



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version's Limitation Recognized by [Lewis v. Florida Parole Com'n](#), Fla.App. 1 Dist., Mar. 06, 2013



KeyCite Yellow Flag - Negative Treatment Proposed Legislation

West's Florida Statutes Annotated

Title VIII. Limitations (Chapters 93-96)

Chapter 95. Limitations of Actions; Adverse Possession (Refs & Annos)

West's F.S.A. § 95.11

95.11. Limitations other than for the recovery of real property

Effective: July 1, 2023

[Currentness](#)

Actions other than for recovery of real property shall be commenced as follows:

(1) Within twenty years.--An action on a judgment or decree of a court of record in this state.

(2) Within five years.--

(a) An action on a judgment or decree of any court, not of record, of this state or any court of the United States, any other state or territory in the United States, or a foreign country.

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of paragraph (5)(e), [s. 255.05\(10\)](#), [s. 337.18\(1\)](#), or [s. 713.23\(1\)\(e\)](#), and except for an action for a deficiency judgment governed by paragraph (5)(h).

(c) An action to foreclose a mortgage.

(d) An action alleging a willful violation of [s. 448.110](#).

(e) Notwithstanding paragraph (b), an action for breach of a property insurance contract, with the period running from the date of loss.

(3) Within four years.--

(a) An action relating to the determination of paternity, with the time running from the date the child reaches the age of majority.

(b) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.

<Text of section (3)(c) as amended by law Laws 2023, c. 2023-15. See also section (3)(c) as amended by law Laws 2023, c. 2023-22.>

(c) An action to recover public money or property held by a public officer or employee, or former public officer or employee, and obtained during, or as a result of, his or her public office or employment.

<Text of section (3)(c) as amended by law Laws 2023, c. 2023-22. See also section (3)(c) as amended by law Laws 2023, c. 2023-15.>

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date the authority having jurisdiction issues a temporary certificate of occupancy, a certificate of occupancy, or a certificate of completion, or the date of abandonment of construction if not completed, whichever date is earliest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 7 years after the date the authority having jurisdiction issues a temporary certificate of occupancy, a certificate of occupancy, or a certificate of completion, or the date of abandonment of construction if not completed, whichever date is earliest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if the authority having jurisdiction has issued a temporary certificate of occupancy, a certificate of occupancy, or a certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. If a newly constructed single-dwelling residential building is used as a model home, the time begins to run from the date that a deed is recorded first transferring title to another party. Notwithstanding any provision of this section to the contrary, if the improvement to real property consists of the design, planning, or construction of multiple buildings, each building must be considered its own improvement for purposes of determining the limitations period set forth in this paragraph.

(d) An action for injury to a person founded on the design, manufacture, distribution, or sale of personal property that is not permanently incorporated in an improvement to real property, including fixtures.

(e) An action founded on a statutory liability.

(f) An action for trespass on real property.

(g) An action for taking, detaining, or injuring personal property.

(h) An action to recover specific personal property.

(i) A legal or equitable action founded on fraud.

(j) A legal or equitable action on a contract, obligation, or liability not founded on a written instrument, including an action for the sale and delivery of goods, wares, and merchandise, and on store accounts.

(k) An action to rescind a contract.

(l) An action for money paid to any governmental authority by mistake or inadvertence.

(m) An action for a statutory penalty or forfeiture.

(n) An action for assault, battery, false arrest, malicious prosecution, malicious interference, false imprisonment, or any other intentional tort, except as provided in subsections (4), (5), and (7).

(o) Any action not specifically provided for in these statutes.

(p) An action alleging a violation, other than a willful violation, of [s. 448.110](#).

(4) Within two years.--

(a) An action founded on negligence.

(b) An action for professional malpractice, other than medical malpractice, whether founded on contract or tort; provided that the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence. However, the limitation of actions herein for professional malpractice shall be limited to persons in privity with the professional.

(c) An action for medical malpractice shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued, except that this 4-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. An "action for medical malpractice" is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury the period of limitations is extended forward 2 years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the incident giving rise to the injury occurred, except that this 7-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. This paragraph shall not apply to actions for which ss. 766.301-766.316 provide the exclusive remedy.

(d) An action to recover wages or overtime or damages or penalties concerning payment of wages and overtime.

(e) An action for wrongful death.

(f) An action founded upon a violation of any provision of chapter 517, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, but not more than 5 years from the date such violation occurred.

(g) An action for personal injury caused by contact with or exposure to phenoxy herbicides while serving either as a civilian or as a member of the Armed Forces of the United States during the period January 1, 1962, through May 7, 1975; the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence.

