

FLORIDA STATUTES OF LIMITATIONS

<u>Claim Type/Section</u>	<u>Statute Period</u>
Specific Performance of a Contract § 95.11(5)(a), Fla. Stat.	One year for an action for specific performance of a contract.

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<u>Claim Type/Section</u>	<u>Statute Period</u>
Medical Malpractice § 95.11(4)(b), Fla. Stat.	Two years from the time the incident giving rise to the action occurred, or two years from the time the incident should have been discovered with due diligence. In no event shall the action be commenced later than four years from the date of the incident or occurrence out of which the cause of action occurred, with the exception of minor before their 18 th birthday.
Wrongful Death § 95.11(4)(d), Fla. Stat.	Two years for an action for wrongful death.
Libel or Slander § 95.11(4)(g), Fla. Stat.	Two years for an action for libel or slander.

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Claim Type/Section

Statute Period

Bodily Injury due to
Negligence
§ 95.11(3)(a), Fla. Stat.

Four years for an action founded on negligence.

Personal Property damage
due to Negligence
§ 95.11(3)(a), Fla. Stat.

Four years for an action founded on negligence.

Trespass to Property
§ 95.11(3)(g), Fla. Stat.

Four years for an action for trespass on real property.

Fraud
§ 95.031(2)(a), Fla. Stat.

For an action founded on fraud, four years, 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. In any event, an action for fraud must be begun within twelve years after the date of the commission of the alleged fraud.

Breach of Contract not in
Writing
§ 95.11(3)(k), Fla. Stat.

Four years for an action on a contract not founded on a written instrument.

Assault and Battery
§ 95.11(3)(o), Fla. Stat.

Four years for an action for assault and battery.

Malicious Prosecution
§ 95.11(3)(o), Fla. Stat.

Four years for an action for malicious prosecution.

Statutorily Created
Liability
§ 95.11(3)(f), Fla. Stat.

Four years for an action founded on a statutory liability.

Rights not Otherwise
Provided for
§ 95.11(3)(p), Fla. Stat.

Four years for any action not specifically provided for.

Products Liability
§ 95.11(3)(e), Fla. Stat.
§ 95.031(2)(b), Fla. Stat.

Four years for an action founded on the design, manufacture, distribution or sale of personal property not permanently incorporated into real property. Under no circumstances may a claimant commence an action for products liability to recover for harm allegedly caused by a product with an expected useful life of ten years or less, if the harm was caused by exposure to or use of the product more than twelve years after delivery of the product to its first purchaser or lessee who was not engaged in the business of selling or leasing the product or of using the product as a component in the manufacture of another product.

Claim Type/Section

Statute Period

Contract in Writing
§ 95.11(2)(b), Fla. Stat.

Five years for an action on a contract founded on a written instrument.

Foreclosure of Mortgage
§ 95.11(2)(c), Fla. Stat.

Five years for an action to foreclose a mortgage.

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Claim Type/Section

Statute Period

Bad Faith
§ 624.155, Fla. Stat.

As a condition precedent to bringing an action of bad faith, an insurer must have been given sixty (60) days written notice of the violation. No action shall lie if, within sixty (60) days after filing notice, the damages are paid or the circumstances giving rise to the violation are corrected.

Minor's Claims
§ 95.051(1)(i), Fla. Stat.

Except as to claims of medical malpractice, the statute of limitations does not begin to run until the minor reaches the age of majority. In any other case, the action must be begun within seven years after the act or event giving rise to the cause of action.

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