

By Senator Gruters

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A bill to be entitled
An act relating to causes of action based on
improvements to real property; amending s. 95.11,
F.S.; revising the time in which an action founded on
the design, planning, or construction of an
improvement to real property shall be commenced;
revising the date on which the statute of limitations
period for such action begins; revising the latest
date by which an action shall be commenced; defining
the terms "completion of the improvement" and
"completion of the contract"; providing an effective
date.

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

Section 1. Paragraph (b) 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.—

(b)1. An action founded on the design, planning, or
construction of an improvement to real property, with the time
running from the earliest date of:

a. Completion of the improvement;

b. The date of abandonment of construction, if not
completed;

c. The date of termination of the contract between the
architect, landscape architect, interior designer, engineer,

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30 surveyor and mapper, or licensed contractor and his or her
31 employer, but only as to the architect, landscape architect,
32 interior designer, engineer, surveyor and mapper, or licensed
33 contractor who has abandoned construction or whose contract is
34 terminated; or

35 d. If sub-subparagraphs a., b., and c. do not apply,
36 completion of the contract between the architect, landscape
37 architect, interior designer, engineer, surveyor and mapper, or
38 licensed contractor and his or her employer. the authority
39 ~~having jurisdiction issues a temporary certificate of occupancy,~~
40 ~~a certificate of occupancy, or a certificate of completion, or~~
41 ~~the date of abandonment of construction if not completed,~~
42 ~~whichever date is earliest; except that,~~

43 2. An ~~when the action involving involves~~ a latent defect,
44 with the time running ~~runs~~ from the time the defect is
45 discovered or should have been discovered with the exercise of
46 due diligence.

47 3. In any event, the action must be commenced within 7
48 years after the earliest date of:

49 a. Completion of the improvement;

50 b. The date of abandonment of construction, if not
51 completed;

52 c. The date of termination of the contract between the
53 architect, landscape architect, interior designer, engineer,
54 surveyor and mapper, or licensed contractor and his or her
55 employer, but only as to the architect, landscape architect,
56 interior designer, engineer, surveyor and mapper, or licensed
57 contractor who has abandoned construction or whose contract is
58 terminated; or

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59 d. If sub-subparagraphs a., b., and c. do not apply,
60 completion of the contract between the architect, landscape
61 architect, interior designer, engineer, surveyor and mapper, or
62 licensed contractor and his or her employer ~~the authority having~~
63 ~~jurisdiction issues a temporary certificate of occupancy, a~~
64 ~~certificate of occupancy, or a certificate of completion, or the~~
65 ~~date of abandonment of construction if not completed, whichever~~
66 ~~date is earliest.~~

67 4. For purposes of this paragraph, "completion of the
68 improvement" means the earliest of:

69 a. For an improvement in which the authority having
70 jurisdiction is required to issue a certificate of occupancy,
71 the issuance of a temporary certificate of occupancy or
72 certificate of occupancy, whichever date is earlier;

73 b. For an improvement that is required to comply with the
74 Florida Building Code but does not require the authority having
75 jurisdiction to issue a certificate of occupancy, completion of
76 all required inspections under the Florida Building Code or
77 issuance of a certificate of completion, whichever date is
78 earlier; or

79 c. For an improvement made pursuant to chapters 334-349,
80 final acceptance, as defined in s. 337.185(2)(c).

81 5. For purposes of this paragraph, "completion of the
82 contract" means the later of the date of final performance of
83 all the contracted services or the date that final payment for
84 such services becomes due without regard to the date final
85 payment is made.

86 6. However, counterclaims, cross-claims, and third-party
87 claims that arise out of the conduct, transaction, or occurrence

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88 set out or attempted to be set out in a pleading may be
89 commenced up to 1 year after the pleading to which such claims
90 relate is served, even if such claims would otherwise be time
91 barred. With respect to actions founded on the design, planning,
92 or construction of an improvement to real property, if such
93 construction is performed pursuant to a duly issued building
94 permit and if the authority having jurisdiction has issued a
95 temporary certificate of occupancy, a certificate of occupancy,
96 or a certificate of completion, then as to the construction
97 which is within the scope of such building permit and
98 certificate, the correction of defects to completed work or
99 repair of completed work, whether performed under warranty or
100 otherwise, does not extend the period of time within which an
101 action must be commenced. If a newly constructed single-dwelling
102 residential building is used as a model home, the time begins to
103 run from the date that a deed is recorded first transferring
104 title to another party. Notwithstanding any provision of this
105 section to the contrary, if the improvement to real property
106 consists of the design, planning, or construction of multiple
107 buildings, each building must be considered its own improvement
108 for purposes of determining the limitations period set forth in
109 this paragraph.

110 Section 2. This act shall take effect upon becoming a law.