

SUPREME COURT OF FLORIDA

Battilla v. Allis Chalmers Manufacturing Co.

392 So. 2d 874 (Fla. 1980) · No. No. 55908 · Decided December 11, 1980

SUMMARY

The Florida Supreme Court reversed a circuit court judgment holding that the product liability action was barred by Florida's twelve-year statute of repose for products liability claims, section 95.031(2), Florida Statutes (1975). Relying on Overland Construction Co. v. Sirmons and related cases, the Court held that the statute, as applied, denied access to courts under article I, section 21 of the Florida Constitution; a dissent would have upheld the statute.

CASE DETAILS

|                       |                                                                                                                                            |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Florida                                                                                                                   |
| WRITING FOR THE COURT | Per Curiam; Sundberg, C.J.; Adkins, J.; Boyd, J.; England, J.; McDonald, J.; Overton, J.; Alderman, J.                                     |
| JURISDICTION          | Florida                                                                                                                                    |
| DECIDED               | December 11, 1980                                                                                                                          |
| DOCKET                | No. 55908                                                                                                                                  |
| DISPOSITION           | reversed                                                                                                                                   |
| PROCEDURAL POSTURE    | Appeal from a circuit-court judgment holding that the plaintiffs' product-liability action was barred by Florida's statute of limitations. |
| STANDARD OF REVIEW    | De novo review of the constitutionality and validity of the statute of limitations.                                                        |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Supreme Court of Florida.                                                                            |
| PARTIES               | Dante A. Battilla, Gail A. Battilla v. Allis Chalmers Manufacturing Company, Travelers Insurance Company                                   |

TOPICS

- products liability
- constitutional law
- statutory interpretation
- appellate jurisdiction
- appellate procedure

PRACTICE AREAS

- products liability
- constitutional law
- appellate procedure

## QUESTIONS PRESENTED

1. Whether applying section 95.031(2), Florida Statutes (1975), to this product-liability action violates the Florida Constitution's access-to-courts guarantee.
2. Whether the circuit court correctly held that section 95.031 barred the product-liability action.

## HOLDINGS

1. As applied to this case, section 95.031 denies access to courts in violation of article I, section 21, of the Florida Constitution.

## KEY QUOTATIONS

*“We reverse on the authority of Overland Construction Co. v. Sirmons, 369 So. 2d 572 (Fla. 1979), and hold that, as applied to this case, section 95.031 denies access to courts under article I, section 21, Florida Constitution.”* (392 So. 2d at 874)

## FACTUAL BACKGROUND

The plaintiffs brought a product-liability action against the manufacturer and its insurer. The circuit court concluded that section 95.031(2), Florida Statutes (1975), barred the action twelve years after the product's sale. The Florida Supreme Court addressed whether applying that statute to the plaintiffs' action denied access to courts under article I, section 21, of the Florida Constitution.

## PROCEDURAL HISTORY

The Circuit Court of the Seventeenth Judicial Circuit in and for Broward County held that section 95.031, Florida Statutes (1975), barred the product-liability action. The Florida Supreme Court exercised jurisdiction because the judgment passed on the validity of a state law and reversed.

## DISPOSITION

reversed

## CASES CITED

- Overland Construction Co. v. Sirmons, 369 So. 2d 572 (Fla. 1979)
- Purk v. Federal Press Co., 387 So. 2d 354 (Fla. 1980)
- Bauld v. J.A. Jones Construction Co., 357 So. 2d 401 (Fla. 1978)
- Matthews v. Lawnlite Co., 88 So. 2d 299 (Fla. 1956)
- West v. Caterpillar Tractor Co., Inc., 336 So. 2d 80 (Fla. 1976)

## OPINION

PER CURIAM.

392 So. 2d 874 (1980) Dante A. BATTILLA and Gail A. Battilla, His Wife, Appellants, v. ALLIS CHALMERS MANUFACTURING COMPANY and Travelers Insurance Company, Appellees. No. 55908. Supreme Court of Florida. December 11, 1980. Rehearing Denied February 12, 1981. Walter G. Campbell, Jr. of Krupnick & Campbell, and Nancy Little Hoffmann, Fort Lauderdale, for appellants.

Steven R. Berger of Carey, Dwyer, Cole, Selwood & Bernard, Miami, for appellees. PER CURIAM. This cause is before the Court on appeal from a judgment of the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County.

The judgment passed upon the validity of a state law. The notice of appeal was filed January 12, 1979. We have jurisdiction. Art. V, § 3(b)(1), Fla. Const. (1972). The circuit court held that this product liability action was barred by the statute of limitations, section 95.031, Florida Statutes (1975).

We reverse on the authority of *Overland Construction Co. v. Sirmons*, 369 So. 2d 572 (Fla. 1979), and hold that, as applied to this case, section 95.031 denies access to courts under article I, section 21, Florida Constitution. See also *Purk v. Federal Press Co.*, 387 So. 2d 354 (Fla. 1980); *Bauld v. J.A. Jones Construction Co.*, 357 So. 2d 401 (Fla. 1978). It is so ordered.

SUNDBERG, C.J., and ADKINS, BOYD and ENGLAND, JJ., concur. McDONALD, J., dissents with an opinion, with which OVERTON and ALDERMAN, JJ., concur. McDONALD, Justice, dissenting. I disagree that there is anything unconstitutional about section 95.031(2).

Although I recognize that the language in *Overland*[1] is such that it could be authority to extend its application to this section, I would limit that holding to section 95.11(3)(c). I do this not for any reason expressed or exceptions made in *Overland* but because a twelve-year limitation may be reasonable for liability for manufactured products and not for liability for improvements to real property.

Until the decision of *Matthews v. Lawnlite Co.*, 88 So. 2d 299 (Fla. 1956), Florida recognized the early common law rule which inhibited recovery where there was no privity of contract. Since then the law of products liability has evolved to the point that we now recognize liability of a manufacturer which sells a product in a defective condition unreasonably dangerous to the user or consumer.[2] \*875 This developing liability of a manufacturer creates a policy dispute.

It could be logically argued that once a product is manufactured and sold a manufacturer should be subject to liability for an injury whenever caused by that product. It could also be argued that such liability would place an onerous burden on industry and that, therefore, liability should be restricted to a time commensurate with the normal useful life of manufactured products.

The legislature, in enacting section 95.031(2), has determined that perpetual liability places an undue burden on manufacturers. It has determined that twelve years from the date of sale is a reasonable time for exposure to liability for manufacturers of products. I perceive a rational and legitimate basis for the legislature to take this action, particularly in view of the relatively recent developments in expanding the liability of manufacturers.

Because the normal useful life of buildings is obviously greater than most manufactured products there is a distinction in the categories of liability exposure between those sought to be limited by section 95.11(3)(c), struck down in *Overland*, and those listed in section 95.031(2). I would sustain the trial judge's actions in upholding section 95.031(2), Florida Statutes, which statute restricts actions against a manufacturer to twelve years from the date of the sale of the product.

OVERTON and ALDERMAN, JJ., concur. NOTES [1] *Overland Construction Co., Inc. v. Sirmons*, 369 So. 2d 572 (Fla. 1979). [2] *West v. Caterpillar Tractor Co., Inc.*, 336 So. 2d 80 (Fla. 1976).