Mr. Lesser Knows Better –
SB 1964 Does Not Leave Consumers Without Recourse for Damages

In his letter published on May 16, Steve Lesser asserts: "SB 1964 would leave consumers, contractors, local governments, developers and others who rely on the work of design professionals without any legal recourse to recover their economic losses." This is simply not true. Senate Bill 1964 applies only to property owners who contract for architectural, landscape architectural, engineering, interior design or surveying services; and it does nothing to diminish a property owner's right to fully recover all economic damages that may be sustained as a result of the failure of one of these contracting parties to adequately perform its contract.

Mr. Lesser's further comment that the bill limits the liability of one of these professional firms to the amount of liability insurance is, again, wrong. There is absolutely nothing in the bill that establishes any monetary limitations to preclude a property owner from recovering all damages that result from inadequate performance of a design contract. Contrary to Mr. Lesser's characterizations, SB 1964 does not preclude anyone's recovery of economic damages and does not limit the amount of any recovery.

What the Bill Does . . .

The bill affirmatively re-establishes the principle that a property owner who contracts for design services cannot institute legal proceedings against the design firm's employees to recover damages related to contract performance. In other words, SB 1964 requires contracting parties to stand by the contract when there is a dispute. What an American and democratic principle!

Senate Bill 1964 will preclude wrong-headed lawsuits where, rather than abiding by a contract with a design firm and suing the firm for its damages, the property owner and his lawyer sidestep the contract and sue individual employees of the firm, in tort, for the damages that are the responsibility of the firm. Consider this -- the property owner cannot sue his contractor's employees or any of the subcontractors' employees for construction damages. Why should property owners be able to sue employees of design firms for design damages? There is no sound reason. The property owner has, in both instances, contracted with the parties with whom it intends to do business and, consequently, should sue those parties if there is a problem regarding non-performance of the contracts.

Governor Crist should be urged to sign SB 1964 so that parties, and their lawyers, must abide by their contracts not only when a project is underway but when there is a dispute between the parties, and so that employees of the contracting firms are not subjected to unsuspected and undeserved suits.

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