

Bill No. CS for CS for CS for SB 2234

Barcode 650378

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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4	04/27/2007 05:29 PM	.	
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11 Senator Wise moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 3, between lines 11 and 12,

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16 insert:

17 Section 1. Subsection (3) of section 634.301, Florida
18 Statutes, is amended to read:

19 634.301 Definitions.--As used in this part, the term:

20 (3) "Home warranty" or "warranty" means any contract
21 or agreement:

22 (a) Offered in connection with the sale of residential
23 property;

24 (b) Offered in connection with a loan of \$5,000 or
25 more which is secured by residential property that is the
26 subject of the warranty, but not in connection with the sale
27 of such property; ~~or~~

28 (c) Offered in connection with a home improvement of
29 \$7,500 or more for residential property that is the subject of
30 the warranty, but not in connection with the sale of such
31 property; or

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1 (d) Offered in connection with a home service
2 inspection as defined under s. 468.8311(4) or a mold
3 assessment as defined under s. 468.8411(3);
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5 whereby a person undertakes to indemnify the warranty holder
6 against the cost of repair or replacement, or actually
7 furnishes repair or replacement, of any structural component
8 or appliance of a home, necessitated by wear and tear or an
9 inherent defect of any such structural component or appliance
10 or necessitated by the failure of an inspection to detect the
11 likelihood of any such loss. However, this part does not
12 prohibit the giving of usual performance guarantees by either
13 the builder of a home or the manufacturer or seller of an
14 appliance, as long as no identifiable charge is made for such
15 guarantee. This part does not permit the provision of
16 indemnification against consequential damages arising from the
17 failure of any structural component or appliance of a home,
18 which practice constitutes the transaction of insurance
19 subject to all requirements of the insurance code. This part
20 does not apply to service contracts entered into between
21 consumers and nonprofit organizations or cooperatives the
22 members of which consist of condominium associations and
23 condominium owners and which perform repairs and maintenance
24 for appliances or maintenance of the residential property.
25 This part does not apply to a contract or agreement offered in
26 connection with a sale of residential property by a warranty
27 association in compliance with part III, provided such
28 contract or agreement only relates to the systems and
29 appliances of the covered residential property and does not
30 cover any structural component of the residential property.

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 3, after the semicolon,

7

8 insert:

9 amending s. 634.301, F.S.; redefining the terms

10 "home warranty" or "warranty" for purposes of

11 part II of ch. 634, F.S., relating to home

12 warranty associations;

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