

By the Committee on Judiciary; and Senator Passidomo

590-02439-18

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1 A bill to be entitled

2 An act relating to limitations of actions other than  
3 for the recovery of real property; amending s. 95.11,  
4 F.S.; authorizing the commencement, within a specified  
5 timeframe, of counterclaims, cross-claims, and third-  
6 party claims that arise out of the conduct,  
7 transaction or occurrence set out or attempted to be  
8 set out in a pleading for which such claims relate;  
9 specifying that certain corrections and repairs do not  
10 extend the period of time within which an action must  
11 be commenced; providing applicability; providing an  
12 effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Paragraph (c) of subsection (3) of section  
17 95.11, Florida Statutes, is amended to read:

18 95.11 Limitations other than for the recovery of real  
19 property.—Actions other than for recovery of real property shall  
20 be commenced as follows:

21 (3) WITHIN FOUR YEARS.—

22 (c) An action founded on the design, planning, or  
23 construction of an improvement to real property, with the time  
24 running from the date of actual possession by the owner, the  
25 date of the issuance of a certificate of occupancy, the date of  
26 abandonment of construction if not completed, or the date of  
27 completion of the contract or termination of the contract  
28 between the professional engineer, registered architect, or  
29 licensed contractor and his or her employer, whichever date is

590-02439-18

2018536c1

30 latest; except that, when the action involves a latent defect,  
31 the time runs from the time the defect is discovered or should  
32 have been discovered with the exercise of due diligence. In any  
33 event, the action must be commenced within 10 years after the  
34 date of actual possession by the owner, the date of the issuance  
35 of a certificate of occupancy, the date of abandonment of  
36 construction if not completed, or the date of completion of the  
37 contract or termination of the contract between the professional  
38 engineer, registered architect, or licensed contractor and his  
39 or her employer, whichever date is latest. However,  
40 counterclaims, cross-claims, and third-party claims that arise  
41 out of the conduct, transaction or occurrence set out or  
42 attempted to be set out in a pleading may be commenced up to 1  
43 year after the pleading to which such claims relate is served,  
44 even if such claims would otherwise be time barred. With respect  
45 to actions founded on the design, planning, or construction of  
46 an improvement to real property, if such construction is  
47 performed pursuant to a duly issued building permit and if a  
48 local enforcement agency, state enforcement agency, or special  
49 inspector, as those terms are defined in s. 553.71, has issued a  
50 final certificate of occupancy or certificate of completion,  
51 then as to the construction which is within the scope of such  
52 building permit and certificate, the correction of defects to  
53 completed work or repair of completed work, whether performed  
54 under warranty or otherwise, does not extend the period of time  
55 within which an action must be commenced. Completion of the  
56 contract means the later of the date of final performance of all  
57 the contracted services or the date that final payment for such  
58 services becomes due without regard to the date final payment is

590-02439-18

2018536c1

59 made.

60 Section 2. This act applies to causes of action that accrue  
61 on or after July 1, 2019.

62 Section 3. This act shall take effect July 1, 2019.