



916628

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
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The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 45 - 88

and insert:

Section 1. Paragraph (c) of subsection (3) of section 95.11, Florida Statutes, is amended, and subsection (12) is added to that section, 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:



916628

11 (3) WITHIN FOUR YEARS.-

12 ~~(c) An action founded on the design, planning, or~~
13 ~~construction of an improvement to real property, with the time~~
14 ~~running from the date of actual possession by the owner, the~~
15 ~~date of the issuance of a certificate of occupancy, the date of~~
16 ~~abandonment of construction if not completed, or the date of~~
17 ~~completion of the contract or termination of the contract~~
18 ~~between the professional engineer, registered architect, or~~
19 ~~licensed contractor and his or her employer, whichever date is~~
20 ~~latest; except that, when the action involves a latent defect,~~
21 ~~the time runs from the time the defect is discovered or should~~
22 ~~have been discovered with the exercise of due diligence. In any~~
23 ~~event, the action must be commenced within 10 years after the~~
24 ~~date of actual possession by the owner, the date of the issuance~~
25 ~~of a certificate of occupancy, the date of abandonment of~~
26 ~~construction if not completed, or the date of completion of the~~
27 ~~contract or termination of the contract between the professional~~
28 ~~engineer, registered architect, or licensed contractor and his~~
29 ~~or her employer, whichever date is latest. However,~~
30 ~~counterclaims, cross-claims, and third-party claims that arise~~
31 ~~out of the conduct, transaction, or occurrence set out or~~
32 ~~attempted to be set out in a pleading may be commenced up to 1~~
33 ~~year after the pleading to which such claims relate is served,~~
34 ~~even if such claims would otherwise be time barred. With respect~~
35 ~~to actions founded on the design, planning, or construction of~~
36 ~~an improvement to real property, if such construction is~~
37 ~~performed pursuant to a duly issued building permit and if a~~
38 ~~local enforcement agency, state enforcement agency, or special~~
39 ~~inspector, as those terms are defined in s. 553.71, has issued a~~



916628

40 ~~final certificate of occupancy or certificate of completion,~~
41 ~~then as to the construction which is within the scope of such~~
42 ~~building permit and certificate, the correction of defects to~~
43 ~~completed work or repair of completed work, whether performed~~
44 ~~under warranty or otherwise, does not extend the period of time~~
45 ~~within which an action must be commenced. Completion of the~~
46 ~~contract means the later of the date of final performance of all~~
47 ~~the contracted services or the date that final payment for such~~
48 ~~services becomes due without regard to the date final payment is~~
49 ~~made.~~

50 (12) ACTIONS RELATING TO AN IMPROVEMENT TO REAL PROPERTY.-

51 (a) Definitions.-As used in this subsection the term:

52 1. "Category 1 improvement" includes a detached single-
53 family home, including a manufactured home, or a standalone
54 building or structure, intended for use by a single business,
55 occupant, or owner, not exceeding three stories in height and
56 related improvements to such homes, buildings, or structures.

57 2. "Category 2 improvement" includes a single-family
58 dwelling unit not exceeding three stories in height which is
59 constructed in a series or group of attached units or a
60 commercial or nonresidential building not exceeding three
61 stories in height and related improvements to such dwellings,
62 buildings, or structures.

63 3. "Category 3 improvement" includes commercial or
64 residential buildings or structures of four or more stories in
65 height and related improvements to such buildings or structures.

66 4. "Category 4 improvement" includes an improvement that is
67 not a category 1 improvement, category 2 improvement, or
68 category 3 improvement.



916628

69 5. "Completion of the contract" means the later of the date
70 of final performance of all the contracted services or the date
71 that final payment for such services becomes due without regard
72 to the date final payment is made.

73 (b) Running of time to commence action.—An action founded
74 on the design, planning, or construction of an improvement to
75 real property must be commenced within the timeframes set forth
76 in this section or the action is time barred.

77 1. The time to commence the action runs from the date of
78 actual possession by the owner, the date of the issuance of a
79 certificate of occupancy, the date of abandonment of
80 construction if not completed, or the date of completion of the
81 contract or termination of the contract between the professional
82 engineer, registered architect, or licensed contractor and his
83 or her employer, whichever date is earliest.

84 2. Counterclaims, cross-claims, and third-party claims that
85 arise out of the conduct, transaction, or occurrence set out or
86 attempted to be set out in a pleading may be commenced up to 1
87 year after the pleading to which such claims relate is served,
88 even if such claims would otherwise be time barred.

89 3. If the action is based on construction that is performed
90 pursuant to a duly issued building permit and if a local
91 enforcement agency, state enforcement agency, or special
92 inspector, as those terms are defined in s. 553.71, has issued a
93 final certificate of occupancy or certificate of completion,
94 then as to the construction which is within the scope of such
95 building permit and certificate, the correction of defects to
96 completed work or repair of completed work, whether performed
97 under warranty or otherwise, does not extend the period of time



916628

98 within which an action must be commenced.

99 (c) Limitations and repose periods.-

100 1. An action founded on the design, planning, or
101 construction of an improvement to real property may be commenced
102 within 4 years after the time to commence an action begins to
103 run.

104 2. An action involving a latent defect may be commenced
105 within 4 years after the facts giving rise to the cause of
106 action are discovered or should have be discovered through the
107 exercise of due diligence. However, the action may not be
108 commenced more than 5 years after the time for commencing an
109 action begins to run for a category 1 improvement, 7 years for a
110 category 2 improvement, 12 years for a category 3 improvement,
111 and 10 years for a category 4 improvement.

112 Section 2. Subsection (2) of section 627.441, Florida
113 Statutes, is amended to read:

114 627.441 Commercial general liability policies; coverage to
115 contractors for completed operations.-

116 (2) A liability insurer must offer coverage at an
117 appropriate additional premium for liability arising out of
118 current or completed operations under an owner-controlled
119 insurance program for any period beyond the period for which the
120 program provides liability coverage, as specified in s.
121 255.0517(2) (b). The period of such coverage must be sufficient
122 to protect against liability arising out of an action brought
123 within the time limits provided in s. 95.11(12) ~~s. 95.11(3)(c)~~.

124
125 ===== T I T L E A M E N D M E N T =====

126 And the title is amended as follows:



916628

127 Delete lines 3 - 6
128 and insert:
129 amending s. 95.11, F.S.; defining terms; revising the
130 limitations period for certain actions founded on the
131 design, planning, or construction of an improvement on
132 real property; amending s. 627.441, F.S.; conforming a
133 cross-reference; amending s. 558.004, F.S.; requiring
134 a