

Changes Made to Statute of Limitations Period for Real Property Improvements and Definition of Material Violations to the Florida Building Code

[Senate Bill 360](#) amends section 95.11, Florida Statutes, regarding the statute of limitations for actions founded on the design, planning, or construction of an improvement to real property. The statute of limitations runs from the earliest date the authority having jurisdiction issues a temporary certificate of occupancy, a certificate of occupancy, a certificate of completion or the date of abandonment when construction is not completed. The statute of limitations has been amended to where the action must be brought within seven years after the certifications or date of abandonment listed above have been issued.

The statute of limitations period shall run for newly constructed single-dwelling residential buildings used as model homes from the date the deed is recorded first transferring title to another party. If the improvement to real property consists of the design, planning, or construction of multiple buildings, each building must be considered on its own to determine the limitations period.

The bill also amends section 553.84, Florida Statutes, to provide a cause of action for *material* violations of the Florida Building Code, not just *violations* of the Florida Building Code. The bill defines a “material violation” as a building code violation that exists in a completed building, structure or facility that may reasonably result, or has resulted in physical harm to a person or significant damage to the use of the building or its systems.

SB 360 was signed into law on April 13, 2023 and was effective immediately.