

SUPREME COURT OF FLORIDA

Universal Engineering Corp. v. Perez

451 So. 2d 463 (Fla. 1984) · No. No. 62157 · Decided May 17, 1984

SUMMARY

The Florida Supreme Court remanded an appeal concerning whether a statute of repose could constitutionally bar occupational-disease claims against engineering companies. The court held that the record did not establish when the plaintiffs knew or should have known that their illnesses were occupationally related, which was necessary to determine whether the claims accrued before or after the statute's effective date and whether the savings clause applied. The court left unresolved the applicability of the relevant repose provisions and whether the plaintiffs stated causes of action.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Justice Adkins; Justice Overton; Justice McDonald; Justice Ehrlich; Justice Shaw; Chief Justice Alderman; Justice Boyd
JURISDICTION	Florida
DECIDED	May 17, 1984
DOCKET	No. 62157
DISPOSITION	remanded
PROCEDURAL POSTURE	Appeal from a decision of the Third District Court of Appeal reversing a trial court summary judgment for Universal and holding section 95.11(3)(c), Florida Statutes (1975), unconstitutional as applied.
STANDARD OF REVIEW	De novo review of the constitutional application of a statute of repose and the legal effect of undisputed or inadequately developed accrual facts; the court declined to resolve the issue because the record lacked necessary factual determinations.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential.
PARTIES	Universal Engineering Corp. v. Pedro Luis Perez, Rodriguez, et al.

TOPICS

- construction law
- statutory interpretation
- constitutional law
- appellate procedure
- standard of review

PRACTICE AREAS

torts

construction law

constitutional law

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether section 95.11(3)(c), Florida Statutes (1975), could constitutionally be applied to bar actions that accrued after expiration of the twelve-year repose period but before the statute's January 1, 1975 effective date.
2. Whether the record contained sufficient factual findings to determine when the appellees' occupational-disease causes of action accrued and whether the statutory savings clause applied.
3. When a cause of action for an occupational disease accrues for purposes of beginning the limitations period.

HOLDINGS

1. The court could not determine whether section 95.11(3)(c) was unconstitutional as applied because the record did not establish when the appellees' causes of action accrued. The case had to be remanded for factual findings concerning when the appellees knew or should have known that their diseases were occupational in origin.
2. For an occupational-disease claim, the cause of action accrues when the disease manifests and the employee knows or should know that the disease is occupational in origin, even if the exact substance causing the disease has not yet been identified.
3. If the appellees' causes of action accrued before January 1, 1975, the savings clause applies under Bauld; if they accrued after January 1, 1975, the claims are barred by the statute, subject to the constitutional analysis required by Overland.

KEY QUOTATIONS

“Rather than establishing a time limit within which an action must be brought, measured from the time of accrual of the cause of action, these [statute of repose] provisions cut off the right of action after a specified time measured from the delivery of a product or the completion of work.” (464)

“Thus, for section 95.11(3)(c) to be unconstitutional as applied, it must operate as an absolute bar to bringing an action.” (466-467)

“The statute of limitations begins to run from the time that the employee knows or should have known that the disease was occupational in origin, even though diagnosis of the exact cause has not yet been made.” (468)

FACTUAL BACKGROUND

Pennsuco Cement & Aggregates employed Perez and Rodriguez in jobs welding manganese and manganese rods onto rock-crusher machines purchased and installed between 1952 and 1958. They alleged that fumes from the welding process caused manganese poisoning, with serious illnesses manifesting in April 1972 and October 1972. Although the illnesses manifested in 1972, the record did not identify when either appellee knew or reasonably should have known that the illness was occupational in origin.

PROCEDURAL HISTORY

Perez and Rodriguez sued their employers and later amended their complaints to add Universal and Western Knapp as defendants, alleging injuries from manganese poisoning caused by negligently designed, manufactured, and installed machinery. The trial court granted Universal summary judgment on statute-of-limitations and repose grounds. The Third District reversed and remanded, concluding that section 95.11(3)(c) was unconstitutional as applied. The Supreme Court of Florida remanded for further factual proceedings because the record did not establish when the occupational diseases accrued or when the appellees knew or should have known their illnesses were occupationally related.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Remand for further proceedings and factual determinations concerning when the appellees' occupational-disease causes of action accrued, including when they knew or should have known that their illnesses were occupational in origin, followed by application of the Overland or Bauld analysis.

CASES CITED

- Perez v. Universal Engineering Corp., 413 So. 2d 75 (Fla. 3d DCA 1982)
- Bauld v. J.A. Jones Construction Co., 357 So. 2d 401 (Fla. 1978)
- Overland Construction Co. v. Sirmons, 369 So. 2d 572 (Fla. 1979)
- Diamond v. E.R. Squibb & Sons, Inc., 397 So. 2d 671 (Fla. 1981)
- Purk v. Federal Press Co., 387 So. 2d 354 (Fla. 1980)
- Carpenter v. Florida Central Credit Union, 369 So. 2d 935 (Fla. 1979)
- Seaboard Air Line Railroad Co. v. Ford, 92 So. 2d 160 (Fla. 1956)
- Cristiani v. City of Sarasota, 65 So. 2d 878 (Fla. 1953)
- Urie v. Thompson, 337 U.S. 163 (1949)
- Associated Indemnity Corp. v. Industrial Accident Commission, 124 Cal. App. 378, 12 P.2d 1075
- City of Miami v. Brooks, 70 So. 2d 306 (Fla. 1954)
- Consolidation Coal Co. v. Dugan, 198 Md. 331, 83 A.2d 863