



337266

LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/22/2023 | . | |
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The Committee on Judiciary (Hutson) recommended the following:

Senate Amendment

Delete lines 22 - 72
and insert:

(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 the authority having jurisdiction issues of the issuance of a temporary certificate of occupancy, a certificate of occupancy, or a certification of completion, or the date of abandonment of construction if not completed, ~~or the date of~~



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12 ~~completion of the contract or termination of the contract~~
13 ~~between the professional engineer, registered architect, or~~
14 ~~licensed contractor and his or her employer, whichever date is~~
15 earliest latest; except that, when the action involves a latent
16 defect, the time runs from the time the defect is discovered or
17 should have been discovered with the exercise of due diligence.
18 In any event, the action must be commenced within 7 ~~10~~ years
19 after the date the authority having jurisdiction issues a
20 temporary certificate of occupancy, of actual possession by the
21 ~~owner, the date of the issuance of a certificate of occupancy,~~
22 or a certificate of completion, or the date of abandonment of
23 construction if not completed, ~~or the date of completion of the~~
24 ~~contract or termination of the contract between the professional~~
25 ~~engineer, registered architect, or licensed contractor and his~~
26 ~~or her employer, whichever date is earliest latest.~~ However,
27 counterclaims, cross-claims, and third-party claims that arise
28 out of the conduct, transaction, or occurrence set out or
29 attempted to be set out in a pleading may be commenced up to 1
30 year after the pleading to which such claims relate is served,
31 even if such claims would otherwise be time barred. With respect
32 to actions founded on the design, planning, or construction of
33 an improvement to real property, if such construction is
34 performed pursuant to a duly issued building permit and if the
35 authority having jurisdiction a local enforcement agency, state
36 ~~enforcement agency, or special inspector, as those terms are~~
37 ~~defined in s. 553.71,~~ has issued a temporary final certificate
38 of occupancy, a certificate of occupancy, or a certificate of
39 completion, then as to the construction which is within the
40 scope of such building permit and certificate, the correction of



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41 defects to completed work or repair of completed work, whether
42 performed under warranty or otherwise, does not extend the
43 period of time within which an action must be commenced.
44 Notwithstanding any provision of this section to the contrary,
45 if the improvement to real property consists of the design,
46 planning, or construction of multiple buildings, each building
47 must be considered its own improvement for purposes of
48 determining the limitations period set forth in this paragraph
49 ~~Completion of the contract means the later of the date of final~~
50 ~~performance of all the contracted services or the date that~~
51 ~~final payment for such services becomes due without regard to~~
52 ~~the date final payment is made.~~