

By Senator Passidomo

28-00653B-18

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1 A bill to be entitled

2 An act relating to limitations of actions other than
3 for the recovery of real property; amending s. 95.11,
4 F.S.; authorizing the commencement, within a specified
5 timeframe, of counterclaims, cross-claims, and third-
6 party claims that arise out of the same transaction or
7 occurrence and are the basis for an action previously
8 brought; providing that the correction of defects and
9 deficiencies or the performance of certain types of
10 work do not extend the period of time within which an
11 action must be commenced; 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 of the contract or termination of the contract
27 between the professional engineer, registered architect, or
28 licensed contractor and his or her employer, whichever date is
29 latest; except that, when the action involves a latent defect,

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30 the time runs from the time the defect is discovered or should
31 have been discovered with the exercise of due diligence. In any
32 event, the action must be commenced within 10 years after the
33 date of actual possession by the owner, the date of the issuance
34 of a certificate of occupancy, the date of abandonment of
35 construction if not completed, or the date of completion of the
36 contract or termination of the contract between the professional
37 engineer, registered architect, or licensed contractor and his
38 or her employer, whichever date is latest. However,
39 counterclaims, cross-claims, and third-party claims that arise
40 out of the same transaction or occurrence and are the basis for
41 an action previously brought may be commenced up to 45 days
42 after service of process upon the party asserting such claims,
43 even if such claims would otherwise be time barred.

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45 For purposes of this paragraph, the term "completion of the
46 contract" ~~Completion of the contract~~ means the later of the date
47 of final performance of all the contracted services or the date
48 that final payment for such services becomes due without regard
49 to the date final payment is made. Once a certificate of
50 completion or occupancy has been issued by a governmental
51 authority, the correction of defects or deficiencies, punch list
52 work, and warranty work do not extend the time within which an
53 action must be commenced.

54 Section 2. This act shall take effect July 1, 2018.