(h) An action for libel or slander.

(5) Within one year.--

(a) An action for specific performance of a contract.

(b) An action to enforce an equitable lien arising from the furnishing of labor, services, or material for the improvement of real property.

(c) An action to enforce rights under the Uniform Commercial Code--Letters of Credit, chapter 675.

(d) An action against any guaranty association and its insured, with the period running from the date of the deadline for filing claims in the order of liquidation.

(e) Except for actions governed by [s. 255.05\(10\)](#), [s. 337.18\(1\)](#), or [s. 713.23\(1\)\(e\)](#), an action to enforce any claim against a payment bond on which the principal is a contractor, subcontractor, or sub-subcontractor as defined in [s. 713.01](#), for private work as well as public work, from the last furnishing of labor, services, or materials or from the last furnishing of labor, services, or materials by the contractor if the contractor is the principal on a bond on the same construction project, whichever is later.

(f) Except for actions described in subsection (8), a petition for extraordinary writ, other than a petition challenging a criminal conviction, filed by or on behalf of a prisoner as defined in [s. 57.085](#).

(g) Except for actions described in subsection (8), an action brought by or on behalf of a prisoner, as defined in [s. 57.085](#), relating to the conditions of the prisoner's confinement.

(h) An action to enforce a claim of a deficiency related to a note secured by a mortgage against a residential property that is a one-family to four-family dwelling unit. The limitations period shall commence on the day after the certificate is issued by the clerk of court or the day after the mortgagee accepts a deed in lieu of foreclosure.

(6) Laches.--Laches shall bar any action unless it is commenced within the time provided for legal actions concerning the same subject matter regardless of lack of knowledge by the person sought to be held liable that the person alleging liability would assert his or her rights and whether the person sought to be held liable is injured or prejudiced by the delay. This subsection shall not affect application of laches at an earlier time in accordance with law.

(7) For intentional torts based on abuse.--An action founded on alleged abuse, as defined in [s. 39.01](#), [s. 415.102](#), or [s. 984.03](#); incest, as defined in [s. 826.04](#); or an action brought pursuant to [s. 787.061](#) may be commenced at any time within 7 years after the age of majority, or within 4 years after the injured person leaves the dependency of the abuser, or within 4 years from the time of discovery by the injured party of both the injury and the causal relationship between the injury and the abuse, whichever occurs later.

(8) Within 30 days for actions challenging correctional disciplinary proceedings.--Any court action challenging prisoner disciplinary proceedings conducted by the Department of Corrections pursuant to [s. 944.28\(2\)](#) must be commenced within 30 days after final disposition of the prisoner disciplinary proceedings through the administrative grievance process under chapter 33, Florida Administrative Code. Any action challenging prisoner disciplinary proceedings shall be barred by the court unless it is commenced within the time period provided by this section.

(9) Specified offenses on victims under age 16.--An action related to an act constituting a violation of [s. 794.011](#) or an action brought pursuant to [s. 787.061](#) involving a victim who was under the age of 16 at the time of the act may be commenced at any time. This subsection applies to any such action other than one which would have been time barred on or before July 1, 2010.

(10) For intentional torts resulting in death from acts described in s. 782.04 or s. 782.07.--Notwithstanding paragraph (4) (e), an action for wrongful death seeking damages authorized under [s. 768.21](#) brought against a natural person for an intentional tort resulting in death from acts described in [s. 782.04](#) or [s. 782.07](#) may be commenced at any time. This subsection shall not be construed to require an arrest, the filing of formal criminal charges, or a conviction for a violation of [s. 782.04](#) or [s. 782.07](#) as a condition for filing a civil action.

(11) Court costs and fines.--Notwithstanding subsection (1), an action to collect court costs, fees, or fines owed to the state may be commenced at any time.

(12) For actions involving servicemembers.--Any action involving a servicemember as defined in [s. 250.01](#), in which the servicemember is a party, is subject to [s. 250.5201](#) and part IV of chapter 250, which includes the Servicemembers Civil Relief Act, [50 U.S.C. ss. 501 et seq.](#), providing for protections to members of the United States Armed Forces, the United States Reserve Forces, or the National Guard during terms of federal or state active duty which materially affect the servicemember's ability to appear.

