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CS/CS/HB 377

2017 Legislature

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An act relating to limitations on actions other than for the recovery of real property; amending s. 95.11, F.S.; specifying the date of completion for specified contracts; providing for applicability; reenacting s. 627.441(2), F.S., relating to commercial general liability policy coverage to contractors for completed operations, to incorporate the amendment made by the act to s. 95.11, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (3) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the

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26 professional engineer, registered architect, or licensed
27 contractor and his or her employer, whichever date is latest;
28 except that, when the action involves a latent defect, the time
29 runs from the time the defect is discovered or should have been
30 discovered with the exercise of due diligence. In any event, the
31 action must be commenced within 10 years after the date of
32 actual possession by the owner, the date of the issuance of a
33 certificate of occupancy, the date of abandonment of
34 construction if not completed, or the date of completion or
35 termination of the contract between the professional engineer,
36 registered architect, or licensed contractor and his or her
37 employer, whichever date is latest. Completion of the contract
38 means the later of the date of final performance of all the
39 contracted services or the date that final payment for such
40 services becomes due without regard to the date final payment is
41 made.

42 Section 2. This act applies to causes of action that
43 accrue on or after July 1, 2017.

44 Section 3. For the purpose of incorporating the amendment
45 made by this act to section 95.11, Florida Statutes, in a
46 reference thereto, subsection (2) of section 627.441, Florida
47 Statutes, is reenacted to read:

48 627.441 Commercial general liability policies; coverage to
49 contractors for completed operations.—

50 (2) A liability insurer must offer coverage at an

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51 appropriate additional premium for liability arising out of
52 current or completed operations under an owner-controlled
53 insurance program for any period beyond the period for which the
54 program provides liability coverage, as specified in s.
55 255.0517(2)(b). The period of such coverage must be sufficient
56 to protect against liability arising out of an action brought
57 within the time limits provided in s. 95.11(3)(c).

58 Section 4. This act shall take effect July 1, 2017.