

By Senator Passidomo

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1 A bill to be entitled

2 An act relating to actions founded on real property
3 improvements; amending s. 95.11, F.S.; specifying when
4 a contract has been completed between a professional
5 engineer, registered architect, or licensed contractor
6 and his or her employer; providing an effective date.

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

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10 Section 1. Paragraph (c) of subsection (3) of section
11 95.11, Florida Statutes, is amended to read:

12 95.11 Limitations other than for the recovery of real
13 property.—Actions other than for recovery of real property shall
14 be commenced as follows:

15 (3) WITHIN FOUR YEARS.—

16 (c) An action founded on the design, planning, or
17 construction of an improvement to real property, with the time
18 running from the date of actual possession by the owner, the
19 date of the issuance of a certificate of occupancy, the date of
20 abandonment of construction if not completed, or the date of
21 completion or termination of the contract between the
22 professional engineer, registered architect, or licensed
23 contractor and his or her employer, whichever date is latest;
24 except that, when the action involves a latent defect, the time
25 runs from the time the defect is discovered or should have been
26 discovered with the exercise of due diligence. In any event, the
27 action must be commenced within 10 years after the date of
28 actual possession by the owner, the date of the issuance of a
29 certificate of occupancy, the date of abandonment of
30 construction if not completed, or the date of completion or
31 termination of the contract between the professional engineer,
32 registered architect, or licensed contractor and his or her

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33 employer, whichever date is latest. Completion of the contract
34 shall be the last date the professional engineer, registered
35 architect, or licensed contractor furnishes labor, services, or
36 materials, not including labor, services, or materials relating
37 to correction of deficiencies in such engineer's, architect's,
38 or contractor's previously performed work or materials supplied.

39 Section 2. This act shall take effect July 1, 2017.