

By Senator Stargel

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1 A bill to be entitled
2 An act relating to limitation of actions; amending s.
3 95.11, F.S.; reducing the period during which an
4 action must be brought for a latent defect in the
5 design, planning, or construction of an improvement to
6 real property; providing for applicability; reenacting
7 s. 627.441(2), F.S., relating to commercial general
8 liability policy coverage to contractors for completed
9 operations, to incorporate the amendment made by the
10 act to s. 95.11, F.S., in a reference thereto;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 95.11 Limitations other than for the recovery of real
18 property.—Actions other than for recovery of real property shall
19 be commenced as follows:

20 (3) WITHIN FOUR YEARS.—

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

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30 runs from the time the defect is discovered or should have been
31 discovered with the exercise of due diligence. In any event, the
32 action must be commenced within 7 ~~10~~ years after the date of
33 actual possession by the owner, the date of the issuance of a
34 certificate of occupancy, the date of abandonment of
35 construction if not completed, or the date of completion or
36 termination of the contract between the professional engineer,
37 registered architect, or licensed contractor and his or her
38 employer, whichever date is latest.

39 Section 2. The amendment to s. 95.11(3)(c), Florida
40 Statutes, made by this act shall apply to any action commenced
41 on or after July 1, 2015, regardless of when the cause of action
42 accrued, except that any action that would not have been barred
43 under s. 95.11(3)(c), Florida Statutes, prior to the amendment
44 made by this act may be commenced before July 1, 2016, and if it
45 is not commenced by that date and is barred by the amendment to
46 s. 95.11(3)(c), Florida Statutes, made by this act, it shall be
47 barred.

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

52 627.441 Commercial general liability policies; coverage to
53 contractors for completed operations.—

54 (2) A liability insurer must offer coverage at an
55 appropriate additional premium for liability arising out of
56 current or completed operations under an owner-controlled
57 insurance program for any period beyond the period for which the
58 program provides liability coverage, as specified in s.

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59 255.0517(2)(b). The period of such coverage must be sufficient
60 to protect against liability arising out of an action brought
61 within the time limits provided in s. 95.11(3)(c).

62 Section 4. This act shall take effect July 1, 2015.