



STAYTON
LAW GROUP
ATTORNEYS AT LAW



**CONSTRUCTION
LAW**

Brian F. Stayton, Esquire

Florida Construction Case Law Update
July 9, 2018

A. Construction Contracts

1. *Perez-Gurri Corp. v. McLeod*, Case No. 3D15-2590 (Fla. 3rd DCA Nov. 22, 2017).
2. *Blok Builders, LLC v. Katryniok*, Case No. 4D16-1811 (Fla. 4th DCA April 25, 2018).
3. *University Housing by Dayco Corp. v. Foch*, 221 So.3d 701 (Fla. 3rd DCA 2017).
4. *Kapsch TrafficCom IVHS, Inc. v. Florida Dep't of Transportation*, Case No. 1D17-743 (Fla. 1st DCA June 4, 2018).

B. Liens and Bonds

5. *Rabil v. Seaside Builders, LLC*, 226 So.3d 935 (Fla. 4th DCA 2017).
6. *Travelers Casualty and Ins. Co. of America v. Community Asphalt Corp.*, 221 So.3d 742 (Fla. 3rd DCA 2017).
7. *Lexon Ins. Co. v. City of Cape Coral*, Case No. 2D16-1533 (Fla. 2nd DCA November 29, 2017).

C. Insurance Coverage

8. *Altman Contractors, Inc. v. Crum & Forster Specialty Ins. Co.*, 232 So.3d 273 (Fla. 2017).
9. *Altman Contractors, Inc. v. Crum & Forster Specialty Ins. Co.*, 880 F.3d 1300 (11th Cir. 2018).
10. *Security First Ins. Co. v. Florida Office of Ins. Regulation*, Case No. 5D16-3425 (Fla. 5th DCA Dec. 1, 2017).
11. *Addison Ins. Co. v. 4000 Island Boulevard Condo. Ass'n., Inc.*, Case No. 17-11504 (11th Cir. Dec. 28, 2017).
12. *Mid-Continent Cas. Co. v. Arpin & Sons, LLC*, 261 F. Supp. 3d 1245 (S.D. Fla. 2017).
13. *Mid-Continent Cas. Co. v. JWN Constr., Inc.*, Case No. 9:17-CV-80286 (S.D. Fla. Feb. 8, 2018).



D. Arbitration

14. *Reunion West Development Partners, LLP v. Guimaraes*, 221 So.3d 1278 (Fla. 5th DCA 2017).
15. *Anderson v. Taylor Morrison of Florida, Inc.*, 223 So.3d 1088 (Fla. 2nd DCA 2017).

E. Procedural Issues in Construction Litigation

16. *GSK Hollywood Development Group, LLC v. City of Hollywood*, Case No. 4D16-3453 (Fla. 4th DCA May 2, 2018).
17. *TBI Caribbean Co. v. Stafford-Smith, Inc.*, Case No. 3D17-943 (Fla. 3rd DCA Dec. 13, 2017).
18. *GLF Construction Corp. v. Credinform International, S.A.*, 225 So.3d 377 (Fla. 3rd DCA 2017).
19. *Perez-Gurri Corp. v. McLeod*, Case No. 3D15-2591 (Fla. 3rd DCA Nov. 22, 2017).
20. *Knauf Plasterboard (Tianjin) Co., Ltd. v. Ziegler*, 219 So.3d 882 (Fla. 4th DCA 2017).
21. *Isla Blue Development, LLC v. Moore*, 223 So.3d 1097 (Fla. 2nd DCA 2017).
22. *Oldcastle Southern Group, Inc. v. Railworks Track Systems, Inc.*, Case No. 1D17-48 (Fla. 1st DCA Dec. 21, 2017).
23. *Taylor Eng'g, Inc. v. Dickerson Florida, Inc.*, 221 So.3d 719 (Fla. 1st DCA 2017).
24. *Mount Vernon Fire Ins. Co. v. New Moon Management, Inc.*, Case No. 3D16-2243 (Fla. 3rd DCA Feb. 14, 2018).
25. *Pacheco v. Gonzalez*, Case No. 3D16-355 (Fla. 3rd DCA May 16, 2018).
26. *Gozzo Development, Inc. v. Esker*, Case No. 4D16-3734 (Fla. 4th DCA Nov. 22, 2017).
27. *Leila Corp. of St. Pete v. Ossi*, Case No. 2D15-3279 (Fla. 2nd DCA July 21, 2017).
28. *Perlberg v. Lubercy Asia Holdings, LLC*, Case No. 3D17-2404 (Fla. 3rd DCA May 16, 2018).

F. Statutes of Limitation and Repose

29. *Inlet Marina of Palm Beach, Ltd. v. Sea Diversified, Inc.*, Case No. 4D17-1406 (Fla. 4th DCA Jan. 31, 2018).
30. *Companion Property and Cas. Group v. Built Top Building Services, Inc.*, Case No. 3D16-2044 (Fla. 3rd DCA May 10, 2017).



G. Negligence

31. *Vancelette v. Boulan S. Beach Condo. Ass'n, Inc.*, Case No. 3D16-1632 (Fla. 3rd DCA June 21, 2017).
32. *Valiente v. R.J. Behar & Co., Inc.*, Case No. 3D15-1049 (Fla. 3rd DCA June 6, 2018).

H. Damages

33. *Don Facciobene, Inc. v. Hough Roofing, Inc.*, 225 So.3d 323 (Fla. 5th Cir. 2017).
34. *BK Marine Constr., Inc. v. Skyline Steel, LLC*, Case No. 4D16-1241 (Fla. 4th DCA Nov. 1, 2017).
35. *Hagertysmith, LLC v. Gerlander*, Case No. 5D16-3655 (Fla. 5th DCA Dec. 1, 2017).
36. *Addison Constr. Corp. v. Vecellio*, Case No. 4D16-0618 (Fla. 4th DCA March 21, 2018).
37. *Coconut Key Homeowner's Ass'n v. Gonzalez*, Case No. 4D17-739 & 17-1749 (May 9, 2018).

I. Attorney's Fees

38. *Hough Roofing, Inc. v. Don Facciobene, Inc.*, 225 So.3d 322 (Fla. 5th Cir. 2017).
39. *Bauer v. Ready Windows Sales & Service Corp.*, 221 So.3d 761 (Fla. 3rd DCA 2017).

Brian F. Stayton concentrates his practice on the representation of contractors, subcontractors, suppliers, design professionals, and owners throughout Florida. Brian has given the case law update to the Construction Law Committee of the Hillsborough County Bar Association annually since 2008.

Brian has tried and arbitrated cases on residential construction projects, commercial projects, personal injury cases involving construction projects, contract claims, material defect claims, mortgage foreclosures, U.C.C. warranties, and sinkhole-related claims. Brian has been board certified in construction law by The Florida Bar since 2005, AV-rated by Martindale® since 1992, and listed as a Florida Super Lawyer in Construction Litigation since 2009. Before moving to Florida in 1999, Brian practiced in Kansas City; he is admitted to the bars of Florida, Missouri, and Kansas. Brian wrote five chapters as a contributing author of *THE Construction Contracts Book: How to Find Common Ground in Negotiating Design and Construction Contract Clauses* (ABA Publishing 2004 and 2008 editions), eds. Daniel S. Brennan, Richard H. Lowe, Jennifer A. Nielsen, and John I. Spangler, III, and has also had his work published in *The Construction Lawyer*, the *Journal of the Kansas Bar Association*, and the *University of Missouri-Kansas City Law Review*. A 1986 graduate of the University of Kansas (With Highest Distinction), Brian obtained his law degree and master's degree in history from Duke University in 1989.