

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee

3 Representative Leek offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (3) of section
 8 95.11, Florida Statutes, is amended to read:

9 95.11 Limitations other than for the recovery of real
 10 property.—Actions other than for recovery of real property shall
 11 be commenced as follows:

12 (3) WITHIN FOUR YEARS.—

13 (c) An action founded on the design, planning, or
 14 construction of an improvement to real property, with the time
 15 running from the date of actual possession by the owner, the
 16 date of the issuance of a certificate of occupancy, the date of

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17 abandonment of construction if not completed, or the date of
18 completion of the contract or termination of the contract
19 between the professional engineer, registered architect, or
20 licensed contractor and his or her employer, whichever date is
21 latest; except that, when the action involves a latent defect,
22 the time runs from the time the defect is discovered or should
23 have been discovered with the exercise of due diligence. In any
24 event, the action must be commenced within 10 years after the
25 date of actual possession by the owner, the date of the issuance
26 of a certificate of occupancy, the date of abandonment of
27 construction if not completed, or the date of completion of the
28 contract or termination of the contract between the professional
29 engineer, registered architect, or licensed contractor and his
30 or her employer, whichever date is latest. Completion of the
31 contract means the later of the date of final performance of all
32 the contracted services or the date that final payment for such
33 services becomes due without regard to the date final payment is
34 made. However, counterclaims, cross-claims, and third-party
35 claims that arise out of the conduct, transaction or occurrence
36 set out or attempted to be set out in a pleading may be
37 commenced up to one year after the pleading to which such claims
38 relate, even if such claims would otherwise be time barred.

39
40 With respect to actions founded on construction of an
41 improvement to real property where the subject construction is

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42 effected pursuant to a duly issued building permit, and where a
43 local enforcement agency, state enforcement agency or special
44 inspector, as defined in ss. 553.71(5), 553.71(9), or
45 553.71(10), has issued a final certificate of occupancy or
46 certificate of completion, then as to the construction which is
47 within the scope of such building permit and certificate, the
48 correction of defects to completed work or repair of completed
49 work identified on a punch-list provided to the owner at the
50 time the corrective work or repairs are performed, whether
51 effected under warranty or otherwise, does not extend the time
52 within which an action must be commenced, provided that notice
53 in substantially the following form is given to the owner of the
54 subject property at the time the corrective or repair work is
55 performed:

56
57 "WARNING. THE PERFORMANCE OF WARRANTY OR CORRECTIVE WORK
58 DOES NOT EXTEND THE TIME TO BRING A CLAIM FOUNDED ON THE
59 DESIGN, PLANNING, OR CONSTRUCTION OF AN IMPROVEMENT TO REAL
60 PROPERTY. - FLORIDA LAW HAS STRICT TIME LIMITS TO BRING
61 CLAIMS. -"

62
63 Such notice shall be in conspicuous type of at least 14 points.

64 Section 2. This act applies to causes of action that
65 accrue on or after July 1, 2019.

66 Section 3. This act shall take effect July 1, 2019.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to limitations of actions other than for the recovery of real property; amending s. 95.11, F.S.; authorizing the commencement, within a specified timeframe, of counterclaims, cross-claims, and third-party claims after the pleading to which such claims relate; providing that the correction of defects and deficiencies or the performance of certain types of work do not extend the period of time within which an action must be commenced after a certificate of occupancy or completion has been issued; requiring and specifying notice of such; limiting application to causes of action after a certain date; providing an effective date.