

ENROLLED

CS/CS/HB 377

2017 Legislature

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2 An act relating to limitations on actions other than  
3 for the recovery of real property; amending s. 95.11,  
4 F.S.; specifying the date of completion for specified  
5 contracts; providing for applicability; reenacting s.  
6 627.441(2), F.S., relating to commercial general  
7 liability policy coverage to contractors for completed  
8 operations, to incorporate the amendment made by the  
9 act to s. 95.11, F.S., in a reference thereto;  
10 providing an effective date.  
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12 Be It Enacted by the Legislature of the State of Florida:  
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14 Section 1. Paragraph (c) of subsection (3) of section  
15 95.11, Florida Statutes, is amended to read:

16 95.11 Limitations other than for the recovery of real  
17 property.—Actions other than for recovery of real property shall  
18 be commenced as follows:

19 (3) WITHIN FOUR YEARS.—

20 (c) An action founded on the design, planning, or  
21 construction of an improvement to real property, with the time  
22 running from the date of actual possession by the owner, the  
23 date of the issuance of a certificate of occupancy, the date of  
24 abandonment of construction if not completed, or the date of  
25 completion or termination of the contract between the

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26 professional engineer, registered architect, or licensed  
27 contractor and his or her employer, whichever date is latest;  
28 except that, when the action involves a latent defect, the time  
29 runs from the time the defect is discovered or should have been  
30 discovered with the exercise of due diligence. In any event, the  
31 action must be commenced within 10 years after the date of  
32 actual possession by the owner, the date of the issuance of a  
33 certificate of occupancy, the date of abandonment of  
34 construction if not completed, or the date of completion or  
35 termination of the contract between the professional engineer,  
36 registered architect, or licensed contractor and his or her  
37 employer, whichever date is latest. Completion of the contract  
38 means the later of the date of final performance of all the  
39 contracted services or the date that final payment for such  
40 services becomes due without regard to the date final payment is  
41 made.

42 Section 2. This act applies to causes of action that  
43 accrue on or after July 1, 2017.

44 Section 3. For the purpose of incorporating the amendment  
45 made by this act to section 95.11, Florida Statutes, in a  
46 reference thereto, subsection (2) of section 627.441, Florida  
47 Statutes, is reenacted to read:

48 627.441 Commercial general liability policies; coverage to  
49 contractors for completed operations.—

50 (2) A liability insurer must offer coverage at an

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51 appropriate additional premium for liability arising out of  
52 current or completed operations under an owner-controlled  
53 insurance program for any period beyond the period for which the  
54 program provides liability coverage, as specified in s.  
55 255.0517(2)(b). The period of such coverage must be sufficient  
56 to protect against liability arising out of an action brought  
57 within the time limits provided in s. 95.11(3)(c).

58 Section 4. This act shall take effect July 1, 2017.