

By the Committee on Judiciary and Senator Forman

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A bill to be entitled  
An act relating to limitations on actions;  
amending s. 95.031, F.S.; exempting aircraft  
and their component parts from a 20-year  
statute of repose on actions brought to recover  
for harm caused by products having a specified  
expected useful life; providing an effective  
date.

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

Section 1. Paragraph (b) of subsection (2) of section  
95.031, Florida Statutes, is amended to read:

95.031 Computation of time.--Except as provided in  
subsection (2) and in s. 95.051 and elsewhere in these  
statutes, the time within which an action shall be begun under  
any statute of limitations runs from the time the cause of  
action accrues.

(2)

(b) An action for products liability under s. 95.11(3)  
must be begun within the period prescribed in this chapter,  
with the period running from the date that the facts giving  
rise to the cause of action were discovered, or should have  
been discovered with the exercise of due diligence, rather  
than running from any other date prescribed elsewhere in s.  
95.11(3), except as provided within this subsection. Under no  
circumstances may a claimant commence an action for products  
liability, including a wrongful death action or any other  
claim arising from personal injury or property damage caused  
by a product, to recover for harm allegedly caused by a  
product with an expected useful life of 10 years or less, if

1 the harm was caused by exposure to or use of the product more  
2 than 12 years after delivery of the product to its first  
3 purchaser or lessee who was not engaged in the business of  
4 selling or leasing the product or of using the product as a  
5 component in the manufacture of another product. All products,  
6 except those included within subparagraph 1. or subparagraph  
7 2., are conclusively presumed to have an expected useful life  
8 of 10 years or less.

9           1. ~~Aircraft used in commercial or contract carrying of~~  
10 ~~passengers or freight,~~Vessels of more than 100 gross tons,  
11 railroad equipment used in commercial or contract carrying of  
12 passengers or freight, and improvements to real property,  
13 including elevators and escalators, are not subject to the  
14 statute of repose provided within this subsection.

15           2. Any product not listed in subparagraph 1. or 4.,  
16 which the manufacturer specifically warranted, through express  
17 representation or labeling, as having an expected useful life  
18 exceeding 10 years, has an expected useful life commensurate  
19 with the time period indicated by the warranty or label. Under  
20 such circumstances, no action for products liability may be  
21 brought after the expected useful life of the product, or more  
22 than 12 years after delivery of the product to its first  
23 purchaser or lessee who was not engaged in the business of  
24 selling or leasing the product or of using the product as a  
25 component in the manufacture of another product, whichever is  
26 later.

27           3. With regard to those products listed in  
28 subparagraph 1., except for escalators, elevators, and  
29 improvements to real property, no action for products  
30 liability may be brought more than 20 years after delivery of  
31 the product to its first purchaser or lessor who was not

1 engaged in the business of selling or leasing the product or  
2 of using the product as a component in the manufacture of  
3 another product. However, if the manufacturer specifically  
4 warranted, through express representation or labeling, that  
5 the product has an expected useful life exceeding 20 years,  
6 the repose period shall be the time period warranted in  
7 representations or label.

8 4. Aircraft and their component parts are not subject  
9 to the statute of repose in this subsection.

10 Section 2. This act shall take effect upon becoming a  
11 law.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 SB 410

16 Narrows the bill's effect to only repeal that portion of the  
17 products liability statute of repose contained in s.  
18 95.031(2), F.S., pertaining to aircraft used in the commercial  
19 or contract carrying of passengers or freight.  
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