

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Kottkamp offered the following:

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3 **Amendment**

4 Remove lines 46-78 and insert:

5 alleged construction defect, but does not include any
6 administrative action or any civil action or arbitration
7 proceeding asserting a claim for alleged personal injuries
8 arising out of an alleged construction defect.

9 (2) "Association" has the same meaning as in s.
10 718.103(2), s. 719.103(2), s. 720.301(7), or s. 723.025.

11 (3) "Claimant" means a homeowner, including a subsequent
12 purchaser, ~~tenant~~, or association, who asserts a claim for
13 damages against a contractor, subcontractor, supplier, or design
14 professional concerning a construction defect or a subsequent
15 owner who asserts a claim for indemnification for such damages.

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16 The term does not include a contractor, subcontractor, supplier,
17 or design professional.

18 (4) "Construction defect" means a deficiency in, or a
19 deficiency arising out of, the design, specifications,
20 surveying, planning, supervision, observation of construction,
21 or construction, repair, alteration, or remodeling of a
22 dwelling, any appurtenance to the dwelling, or the real property
23 to which the dwelling or appurtenance is affixed resulting from:

24 (a) Defective material, products, or components used in
25 the construction or remodeling;

26 (b) A violation of the applicable codes in effect at the
27 time of construction or remodeling which gives rise to a cause
28 of action pursuant to s. 553.84;

29 (c) A failure of the design of a dwelling to meet the
30 applicable professional standards of care at the time of
31 governmental approval; or

32 (d) A failure to construct or remodel a dwelling in
33 accordance with accepted trade standards for good and
34 workmanlike construction at the time of construction.

35 (5) "Contractor" means any person, as defined in s. 1.01,
36 firm, partnership, corporation, association, or other
37 organization that is legally engaged in the business of
38 designing, developing, constructing, manufacturing, repairing
39 selling, or