

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 after the pleading to which such claims
7 relate; providing that the correction of defects and
8 deficiencies or the performance of certain types of
9 work do not extend the period of time within which an
10 action must be commenced after a certificate of
11 occupancy or completion has been issued; requiring a
12 specified notice; providing applicability; providing
13 an effective date.

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

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17 Section 1. Paragraph (c) of subsection (3) of section
18 95.11, Florida Statutes, is amended to read:

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

22 (3) WITHIN FOUR YEARS.—

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

26 | date of the issuance of a certificate of occupancy, the date of
27 | abandonment of construction if not completed, or the date of
28 | completion of the contract or termination of the contract
29 | between the professional engineer, registered architect, or
30 | licensed contractor and his or her employer, whichever date is
31 | latest; except that, when the action involves a latent defect,
32 | the time runs from the time the defect is discovered or should
33 | have been discovered with the exercise of due diligence. In any
34 | event, the action must be commenced within 10 years after the
35 | date of actual possession by the owner, the date of the issuance
36 | of a certificate of occupancy, the date of abandonment of
37 | construction if not completed, or the date of completion of the
38 | contract or termination of the contract between the professional
39 | engineer, registered architect, or licensed contractor and his
40 | or her employer, whichever date is latest. Completion of the
41 | contract means the later of the date of final performance of all
42 | the contracted services or the date that final payment for such
43 | services becomes due without regard to the date final payment is
44 | made. However, counterclaims, cross-claims, and third-party
45 | claims that arise out of the conduct, transaction, or occurrence
46 | set out or attempted to be set out in a pleading may be
47 | commenced up to 1 year after the pleading to which such claims
48 | relate, even if such claims would otherwise be time barred. With
49 | respect to actions founded on construction of an improvement to
50 | real property, if such construction is performed pursuant to a

51 duly issued building permit and if a local enforcement agency,
52 state enforcement agency, or special inspector, as those terms
53 are defined in s. 553.71, has issued a final certificate of
54 occupancy or certificate of completion, then as to the
55 construction which is within the scope of such building permit
56 and certificate, the correction of defects to completed work or
57 repair of completed work identified on a punch list provided to
58 the owner at the time such corrective or repair work is
59 performed, whether performed under warranty or otherwise, does
60 not extend the period of time within which an action must be
61 commenced, provided that notice in substantially the following
62 form is given to the owner at the time the corrective or repair
63 work is performed:

64
65 "WARNING. THE PERFORMANCE OF WARRANTY OR CORRECTIVE WORK DOES
66 NOT EXTEND THE TIME TO BRING A CLAIM FOUNDED ON THE DESIGN,
67 PLANNING, OR CONSTRUCTION OF AN IMPROVEMENT TO REAL PROPERTY.-
68 FLORIDA LAW HAS STRICT TIME LIMITS TO BRING CLAIMS.-"

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

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

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