik, Jr.

Ferencik Libanoff Brandt Bustamante & Goldstein PA

3:00 Break

3:15 Effective use of Liens and Bonds

Christopher Aird

Carlton Fields

Michael J. Kurzman

Weiss Serota Helfman Cole & Bierman PL

4:00 Ethical Considerations

Robert Meyers

Weiss Serota Helfman Cole & Bierman PL

5:00 Adjourn

Faculty - Construction Law



Robert E. Ferencik, Jr., Program Co-Chair, is a member of Ferencik Libanoff Brandt Bustamante & Goldstein PA. He focuses on construction claims, bid protests and litigation; commercial litigation; products liability litigation; and architects, engineers, and professional liability claims and defense.



Joseph M. Goldstein is a managing partner with Shutts & Bowen LLP and a member of the firm's Litigation Department. His practice focuses on business litigation; government contracts, including bid protests; litigation involving noncompetition agreements; and real estate related disputes.



Scott P. Pence, Program Co-Chair, is a shareholder of Carlton Fields where he is a member of both the Real Estate & Finance Practice Group and the Construction Practice Group. He serves as the chair of the Florida Bar's Construction Law Committee and the Insurance & Surety Committee.



Edward J. Kinberg is the Department Head for the Government Contracts and Construction Law Groups with Widerman Malek PL. He assists clients with issues involving contract formation, construction issues, bid protests, interpreting terms and conditions, preparing and submitting claims and litigating disputes.



Hardy L. Roberts, III, Program Co-Chair, is a shareholder with Carey O'Malley Whitaker Mueller Roberts & Smith PA. He is a trial lawyer who represents a diverse clientele in complex construction and real estate finance disputes. He has a strong interest in the use of technology and project management skills.



Michael J. Kurzman is a shareholder with Weiss Serota Helfman Cole & Bierman PL. For the last 30 years, he has practiced exclusively in Construction law. He focuses on contract drafting/negotiation, claim litigation, defect & delay claims, contract claims, construction lien claims and surety bond claims.



Christopher O. Aird is a shareholder at Carlton Fields. He focuses in the areas of complex commercial litigation and construction litigation. He represents clients in disputes involving defective work and delay claims, water intrusion claims, construction liens, insurance coverage matters, and bond claims.



Edward C. Lohrer is a shareholder at Becker & Poliakoff and devotes his practice almost exclusively to construction law and litigation. He frequently handles contractual disputes; delay, defect, design and warranty claims; payment & performance bond claims and Florida's construction lien law.



A. Brian Albritton is a partner at Phelps Dunbar LLP. He concentrates his practice on "white collar" criminal defense; False Claims Act and Qui Tam litigation; defending regulatory enforcement actions brought by government agencies; regulatory compliance; and complex commercial litigation.



Robert Meyers is Of Counsel with Weiss Serota Helfman Cole & Bierman PL. He practices in the areas of ethics and governance and is the immediate past Executive Director of the Miami-Dade Commission on Ethics and Public Trust where he oversaw enforcement, advice-giving and training/education.



Kelly Carey Bagge is an attorney with Carey O'Malley Whitaker Mueller Roberts & Smith PA. Her practice focuses on construction litigation, commercial litigation, and the regulation of contractors, architects, and engineers in Florida. She earned her J.D. from Tulane University Law School.



James L. Nulman is the founder of Nulman Mediation Services, Inc. While in the 1990s he mediated mostly commercial and construction disputes, over the years that has broadened significantly. He now mediates more than 200 cases a year, covering a wide range of civil disputes.



James E. Parker-Flynn, an attorney at Carlton Fields, focuses on appellate advocacy, land use litigation, and environmental law. He has helped clients in challenging environmental litigation and with a variety of unique regulatory issues. He co-taught Environmental Law at Florida State University College of Law.



Diane S. Perera is the owner of Law Offices of Diane S. Perera PA. She has practiced construction law in Florida for twenty-six years and has been certified by the Florida Bar in construction law since 2005. She practices before administrative, civil, criminal and appellate tribunals and has lectured extensively.



Norberto E. Quintana is a partner at Holland & Knight LLP and a member of the Financial Services Team. He represents a wide range of lenders, corporate borrowers, project sponsors/developers and private equity sponsors in cross-border and domestic financing transactions, including infrastructure projects.



Ralf R. Rodriguez is Of Counsel at Foley & Lardner LLP. He represents domestic and international general contractors, construction managers, sureties and other construction professionals in the U.S. and abroad in construction & design defect claims, insurance claims, and surety bond claims.



William J. Tinsley, Jr. is a construction attorney with Phelps Dunbar LLP. For more than 20 years, he has represented owners, design firms, contractors and sureties throughout the United States and abroad on public and private projects. His practice includes dispute resolution and contract development.



George R. Truit, Jr. is the managing partner of Cole Scott & Kissane PA's Construction Group, which is dedicated exclusively to the counseling and litigation of construction-related matters. For the past twenty-six years, he has devoted his practice to construction litigation and risk management counseling.

Construction Law

Credits

FL CLER

This course has been approved by The Florida Bar for 15.0 general CLER credits including 1.0 ethics. 15.0 credits apply to Construction Law Certification (Live Credits for In Person Attendance & Webcast).

FL Engineers

This course has been approved by the Florida Board of Professional Engineers for 15.25 CEH's (Live Credits for Attending & Webcast).

FL Contractors

This course has been approved by the Florida Dept. of Business and Professional Regulation Construction Industry Licensing Board for 15.0 general hours (Live Credits for In Person Attendance ONLY).

IRMI

This course has been approved by the IRMI for 6.0 hours of CRIS reaccreditation credits (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

AIA

This course has been approved by The American Institute of Architects for 12.75 LU's (Live Credits for In Person Attendance ONLY). Day one is approved for 6.5 LUs and day two is approved for 6.25 LUs. Credits for recorded courses not available. The Seminar Group is an AIA CES Approved Provider.

Location

Hampton Inn & Suites - Brickell Downtown

50 SW 12th Street
Miami, FL 33130

Phone: (305) 377-9400

The seminar is located in the Ibis I room. Please call the venue for directions/questions.

SLEEPING ROOMS

To reserve a room please call (305) 377-9400 and mention The Seminar Group. You can also make a reservation online by going to the following page: https://secure3.hilton.com/en_US/hp/reservation/book.htm?ctyhocn=MIABVHX&corporateCode=0002846135&from=lnrlink

Fees

Live Seminar:

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$499.00
Day One	\$499.38
Day Two	\$499.38

Live Webcast:

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$499.00
Day One	\$499.38
Day Two	\$499.38

Pre Order On Demand:

All Sessions	\$799.00
Single Session	\$99.00

Pre Order MP3 Download:

All Sessions	\$799.00
Single Session	\$99.00

Pre Order DVD Homestudy:

All Sessions	\$849.00
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Pre Order CD Homestudy:

All Sessions	\$849.00
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Pre Order Materials Download:

All Sessions	\$229.00
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Pre Order Printed Materials:

All Sessions	\$259.00
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www.TheSeminarGroup.net or call our office at 800-574-4852 or 206-463-4400. You can also contact us at info@theseminar.com or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

CANCELLATION POLICY: We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 10/18/19. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

Register at

TSGregistration.net/5965