

1 A bill to be entitled
 2 An act relating to limitations on actions other than
 3 for the recovery of real property; amending s. 95.11,
 4 F.S.; specifying the date of completion for specified
 5 contracts; providing for applicability; reenacting s.
 6 627.441(2), F.S., relating to commercial general
 7 liability policy coverage to contractors for completed
 8 operations, to incorporate the amendment made by the
 9 act to s. 95.11, F.S., in a reference thereto;
 10 providing an effective date.

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

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

16 95.11 Limitations other than for the recovery of real
 17 property.—Actions other than for recovery of real property shall
 18 be commenced as follows:

19 (3) WITHIN FOUR YEARS.—

20 (c) An action founded on the design, planning, or
 21 construction of an improvement to real property, with the time
 22 running from the date of actual possession by the owner, the
 23 date of the issuance of a certificate of occupancy, the date of
 24 abandonment of construction if not completed, or the date of
 25 completion or termination of the contract between the

26 professional engineer, registered architect, or licensed
27 contractor and his or her employer, whichever date is latest;
28 except that, when the action involves a latent defect, the time
29 runs from the time the defect is discovered or should have been
30 discovered with the exercise of due diligence. In any event, the
31 action must be commenced within 10 years after the date of
32 actual possession by the owner, the date of the issuance of a
33 certificate of occupancy, the date of abandonment of
34 construction if not completed, or the date of completion or
35 termination of the contract between the professional engineer,
36 registered architect, or licensed contractor and his or her
37 employer, whichever date is latest. The date of completion of
38 the contract between the professional engineer, registered
39 architect, or licensed contractor and his or her employer is the
40 last day during which the professional engineer, registered
41 architect, or licensed contractor furnishes labor, services, or
42 materials, excluding labor, services, or materials relating to
43 the correction of deficiencies in previously performed work or
44 materials supplied.

45 Section 2. The amendment made by this act to s.
46 95.11(3)(c), Florida Statutes, applies to any action commenced
47 on or after July 1, 2017, regardless of when the cause of action
48 accrued, except that any action that would not have been barred
49 on July 1, 2018, under s. 95.11(3)(c), Florida Statutes, before
50 the amendment made by this act may be commenced before July 1,

51 2018, and if it is not commenced by that date and would be
52 barred by the amendment made by this act to s. 95.11(3)(c),
53 Florida Statutes, it shall be barred.

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

58 627.441 Commercial general liability policies; coverage to
59 contractors for completed operations.—

60 (2) A liability insurer must offer coverage at an
61 appropriate additional premium for liability arising out of
62 current or completed operations under an owner-controlled
63 insurance program for any period beyond the period for which the
64 program provides liability coverage, as specified in s.
65 255.0517(2)(b). The period of such coverage must be sufficient
66 to protect against liability arising out of an action brought
67 within the time limits provided in s. 95.11(3)(c).

68 Section 4. This act shall take effect July 1, 2017.