

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/HB 623 — Builder Warranties

by Commerce Committee; Insurance & Banking Subcommittee; and Reps. Steele, Anderson, and others (CS/CS/CS/SB 966 by Rules Committee; Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Burgess)

The bill creates s. 553.837, F.S., which requires a builder to warrant a newly constructed home for construction defects of equipment, material, and workmanship by the builder or any subcontractor or supplier resulting in a material violation of the Florida Building Code for one year after the date of original conveyance of title or after initial occupancy of the dwelling, whichever occurs first. Defects with respect to appliances or equipment that are covered by a manufacturer warranty are not within the scope of the required builder's warranty. A builder warranty need not provide coverage for any of the following:

- Normal wear and tear of the newly constructed home.
- Normal house settling within generally acceptable trade practices.
- Any object or part of the newly constructed home that contains a defect that is caused by any work performed or material supplied incident to construction, modification, or repair performed by the purchaser, or anyone acting on his or her behalf, other than the builder.
- Any loss or damage to the newly constructed home, whether caused by a purchaser, third party, or act of God.

A builder is required to remedy, at the builder's expense, the construction defects covered under the builder's warranty, including restoring any work damaged in fulfilling the warranty. The bill authorizes a builder to purchase a home warranty from a home warranty association to cover the defects that are required to be covered under the builder's warranty. A builder must comply with the builder's warranty for the full one year term even if the newly constructed home is sold or transferred.

The bill provides that the terms and conditions of a builder's express written warranty that a builder provides to an owner of a newly constructed home may supersede any provisions created under the bill in s. 553.837, F.S., if certain criteria are met, such as that the scope, coverage, and duration of the express written warranty are the same or greater than that required by the bill.

Finally, the bill provides that enforcement of the bill's provisions is limited to a private civil cause of action by a purchaser against a builder who fails to comply with the required builder's warranty. The provisions of the bill may not be construed to extend the statute of repose beyond that provided by law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

Vote: Senate 39-0; House 104-7