



606890

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2017	.	
	.	
	.	
	.	

The Committee on Judiciary (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete 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.—



606890

11 (c) An action founded on the design, planning, or
12 construction of an improvement to real property, with the time
13 running from the date of actual possession by the owner, the
14 date of the issuance of a certificate of occupancy, the date of
15 abandonment of construction if not completed, or the date of
16 completion or termination of the contract between the
17 professional engineer, registered architect, or licensed
18 contractor and his or her employer, whichever date is latest;
19 except that, when the action involves a latent defect, the time
20 runs from the time the defect is discovered or should have been
21 discovered with the exercise of due diligence. In any event, the
22 action must be commenced within 10 years after the date of
23 actual possession by the owner, the date of the issuance of a
24 certificate of occupancy, the date of abandonment of
25 construction if not completed, or the date of completion or
26 termination of the contract between the professional engineer,
27 registered architect, or licensed contractor and his or her
28 employer, whichever date is latest. Completion of the contract
29 means the later of the date of final performance of all the
30 contracted services or the date that final payment for such
31 services becomes due without regard to the date final payment is
32 made.

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

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

39 627.441 Commercial general liability policies; coverage to



606890

40 contractors for completed operations.-

41 (2) A liability insurer must offer coverage at an
42 appropriate additional premium for liability arising out of
43 current or completed operations under an owner-controlled
44 insurance program for any period beyond the period for which the
45 program provides liability coverage, as specified in s.
46 255.0517(2) (b). The period of such coverage must be sufficient
47 to protect against liability arising out of an action brought
48 within the time limits provided in s. 95.11(3) (c).

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

50

51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to limitations on actions other than
57 for the recovery of real property; amending s. 95.11,
58 F.S.; specifying the date of completion for specified
59 contracts; providing applicability; reenacting s.
60 627.441(2), F.S., relating to commercial general
61 liability policy coverage to contractors for completed
62 operations, to incorporate the amendment made by the
63 act to s. 95.11, F.S., in a reference thereto;
64 providing an effective date.