

Amendment No. 1

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WITHDRAWN	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: Judiciary Committee
 2 Representative Snyder offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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 the authority having jurisdiction issues ~~of the issuance of~~ a temporary certificate of occupancy, a certificate of

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

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42 authority having jurisdiction a local enforcement agency, state
43 enforcement agency, or special inspector, as those terms are
44 defined in s. 553.71, has issued a temporary final certificate
45 of occupancy, a certificate of occupancy, or a certificate of
46 completion, then as to the construction which is within the
47 scope of such building permit and certificate, the correction of
48 defects to completed work or repair of completed work, whether
49 performed under warranty or otherwise, does not extend the
50 period of time within which an action must be commenced. If a
51 newly constructed single-dwelling residential building is used
52 as a model home, the time begins to run from the date that a
53 deed is recorded first transferring title to another party.
54 Notwithstanding any provision of this section to the contrary,
55 if the improvement to real property consists of the design,
56 planning, or construction of multiple buildings, each building
57 must be considered its own improvement for purposes of
58 determining the limitations period set forth in this paragraph
59 ~~Completion of the contract means the later of the date of final~~
60 ~~performance of all the contracted services or the date that~~
61 ~~final payment for such services becomes due without regard to~~
62 ~~the date final payment is made.~~

63 Section 2. Section 553.84, Florida Statutes, is amended to
64 read:

65 553.84 Statutory civil action.—Notwithstanding any other
66 remedies available, any person or party, in an individual

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67 capacity or on behalf of a class of persons or parties, damaged
68 as a result of a material violation of this part or the Florida
69 Building Code, has a cause of action in any court of competent
70 jurisdiction against the person or party who committed the
71 material violation; however, if the person or party obtains the
72 required building permits and any local government or public
73 agency with authority to enforce the Florida Building Code
74 approves the plans, if the construction project passes all
75 required inspections under the code, and if there is no personal
76 injury or damage to property other than the property that is the
77 subject of the permits, plans, and inspections, this section
78 does not apply unless the person or party knew or should have
79 known that the material violation existed. For purposes of this
80 section, the term "material violation" means a Florida Building
81 Code violation that exists within a completed building,
82 structure, or facility which may reasonably result, or has
83 resulted, in physical harm to a person or significant damage to
84 the performance of a building or its systems.

85 Section 3. The amendments to s. 95.11(3)(c), Florida
86 Statutes, made by this act apply to any action commenced on or
87 after the effective date of this act, regardless of when the
88 cause of action accrued, except that any action that would not
89 have been barred under s. 95.11(3)(c), Florida Statutes, before
90 the amendments made by this act must be commenced on or before
91 July 1, 2024. If the action is not commenced by July 1, 2024,

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92 and is barred by the amendments to s. 95.11 (3) (c), Florida
93 Statutes, made by this act, then the action is barred.

94 Section 4. This act shall take effect upon becoming a law.
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98 **T I T L E A M E N D M E N T**

99 Remove everything before the enacting clause and insert:

100 An act relating to causes of action based on
101 improvements to real property; amending s. 95.11,
102 F.S.; revising the time in which an action founded on
103 the design, planning, or construction of an
104 improvement to real property must be commenced;
105 revising the events after which the statute of
106 limitations and repose periods begin to run; providing
107 exceptions for model homes and improvements with
108 multiple buildings; amending s. 553.84, F.S.; limiting
109 an actionable violation under the Florida Building
110 Code to a material violation; providing definitions;
111 providing applicability; providing an effective date.
112