



540480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2024	.	
	.	
	.	
	.	

The Committee on Rules (Burgess) recommended the following:

1 **Senate Substitute for Amendment (790218) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 553.837 Mandatory builder warranty.-

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

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

11 (b) "Newly constructed home" means any residential real



12 property, or manufactured or modular home, which is a single-
13 family dwelling, duplex, triplex, or quadruplex that has not
14 been previously occupied.

15 (2) A builder shall warrant a newly constructed home for
16 all construction flaws caused by defects of equipment, material,
17 or workmanship furnished by the builder or any subcontractor or
18 supplier resulting in noncompliance with standards of quality as
19 measured by acceptable trade practices for a period of 1 year
20 from the date of original conveyance of title to the initial
21 purchaser or from the date of full completion of each of any
22 items completed after conveyance of title. The builder must
23 comply with the requirement to warrant a newly constructed home
24 for the duration required under this subsection even if the
25 newly constructed home is sold or transferred and is no longer
26 owned by the initial purchaser. The builder shall remedy, at the
27 builder's expense, any such defects and shall restore any work
28 damaged in fulfilling the terms and conditions of the warranty.
29 A builder may purchase a warranty from a home warranty
30 association provided for under chapter 634 to cover the
31 warranties required in this section.

32 (3) This section may not be construed to require the
33 builder's warranty that is mandated under subsection (2) to
34 cover any of the following:

35 (a) Normal wear and tear of the newly constructed home.

36 (b) Normal house settling within generally acceptable trade
37 practices.

38 (c) Any object or part of the newly constructed home that
39 has been substantially modified by the initial purchaser or a
40 subsequent purchaser.



41 (d) Damage to the newly constructed home, whether caused by
42 the initial purchaser, a subsequent purchaser, a third party, or
43 an act of God over which the builder has no control, such as a
44 natural disaster or a fire caused by lightning.

45 (4) Notwithstanding any other provision in this section, a
46 builder may provide a purchaser with a warranty that is broader
47 in scope or that is for a period longer than the 1-year warranty
48 required in subsection (2) if the builder's warranty explicitly
49 states all of the following:

50 (a) The builder is providing a warranty that is longer than
51 is required under subsection (2) and the length of time for
52 which the warranty is granted.

53 (b) Whether the warranty is transferable for the duration
54 of the warranty and any terms under which the warranty may be
55 transferred.

56 (5) Enforcement of this section is limited to a private
57 civil cause of action by a purchaser against any builder that
58 fails to comply with this section.

59 Section 2. This act shall take effect July 1, 2024.

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled
66 An act relating to builder warranties; creating s.
67 553.837, F.S.; defining terms; requiring a builder to
68 provide certain warranties for a newly constructed
69 home for a specified period; requiring the builder to



540480

70 comply with the warranty requirement even if the newly
71 constructed home is sold or transferred; requiring the
72 builder to remedy at the builder's expense certain
73 defects and work damaged; requiring the builder to
74 restore any work damaged in certain circumstances;
75 authorizing a builder to purchase a warranty from a
76 home warranty association under certain circumstances;
77 providing construction; authorizing a builder to
78 provide a warranty that is broader in scope or longer
79 in duration if certain criteria are met; providing
80 that enforcement of the act is limited to a private
81 civil cause of action; providing an effective date.