Credits

Laws 1872, c. 1869, § 10; Laws 1889, c. 3900, § 1; Rev.St.1892, § 1294; Gen.St.1906, § 1725; Laws 1919, c. 7838, § 10, subd. 19; Rev.Gen.St.1920, § 2939; Comp.Gen.Laws 1927, § 4663; Laws 1943, c. 21892, § 1; Laws 1947, c. 24337, § 7, subd. B; Laws 1957, c. 57-1, § 24; Laws 1959, c. 59-188, § 1; Laws 1967, c. 67-284, § 1; Laws 1971, c. 71-254, § 1; Laws 1973, c. 73-333, § 30; Laws 1974, c. 74-382, § 7; Laws 1975, c. 75-9, § 7; Laws 1977, c. 77-174, § 1; Laws 1978, c. 78-435, § 11; Laws 1980, c. 80-322, § 1. Amended by Laws 1983, c. 83-38, § 34, eff. May 16, 1983; Laws 1984, c. 84-13, § 1, eff. May 3, 1984; Laws 1985, c. 85-63, § 1, eff. July 30, 1985; Laws 1986, c. 86-220, § 139, eff. Oct. 1, 1986; Laws 1986, c. 86-231, § 1, eff. Oct. 1, 1986; Laws 1986, c. 86-272, § 1, eff. Oct. 1, 1986; Laws 1988, c. 88-397, § 1, eff. Oct. 1, 1988; Laws 1990, c. 90-109, § 20, eff. Jan. 1, 1991; Laws 1992, c. 92-102, § 1, eff. April 8, 1992; Laws 1995, c. 95-147, § 520, eff. July 10, 1995; Laws 1995, c. 95-283, § 2, eff. June 15, 1995; Laws 1996, c. 96-106, § 4, eff. July 1, 1996; Laws 1996, c. 96-167, § 1, eff. July 1, 1996; Laws 1998, c. 98-280, § 15, eff. June 30, 1998; Laws 1999, c. 99-5, § 2, eff. July 29, 1999; Laws 1999, c. 99-137, § 12, eff. July 1, 1999; Laws 2001, c. 2001-211, § 2, eff. July 1, 2001; Laws 2005, c. 2005-230, § 15, eff. Oct. 1, 2005; Laws 2005, c. 2005-353, § 1, eff. Dec. 12, 2005; Laws 2006, c. 2006-145, § 1, eff. July 1, 2006; Laws 2010, c. 2010-45, § 2, eff. May 11, 2010; Laws 2010, c. 2010-54, § 1, eff. July 1, 2010; Laws 2011, c. 2011-39, § 1, eff. May 17, 2011; Laws 2012, c. 2012-100, § 13, eff. July 1, 2012; Laws 2012, c. 2012-211, § 1, eff. Oct. 1, 2012; Laws 2013, c. 2013-137, § 1, eff. June 7, 2013; Laws 2016, c. 2016-24, § 18, eff. Oct. 1, 2016; Laws 2017, c. 2017-37, § 18, eff. Oct. 1, 2017; Laws 2017, c. 2017-101, § 1, eff. July 1, 2017; Laws 2017, c. 2017-107, § 10, eff. Oct. 1, 2017; Laws 2018, c. 2018-97, § 1, eff. July 1, 2018; Laws 2023, c. 2023-15, § 3, eff. March 24, 2023; Laws 2023, c. 2023-22, § 1, eff. April 13, 2023; Laws 2023, c. 2023-86, § 1, eff. July 1, 2023.

Editors' Notes

APPLICABILITY

<Laws 2013, c. 2013-137, § 2, provides:>

<<“The amendments made by this act to [s. 95.11](#), Florida Statutes, apply to any action commenced on or after July 1, 2013, regardless of when the cause of action accrued. However, any action that would not have been barred under [s. 95.11\(2\)\(b\)](#), Florida Statutes 2012, before the effective date of this act must be commenced within 5 years after the action accrued or by July 1, 2014, whichever occurs first.”>

<Laws 2018, c. 2018-97, § 2, provides:>

<<“The amendments to [s. 95.11\(3\)\(c\)](#), Florida Statutes, made by this act shall apply to any action commenced on or after July 1, 2018, regardless of when the cause of action accrued, except that any action that would not have been barred under [s. 95.11\(3\)\(c\)](#), Florida Statutes, prior to the amendments made by this act may be commenced before July 1, 2019, and if it is not commenced by that date and is barred by the amendments to [s. 95.11\(3\)\(c\)](#), Florida Statutes, made by this act, it shall be barred.”>

Notes of Decisions (2513)

West's F. S. A. § 95.11, FL ST § 95.11

Current with laws, joint and concurrent resolutions and memorials through July 4, 2023, in effect from the 2023 Special B Session and the 2023 first regular session. Some statute sections may be more current, see credits for details. The statutes are subject to change as determined by the Florida Revisor of Statutes. (These changes will be incorporated later this year.)

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.