

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 377 — Limitations on Actions other than for the Recovery of Real Property

by Judiciary Committee; Civil Justice and Claims Subcommittee; and Rep. Leek and others (CS/SB 204 by Judiciary Committee and Senator Passidomo)

Existing s. 95.11(3)(c), F.S., specifies the 4- and 10-year limitations periods or statutes of repose for bringing an action alleging a construction defect or latent construction defect. In some cases, the limitations periods begin on the “*date of completion . . . of the contract* between the professional engineer, registered architect, or licensed contractor and his or her employer.” Completion of the contract, according to an appellate court opinion, requires the completion of construction and the submission of the final payment required by the contract. Thus, delays in payments by a customer can extend a contractor’s liability for construction defects.

As a response to the appellate court opinion, the bill defines completion of the contract as the “later of the date of final performance of all the contracted services, or the date that final payment for those services becomes due.” This new definition will prevent a customer’s delay in making a required payment from extending a contractor’s liability for construction defects.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 114-0