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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/05/2024 04:09 PM

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Senator Burgess moved the following:

Senate Amendment (with title amendment)

Delete lines 26 - 74

and insert:

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

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



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

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

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

25 2. Normal house settling within generally acceptable trade
26 practices.

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

33 4. Any loss or damage to the newly constructed home,
34 whether caused by the initial purchaser, a subsequent purchaser,
35 a third party, or an act of God over which the builder has no
36 control, such as a natural disaster or a fire caused by
37 lightning.

38 (b) The builder shall remedy, at the builder's expense, any
39 defects that are covered under this subsection and shall restore
40 any work damaged in fulfilling the terms and conditions of the



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41 warranty. A builder may purchase a warranty from a home warranty
42 association provided for under chapter 634 to cover the
43 warranties required in this section.

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

51 (3) Notwithstanding any other provision in this section,
52 the terms and conditions of an express written warranty that is
53 provided by a builder to the initial owner of a newly
54 constructed home supersedes any provisions in this section if
55 the express written warranty contains provisions with respect to
56 any of the following:

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

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

63 (c) If the builder provides an express written warranty
64 that is longer than that required under subsection (2), the
65 express written warranty must state:

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

69 2. Whether the warranty is transferable for a duration



70 beyond the 1 year required under paragraph (2)(c) and any terms
71 under which the warranty may be transferred.

72 (4) Enforcement of this section is limited to a private
73 civil cause of action by a purchaser against any builder that
74 fails to comply with this section. This section may not be
75 construed to extend the statute of repose beyond that provided
76 by law.

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

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

80 And the title is amended as follows:

81 Delete lines 5 - 17

82 and insert:

83 home for a specified period; providing that certain
84 defects are not covered by such warranties; providing
85 construction; requiring the builder to remedy, at the
86 builder's expense, certain defects and work damaged;
87 providing that a builder may purchase a warranty from
88 a certain home warranty association to cover specified
89 warranties; requiring the builder to comply with the
90 warranty requirement for a newly constructed home for
91 a specified period even if it is sold or transferred;
92 providing that certain express warranties supersede
93 certain provisions under certain circumstances;
94 specifying requirements for certain express
95 warranties; providing that enforcement is limited to a
96 private cause of action brought by a purchaser against
97 the noncompliant builder; providing construction;
98 providing an effective date.