

By the Committees on Community Affairs; and Judiciary; and
Senator Passidomo

578-02921-18

2018536c2

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 conduct,
7 transaction or occurrence set out or attempted to be
8 set out in a pleading for which such claims relate;
9 specifying that certain corrections and repairs do not
10 extend the period of time within which an action must
11 be commenced; providing applicability; providing an
12 effective date.

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

15
16 Section 1. Paragraph (c) of subsection (3) of section
17 95.11, Florida Statutes, is amended to read:

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

21 (3) WITHIN FOUR YEARS.—

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

578-02921-18

2018536c2

30 latest; except that, when the action involves a latent defect,
31 the time runs from the time the defect is discovered or should
32 have been discovered with the exercise of due diligence. In any
33 event, the action must be commenced within 10 years after the
34 date of actual possession by the owner, the date of the issuance
35 of a certificate of occupancy, the date of abandonment of
36 construction if not completed, or the date of completion of the
37 contract or termination of the contract between the professional
38 engineer, registered architect, or licensed contractor and his
39 or her employer, whichever date is latest. However,
40 counterclaims, cross-claims, and third-party claims that arise
41 out of the conduct, transaction or occurrence set out or
42 attempted to be set out in a pleading may be commenced up to 1
43 year after the pleading to which such claims relate is served,
44 even if such claims would otherwise be time barred. With respect
45 to actions founded on the design, planning, or construction of
46 an improvement to real property, if such construction is
47 performed pursuant to a duly issued building permit and if a
48 local enforcement agency, state enforcement agency, or special
49 inspector, as those terms are defined in s. 553.71, has issued a
50 final certificate of occupancy or certificate of completion,
51 then as to the construction which is within the scope of such
52 building permit and certificate, the correction of defects to
53 completed work or repair of completed work, whether performed
54 under warranty or otherwise, does not extend the period of time
55 within which an action must be commenced. Completion of the
56 contract means the later of the date of final performance of all
57 the contracted services or the date that final payment for such
58 services becomes due without regard to the date final payment is

578-02921-18

2018536c2

59 made.

60 Section 2. The amendments to s. 95.11(3)(c), Florida
61 Statutes, made by this act shall apply to any action commenced
62 on or after July 1, 2018, regardless of when the cause of action
63 accrued, except that any action that would not have been barred
64 under s. 95.11(3)(c), Florida Statutes, prior to the amendments
65 made by this act may be commenced before July 1, 2019, and if it
66 is not commenced by that date and is barred by the amendments to
67 s. 95.11(3)(c), Florida Statutes, made by this act, it shall be
68 barred.

69 Section 3. This act shall take effect July 1, 2018.

70