

A bill to be entitled

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 that arise out of the same transaction or occurrence and are the basis for an action previously brought; 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; providing an effective date.

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

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

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

(3) WITHIN FOUR YEARS.—

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

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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.