

1 A bill to be entitled
 2 An act relating to causes of action based on
 3 improvements to real property; amending s. 95.11,
 4 F.S.; revising the time in which an action founded on
 5 the design, planning, or construction of an
 6 improvement to real property must be commenced;
 7 revising the date on which the statute of limitations
 8 period begins; providing for the calculation of the
 9 statute of limitations period for multi-dwelling
 10 buildings; amending s. 553.84, F.S.; defining the term
 11 "material violation"; conforming provisions to changes
 12 made by the act; providing applicability; providing an
 13 effective date.

14
 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 the authority having jurisdiction issues ~~of the issuance of~~
 27 | a temporary certificate of occupancy, a certificate of
 28 | occupancy, or a certificate of completion, or the date of
 29 | abandonment of construction if not completed, ~~or the date of~~
 30 | ~~completion of the contract or termination of the contract~~
 31 | ~~between the professional engineer, registered architect, or~~
 32 | ~~licensed contractor and his or her employer, whichever date is~~
 33 | earliest ~~latest~~; except that, when the action involves a latent
 34 | defect, the time runs from the time the defect is discovered or
 35 | should have been discovered with the exercise of due diligence.
 36 | In any event, the action must be commenced within 7 ~~10~~ years
 37 | after the date the authority having jurisdiction issues a
 38 | temporary certificate of occupancy, of actual possession by the
 39 | ~~owner, the date of the issuance of a certificate of occupancy,~~
 40 | or a certificate of completion, or the date of abandonment of
 41 | construction if not completed, whichever date is earliest ~~the~~
 42 | ~~date of abandonment of construction if not completed, or the~~
 43 | ~~date of completion of the contract or termination of the~~
 44 | ~~contract between the professional engineer, registered~~
 45 | ~~architect, or licensed contractor and his or her employer,~~
 46 | ~~whichever date is latest.~~ However, counterclaims, cross-claims,
 47 | and third-party claims that arise out of the conduct,
 48 | transaction, or occurrence set out or attempted to be set out in
 49 | a pleading may be commenced up to 1 year after the pleading to
 50 | which such claims relate is served, even if such claims would

51 otherwise be time barred. With respect to actions founded on the
52 design, planning, or construction of an improvement to real
53 property, if such construction is performed pursuant to a duly
54 issued building permit and if a local enforcement agency, state
55 enforcement agency, or special inspector, as those terms are
56 defined in s. 553.71, has issued a final temporary certificate
57 of occupancy, a certificate of occupancy, or a certificate of
58 completion, then as to the construction which is within the
59 scope of such building permit and certificate, the correction of
60 defects to completed work or repair of completed work, whether
61 performed under warranty or otherwise, does not extend the
62 period of time within which an action must be commenced.
63 ~~Completion of the contract means the later of the date of final~~
64 ~~performance of all the contracted services or the date that~~
65 ~~final payment for such services becomes due without regard to~~
66 ~~the date final payment is made. Notwithstanding any provision of~~
67 ~~this section to the contrary, each dwelling unit within a multi-~~
68 ~~dwelling building must be considered its own improvement for~~
69 ~~purposes of determining the limitations period set forth in this~~
70 ~~paragraph.~~

71 Section 2. Section 553.84, Florida Statutes, is amended to
72 read:

73 553.84 Statutory civil action.—Notwithstanding any other
74 remedies available, any person or party, in an individual
75 capacity or on behalf of a class of persons or parties, damaged

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

93 Section 3. The amendments to s. 95.11(3)(c), Florida
 94 Statutes, made by this act apply to any action commenced on or
 95 after the effective date of this act, regardless of when the
 96 cause of action accrued, except that any action that would not
 97 have been barred under s. 95.11(3)(c), Florida Statutes, before
 98 the amendments made by this act must be commenced on or before
 99 July 1, 2024. If the action is not commenced by July 1, 2024,
 100 and is barred by the amendments to s. 95.11(3)(c), Florida

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101 | Statutes, made by this act, then the action is barred.

102 | Section 4. This act shall take effect upon becoming a law.