Florida Examples of Statutes of Limitation – Period of time and accrual dates

Breach of Contract

Limitations Period

The statutes of limitations for contract claims under Florida law are:

• Five years if the contract is in writing (§ 95.11(2)(b), Fla. Stat.).

• Four years if the contract is not in writing, including for an action for the sale and delivery of goods, wares, and merchandise, and on store accounts (§ 95.11(3)(k), Fla. Stat.).

Accrual Date

The limitations period starts to run:

• When the last element constituting the cause of action occurs, generally at the time of the breach (§ 95.031(1), Fla. Stat.; State Farm Mut. Auto. Ins. Co. v. Lee, 678 So. 2d 818, 821 (Fla. 1996)).

• Regardless of whether the plaintiff has discovered the breach (Beck v. Lazard Freres & Co., LLC, 175 F.3d 913, 914 (11th Cir. 1999) (applying Florida law); Fed. Ins. Co. v. Sw. Fla. Ret. Ctr., Inc., 707 So. 2d 1119, 1121-22 (Fla. 1998)).

Consumer Protection Statutes

6. What is the statute of limitations for a consumer protection claim in your jurisdiction?

Limitations Period

The statute of limitations for actions brought by individuals harmed by acts violating the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) is four years (§ 95.11(3)(f), Fla. Stat.). FDUTPA regulates consumer protection, unfair competition, and unconscionable, deceptive, and unfair trade practices. Actions are brought either by an enforcing authority or by

individuals harmed by unfair trade practices. (§§ 501.207 and 501.211(1), Fla. Stat.)

Accrual Date

The limitations period starts to run when the relevant FDUPTA violation causes actual damages (§ 95.031(1), Fla. Stat.; Sundance Apartments I, Inc. v. Gen. Elec. Capital Corp., 581 F. Supp. 2d 1215, 1223 (S.D. Fla. 2008); S. Motor Co. of Dade Cty. v. Doktorczyk, 957 So. 2d 1215, 1218 (Fla. 3d DCA 2007)).

Fraud

Limitations Period

The statute of limitations for a fraud claim under Florida law is four years (§ 95.11(3)(j), Fla. Stat.).

Accrual Date

The limitations period starts to run when the facts giving rise to the cause of action are or should have been discovered by exercising due diligence. An action for fraud not filed within 12 years after the alleged fraud occurs will be barred, regardless of discovery. (§ 95.031(2)(a), Fla. Stat.; Goodwin, 114 So. 3d at 1094-95; Hess v. Philip Morris USA, Inc., 175 So. 3d 687, 698 (Fla. 2015).)

Shareholder Derivative Suits

Limitations Period

The statute of limitations under Florida law is determined by the type of derivative suit brought by the shareholders (§ 95.11(2)(b), Fla. Stat.; see Goodwin, 114 So. 3d at 1094).

Accrual Date

A cause of action accrues when the last element constituting the cause of action occurs (§ 95.031(1), Fla. Stat.).

Trade Secret Misappropriation

What is the statute of limitations for a trade secret misappropriation claim in your jurisdiction?

Limitations Period

The statute of limitations for a trade secret misappropriation claim under Florida law is three years (§ 688.007, Fla. Stat.).

Accrual Date

The limitations period starts to run when the misappropriation is discovered or should have been discovered by exercising reasonable diligence (§ 688.007, Fla. Stat.).