



News

Mark Heinish Discusses Florida Statute Chapter 558 and Argues an Overhaul May be Needed to Address a Series of Legal Loopholes

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Chapter 558 of the Florida Statutes was enacted in 2003 for the purpose of providing an alternative method for resolving construction disputes and reducing litigation. In a *Daily Business Review* byline, Hinshaw partner Mark Heinish considers whether the legislation has delivered on those objectives or whether an overhaul is appropriate.

Heinish notes that the statute contains multiple legal loopholes that undermine Chapter 558's intent to facilitate alternative dispute resolution. For instance, the statute requires property owners to file a notice of claim and engage in confidential settlement negotiations before suing, but it does not prevent them from retaining legal counsel and suing before completing this process. This creates a strategic advantage for property owners, who can initiate litigation while contractors are still considering their remediation options.

Additionally, the statute lacks enforcement mechanisms and allows property owners to remove allegedly defective construction before litigation, undermining the intent to facilitate resolution without further legal action. As a result, Heinish argues Chapter 558 should be overhauled so that it is better aligned with its original purpose.

[Read the full article](#) (*subscription required*).

"Is Florida Statutes Chapter 558 in Need of Another Overhaul?" was published by the *Daily Business Review* on February 8, 2024.

Attorneys

Mark M. Heinish

Service Areas

Commercial Litigation

Offices

Ft. Lauderdale