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LEGISLATION TO OVERHAUL FLORIDA'S CONSTRUCTION: DEFECT LAW MOVING THROUGH THE LEGISLATURE

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In my March 1, 2017 blog, I discussed how Florida SB 1164 seeks major changes in Florida's construction defect law, including requiring contractors to notify subcontractors of an owner's notice of defects, requiring notice to and acknowledgment from owners of the risks and benefits of accepting or rejecting repair offers, requiring the claimant or agent to attend the inspection to identify the location of the alleged construction defects, and adding a mandatory, non-binding pre-suit mediation for owners, contractors, suppliers and insurance carriers. SB 1164 is now in the Senate Judiciary Committee.

On March 5, 2017, Representative Jay Trumbull of Panama City introduced a companion bill, HB 1271, in the House of Representatives. Like the Senate bill, HB 1271, among other things, proposes amendments to Chapter 558 of the Florida Statutes as follows:

- Requires the property owner to personally sign any notice of claim to be served on a party and any notice of acceptance or rejection of a settlement offer.
- Requires a contractor or design professional recipient of a notice of claim to serve notice on any contractor, subcontractor or other party he or she reasonably believes is responsible for each defect specified in the notice of claim.
- Requires any experts retained by the property owner for a construction defect claim to be physically present during any inspection to identify the location of the construction defect.
- Requires a property owner to serve a written request for mediation prior to rejecting any settlement offer.
- Provides that the statute of limitations for construction defect claims may be tolled in some instances for up to thirty days after mediation is concluded, terminated, or an impasse is declared.

HB 1271, which has an effective of July 1, 2017, is in the House Judiciary Committee. We will continue to monitor the progress of these bills.

For more information, please contact the author Jeff Wertman on our Dispute Resolution Team.

Related Team Member(s)

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