

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Santiago offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
6 Section 1. Section 553.84, Florida Statutes, is amended to  
7 read:

8 553.84 Statutory civil action.—

9 (1) For purposes of this section, the term "material  
10 violation" means a violation that exists within a completed  
11 building, structure, or facility which may reasonably result, or  
12 has resulted, in physical harm to a person or significant damage  
13 to the performance of a building or its systems.

14 (2) Notwithstanding any other remedies available, any  
15 person or party, in an individual capacity or on behalf of a  
16 class of persons or parties, damaged as a result of a material

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17 violation of this part or the Florida Building Code, has a cause  
18 of action in any court of competent jurisdiction against the  
19 person or party who committed the violation; however, if the  
20 person or party obtains the required building permits and any  
21 local government or public agency with authority to enforce the  
22 Florida Building Code approves the plans, if the construction  
23 project passes all required inspections under the code, and if  
24 there is no personal injury or damage to property other than the  
25 property that is the subject of the permits, plans, and  
26 inspections, this section does not apply unless the person or  
27 party knew or should have known that the violation existed.

28 (3) A notice of claim or civil action may not be served  
29 under this section unless the claimant has first properly  
30 submitted a claim for the alleged construction defect under any  
31 applicable warranty, and the warranty provider has denied the  
32 claim or has not offered a remedy satisfactory to the claimant  
33 within the time limits provided in the warranty.

34 Section 2. Paragraphs (b), (c), and (d) of subsection (1)  
35 of section 558.004 are relettered as paragraphs (c), (d), and  
36 (e), and a new paragraph (b) is added to that paragraph, to  
37 read:

38 558.004 Notice and opportunity to repair.—

39 (1) (a) In actions brought alleging a construction defect,  
40 the claimant shall, at least 60 days before filing any action,  
41 or at least 120 days before filing an action involving an

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42 association representing more than 20 parcels, serve written  
43 notice of claim on the contractor, subcontractor, supplier, or  
44 design professional, as applicable, which notice shall refer to  
45 this chapter. If the construction defect claim arises from work  
46 performed under a contract, the written notice of claim must be  
47 served on the person with whom the claimant contracted.

48 (b) A notice of claim may not be served under this chapter  
49 unless the claimant has first properly submitted a claim for the  
50 alleged construction defect under any applicable warranty, and  
51 the warranty provider has denied the claim or has not offered a  
52 remedy satisfactory to the claimant within the time limits  
53 provided in the warranty.

54 Section 3. This act shall take effect July 1, 2020.

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57 **T I T L E A M E N D M E N T**

58 Remove everything before the enacting clause and insert:  
59 An act relating to construction defects; amending s. 553.84,  
60 F.S.; defining the term "material violation"; revising when a  
61 person has a cause of action for a violation relating to the  
62 Florida Building Code; providing requirements for such cause of  
63 action; amending s. 558.004, F.S.; requiring a claimant to  
64 submit a construction defect claim to the warranty provider  
65 before serving a notice of claim; providing an effective date.