



615874

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/06/2024 10:01 AM	.	03/07/2024 04:17 PM
	.	

Senator Burgess moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.837, Florida Statutes, is created to
read:

553.837 Mandatory builder warranty.-

(1) As used in this section, the term:

(a) "Builder" has the same meaning as in s. 553.993.

(b) "Material violation" has the same meaning as in s.
553.84.



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12 (c) "Newly constructed home" means any residential real
13 property or manufactured building, modular building, or factory-
14 built building as defined in s. 553.36 which is a single-family
15 dwelling, duplex, triplex, or quadruplex that has not been
16 previously occupied.

17 (2) A builder shall warrant a newly constructed home for
18 all construction defects of equipment, material, or workmanship
19 furnished by the builder or any subcontractor or supplier
20 resulting in a material violation of the Florida Building Code
21 pursuant to this part, for a period of 1 year after the date of
22 original conveyance of title to the initial owner or after the
23 date of initial occupancy of the dwelling, whichever occurs
24 first. Defects with respect to appliances or equipment that are
25 covered under a manufacturer warranty do not fall within the
26 scope of the required warranty under this subsection.

27 (a) This subsection may not be construed to require the
28 builder's warranty to cover any of the following:

29 1. Normal wear and tear of the newly constructed home.

30 2. Normal house settling within generally acceptable trade
31 practices.

32 3. Any object or part of a newly constructed home that
33 contains a defect that is caused by any work performed or
34 material supplied incident to construction, modification, or
35 repair performed by the initial purchaser, a subsequent
36 purchaser, or anyone acting on his or her behalf, other than the
37 builder or its employees, agents, or contractors.

38 4. Any loss or damage to the newly constructed home,
39 whether caused by the initial purchaser, a subsequent purchaser,
40 a third party, or an act of God over which the builder has no



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41 control, such as a natural disaster or a fire caused by
42 lightning.

43 (b) The builder shall remedy, at the builder's expense, any
44 defects that are covered under this subsection and shall restore
45 any work damaged in fulfilling the terms and conditions of the
46 warranty. A builder may purchase a warranty from a home warranty
47 association provided for under chapter 634 to cover the
48 warranties required in this section.

49 (c) A builder shall comply with the requirement to warrant
50 a newly constructed home, whether pursuant to the statutory
51 warranty under this subsection or a builder's express written
52 warranty as provided in subsection (3), for the full 1-year
53 period required under this subsection even if the newly
54 constructed home is sold or transferred and is no longer owned
55 by the initial owner.

56 (3) Notwithstanding any other provision in this section,
57 the terms and conditions of an express written warranty that is
58 provided by a builder to the initial owner of a newly
59 constructed home supersede any provisions in this section if the
60 express written warranty contains provisions with respect to any
61 of the following:

62 (a) The scope, coverage, and duration of the express
63 written warranty is the same or greater than that required in
64 subsection (2).

65 (b) The express written warranty automatically transfers to
66 a new owner during at least the initial year of the warranty as
67 provided in paragraph (2) (c).

68 (c) If the builder provides an express written warranty
69 that is longer than that required under subsection (2), the



70 express written warranty must state:

71 1. That the builder is providing a warranty that is longer
72 than required under subsection (2) and the length of time for
73 which the warranty is granted.

74 2. Whether the warranty is transferable for a duration
75 beyond the 1 year required under paragraph (2)(c) and any terms
76 under which the warranty may be transferred.

77 (4) Enforcement of this section is limited to a private
78 civil cause of action by a purchaser against any builder that
79 fails to comply with this section. This section may not be
80 construed to extend the statute of repose beyond that provided
81 by law.

82 Section 2. This act shall take effect July 1, 2025.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete everything before the enacting clause
87 and insert:

88 A bill to be entitled
89 An act relating to builder warranties; creating s.
90 553.837, F.S.; defining terms; requiring a builder to
91 provide certain warranties for a newly constructed
92 home for a specified period; providing that certain
93 defects are not covered by such warranties; providing
94 construction; requiring the builder to remedy, at the
95 builder's expense, certain defects and restore work
96 damaged; providing that a builder may purchase a
97 warranty from a certain home warranty association to
98 cover specified warranties; requiring the builder to



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99 comply with the warranty requirement for a newly
100 constructed home for a specified period even if it is
101 sold or transferred; providing that certain express
102 warranties supersede certain provisions under certain
103 circumstances; specifying requirements for certain
104 express warranties; providing that enforcement is
105 limited to a private cause of action brought by a
106 purchaser against the noncompliant builder; providing
107 construction; providing an effective date.