IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

HARDAT RAI,

Appellant,

v.

Case No. 5D21-751
LT Case No. 1999-DR-012551-O

KEMKUMARE J. RAI,

Appellee.

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Opinion filed February 11, 2022

Appeal from the Circuit Court
for Orange County,
Diana M. Tennis, Judge.

Jamie Billotte Moses, of Holland & Knight
LLP, Orlando, for Appellant.

M. Shannon McLin, William D. Palmer and
Erin P. Newell, of Florida Appeals, and
Andrea Black, of Andrea Black, P.A.,
Orlando, for Appellee.

TRAVER, J.

In this post-dissolution appeal, the former husband, Hardat Rai, challenges the trial court's refusal to enforce the final divorce judgment and

compel the marital home's sale. Because the statute of limitations began to run when the trial court entered final judgment, former husband's motion to enforce the judgment was time-barred. We therefore affirm.

In 1999, the trial court entered a final judgment dissolving the parties' marriage. The final judgment "ratified and confirmed" the parties' marital settlement agreement ("MSA") and ordered them to comply with its terms. The final judgment also restated certain MSA provisions, including one relating to the marital home. This provision required the former wife, Kemkumare Rai, to sell the home when the parties' youngest child turned eighteen. The parties would then split the sale proceeds. The child turned eighteen in 2006.

In 2020, the former husband filed a motion to enforce the final judgment and compel the marital home's sale. The former wife moved to dismiss the motion as time-barred. Although the parties agreed that the twenty-year statute of limitations codified in section 95.11(1), Florida Statutes, applied, they argued over its commencement date. The former wife claimed the statute began to run when the trial court entered the final judgment; the former husband suggested it started when the youngest child turned eighteen. The trial court agreed with the former wife and granted her motion to dismiss.

We review de novo whether a statute of limitations bars a claim. *E.g., Webb v. Webb*, 302 So. 3d 1039, 1041 (Fla. 2d DCA 2020). Parties must commence "[a]n action on a judgment or decree of a court of record in this state" "[w]ithin twenty years."[1] § 95.11(1), Fla. Stat. (2020). This limitations period begins to run on the date the judgment is "entered." *Calhoun v. Pearson*, 49 So. 2d 603, 604 (Fla. 1951). Accordingly, a party must commence an action to enforce a Florida final judgment within twenty years of the judgment's entry. *Nadd v. Le Credit Lyonnais, S.A.*, 804 So. 2d 1226, 1232 (Fla. 2001); *see Salinas v. Ramsey*, 234 So. 3d 569, 574 (Fla. 2018) ("Florida judgments have a twenty-year 'life' during which they are enforceable." (citing *Young v. McKenzie*, 46 So. 2d 184, 185–86 (Fla. 1950))).

Therefore, the trial court correctly recognized that section 95.11(1) barred the former husband's claim. If the former husband had brought a successful action on the judgment within twenty years of its entry, he would have obtained a new judgment enforceable for another twenty years. *See Salinas*, 234 So. 3d at 572 (quoting *Burshan v. Nat'l Union Fire Ins.*, 805 So.

[1] We note that section 95.11(1) does not apply to enforcement of alimony or child support matters, which are equitable proceedings that are not barred by a Florida statute of limitations. *E.g., Popper v. Popper*, 595 So. 2d 100, 103 (Fla. 5th DCA 1992).

2d 835, 841 (Fla. 4th DCA 2001) ("An 'action on a judgment' is an action independent of the original action in which the judgment was obtained, the main purpose of which is 'to obtain a new judgment which will facilitate the ultimate goal of securing satisfaction of the original cause of action.'")). The former husband's failure to bring this action on a timely basis, however, compelled dismissal.

AFFIRMED.

LAMBERT, C.J. and WOZNIAK, JJ., concur.