

The Florida Senate  
**HOUSE MESSAGE SUMMARY**

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/CS/CS/SB 736 1st Eng.

INTRODUCER: Rules Committee, Community Affairs Committee, Judiciary Committee, and Senator Hutson

SUBJECT: Construction Defects and Building Code Violations

DATE: March 10, 2022

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**I. Amendments Contained in Message:**

**House Amendment – 303549** (body with title)

**II. Summary of Amendments Contained in Message:**

**House Amendment – 303459** is a delete-all amendment that provides a general 7-year repose period for bringing a construction defect action based on a latent defect and also provides exceptions which result in longer repose periods for defects to the common elements and common areas of a homeowners' association, condominium association, and cooperative associations; fraudulently concealed defects; and material violations of the building code. The Senate bill, in contrast, provides a 7-year repose period and uses more concrete events, such as the issuance of a certificate of occupancy or certificate of completion or the closing or expiration of a building permit, to define when the repose period begins to run.

The House amendment does not limit actions for a building code violation to material violations of the code, but this limit is included in the Senate bill.

The House amendment provides for the repeal of chapter 558, F.S., effective July 1, 2025. This chapter provides alternative dispute resolution procedures for construction defects. The Senate bill, in contrast, amends chapter 558, F.S., to require an inspection report as part of a notice of claim, to require a claimant who rejects a settlement offer to explain his or her reasons for the rejection, and to make other changes.