

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 shall be commenced;  
7 revising the date on which the statute of limitations  
8 period for such action begins; revising the latest  
9 date by which an action shall be commenced; defining  
10 the terms "completion of the improvement" and  
11 "completion of the contract"; providing an effective  
12 date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 **Section 1. Paragraph (b) of subsection (3) of section**  
17 **95.11, Florida Statutes, is amended to read:**

18 95.11 Limitations other than for the recovery of real  
19 property.—Actions other than for recovery of real property shall  
20 be commenced as follows:

21 (3) WITHIN FOUR YEARS.—

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

25 a. Completion of the improvement;

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

28        c. The date of termination of the contract between the  
29 architect, landscape architect, interior designer, engineer,  
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 or mapper, or licensed  
57 contractor who has abandoned construction or whose contract is  
58 terminated; or

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  
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.