

By Representative Peterman

1                                   A bill to be entitled  
2           An act relating to construction contracts;  
3           requiring a contract for construction of  
4           certain dwellings to contain an occupancy date  
5           and a penalty for delay of occupancy under  
6           certain circumstances; specifying requirements  
7           for the penalty; providing a minimum penalty  
8           for a contract that does not contain a penalty;  
9           providing exceptions; providing an effective  
10          date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. (1) Each contract for construction of a  
15 one-family or two-family dwelling shall contain a clause that  
16 specifies the date by which a certificate of occupancy shall  
17 be issued and shall contain an explicit penalty clause that  
18 provides for liquidated damages for delay caused by the  
19 builder and that specifies the amount of such damages for each  
20 day that issuance of the certificate of occupancy is delayed  
21 after the specified date.

22           (2) The penalty clause may provide for actual damages  
23 for delay caused by the builder in lieu of providing for  
24 liquidated damages if the provision for such damages is  
25 explicitly stipulated in the contract.

26           (3) The amount of liquidated damages for delay caused  
27 by the builder shall be \$1,000 for each day that issuance of  
28 the certificate of occupancy is delayed after the specified  
29 date if either of the following applies:

30           (a) The contract does not contain a penalty clause; or  
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