

Brett M. Henson

SHAREHOLDER

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Overview

Brett Henson focuses his practice in the areas of commercial and construction litigation. He handles all types of construction disputes, including claims related to breach of contract, delay damages, workmanship and design defects, fidelity and surety bonds, and Florida's construction lien law.

Brett counsels and assists residential and commercial property owners, developers, and construction industry professionals in all facets of a construction project, including contract preparation, review, negotiation, and dispute avoidance. He also uses his experience and knowledge in resolving claims involving insurance proceeds and insurance coverage.

In addition to construction law, Brett has experience litigating product liability matters on behalf of manufacturers, including manufacturers of building products. Clients also turn to him for representation in a broad range of complex commercial and business litigation matters, from initial case inception and early resolution, through trial.

As a former prosecutor and civil trial lawyer, Brett gained extensive litigation and trial experience in various state and federal courts representing individuals, businesses, and insurance companies. He works to develop a litigation strategy early in a case to control costs and reach an early resolution, if possible.

Brett is board certified in construction law by the Florida Bar and is a member of the Standing Committee on Construction Law Certification, which is responsible for drafting and grading Florida's annual construction law certification exam. In addition, Brett serves as a vice chair of the Construction Law Committee of the Florida Bar, which is the largest voluntary bar association of construction lawyers in Florida.

Experience

- Represented minority unit owner in first contested and reported equitable condominium termination lawsuit in the state of Florida.
- Successfully negotiated pre-certification settlement on statewide putative class action lawsuit on behalf of building products supplier.
- Obtained complete defense verdict as trial counsel for building products manufacturer in which the plaintiff sought damages of more than \$1 million.
- Assisted developer and general contractor of large, multifamily residential development in resolving pre-suit section 558 demand more than \$140 million for claims related to roof and building envelope failures.
- Represented developer in copyright infringement action brought by architectural services firm for alleged misappropriation of architectural plans, resulting in favorable settlement at mediation.
- Defended subcontractor against claims related to breach of lease, quiet enjoyment, and injunctive relief during build-out and remodel of commercial retail space, resulting in successful settlement at mediation.
- Obtained a complete defense verdict on behalf of specialty subcontractor during a two-month construction defect trial in which the plaintiffs sought damages of more than \$16 million.
- Represented a diverse range of construction industry professionals in construction defect claims involving single family, multifamily, and commercial properties.

Areas of Focus

Practices

- Construction
- Construction Litigation
- Construction Transactions
- Development
- International Arbitration of Construction Contracts

Industries

- Construction
- Real Estate

- [Litigation and Trials](#)
- [Mass Tort and Product Liability](#)
- [Public-Private Partnerships](#)
- [Real Estate](#)
- [Real Property Litigation](#)

Insights

03.02.2023

Arbitration Agreements in Residential Construction Contracts

ActionLine

03.01.2022

Contractor-Controlled Insurance Programs and Owner-Controlled Insurance Programs

American Bar Association

09.20.2021

EDR: Fairly & Ethically Resolving Construction Disputes at a Hare's Pace,

American Bar Association

03.29.2021

Florida's Products Liability Economic Loss Rule Bars Claims Where Only Damage Sustained Is to the Building Itself

American Bar Association

03.01.2019

Future Buyers Beware: Mandatory Arbitration Provision Within Special Warranty Deed Found Enforceable as to Subsequent Purchasers

CONSTRUCTive Talk

News

08.07.2024

Brett Henson Interviewed in Law360: “Shumaker Construction Pro Jumps to Carlton Fields in Florida”

08.06.2024

Brett Henson Joins Carlton Fields’ Construction Practice

08.06.2024

Brett Henson Featured in Business Observer: “Sarasota Law Partner Switches Firms, Now Based With Tampa Practice”

Recognition

- Rising Star Award, Construction Law Committee, Florida Bar Real Property, Probate, and Trust Law Section (2024)
- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Litigation - Construction (2021–2024)
- James A. Dixon Young Lawyer of the Year Award, Florida Defense Lawyers Association (2016)

Professional and Community Involvement

- American Bar Association
 - Forum on Construction Law
 - Steering Committee, D1 – Litigation and Dispute Resolution (2022–present)
- The Florida Bar
 - Construction Law Certification Committee (2023–present)
 - Real Property, Probate, and Trust Law Section
 - Vice Chair, Construction Law Committee (2024–present)
 - Co-Chair, Legislative Subcommittee, Construction Law Committee (2022–2024)
 - Co-Chair, Litigation Subcommittee, Construction Law Committee (2019–2022)
 - Co-Chair, Publications Subcommittee, Construction Law Committee (2017–2019)
- Associated Builders and Contractors, Florida Gulf Coast Chapter
 - Surfside Industry Task Force (2021–2022)
 - NEXGEN Leadership Program, Class of 2021

- Stock Development Department of Construction Management, Florida Gulf Coast University
 - Construction Industry Advisory Board (2023–present)

Speaking Engagements

- "Costs Matter: Improving Project Profitability by Accurately Evaluating Delay and Inefficiency Claims," ABA Forum on Construction Law 2025 Midwinter Meeting, Tampa, FL (January 15–17, 2025)
- "Construction Law Legislative Update," Construction Law Committee of the Real Property, Probate, and Trust Law Section of the Florida Bar (August 14, 2023)
- "Contract Administration Lunch and Learn," Associated Builders and Contractors, Florida Gulf Coast Chapter (April 10, 2023)
- "Navigating the Wild of *Daubert* for Construction Litigators," St. Petersburg Bar Association (May 26, 2022)
- "Keeping the Logs Moving: Effective Case Management and Pretrial Motion Practice for Construction Litigators," 16th Annual Construction Law Institute, Florida Bar Real Property, Probate, and Trust Law Section, Orlando, FL (March 11, 2022)
- "Florida's Federal Summary Judgment Standard and Amended Rule of Civil Procedure," Sarasota County Bar Association Civil Trial Section (September 9, 2021)
- "COVID-19 Considerations for Real Property and Construction Disputes," Real Property, Probate, and Trust Law Section of the Florida Bar (October 14, 2020)

Credentials

Education

- Stetson University College of Law (J.D., 2010)
- Stetson University (B.A., 2006)

Court Admissions

- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

Bar Admissions

- Florida

Industry Specialization

Certifications

- Construction Law