

By the Committees on Rules; Commerce and Tourism; and Banking and Insurance; and Senator Burgess

595-03790-24

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1 A bill to be entitled  
2 An act relating to builder warranties; creating s.  
3 553.837, F.S.; defining terms; requiring a builder to  
4 provide certain warranties for a newly constructed  
5 home for a specified period; requiring the builder to  
6 comply with the warranty requirement even if the newly  
7 constructed home is sold or transferred; requiring the  
8 builder to remedy at the builder's expense certain  
9 defects and work damaged; requiring the builder to  
10 restore any work damaged in certain circumstances;  
11 authorizing a builder to purchase a warranty from a  
12 home warranty association under certain circumstances;  
13 providing construction; authorizing a builder to  
14 provide a warranty that is broader in scope or longer  
15 in duration if certain criteria are met; providing  
16 that enforcement of the act is limited to a private  
17 civil cause of action; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 553.837, Florida Statutes, is created to  
22 read:

23 553.837 Mandatory builder warranty.—

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

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

26 (b) "Newly constructed home" means any residential real  
27 property, or manufactured or modular home, which is a single-  
28 family dwelling, duplex, triplex, or quadruplex that has not  
29 been previously occupied.

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30       (2) A builder shall warrant a newly constructed home for  
31 all construction flaws caused by defects of equipment, material,  
32 or workmanship furnished by the builder or any subcontractor or  
33 supplier resulting in noncompliance with standards of quality as  
34 measured by acceptable trade practices for a period of 1 year  
35 from the date of original conveyance of title to the initial  
36 purchaser or from the date of full completion of each of any  
37 items completed after conveyance of title. The builder must  
38 comply with the requirement to warrant a newly constructed home  
39 for the duration required under this subsection even if the  
40 newly constructed home is sold or transferred and is no longer  
41 owned by the initial purchaser. The builder shall remedy, at the  
42 builder's expense, any such defects and shall restore any work  
43 damaged in fulfilling the terms and conditions of the warranty.  
44 A builder may purchase a warranty from a home warranty  
45 association provided for under chapter 634 to cover the  
46 warranties required in this section.

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

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

51           (b) Normal house settling within generally acceptable trade  
52 practices.

53           (c) Any object or part of the newly constructed home that  
54 has been substantially modified by the initial purchaser or a  
55 subsequent purchaser.

56           (d) Damage to the newly constructed home, whether caused by  
57 the initial purchaser, a subsequent purchaser, a third party, or  
58 an act of God over which the builder has no control, such as a

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59 natural disaster or a fire caused by lightning.

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

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

68 (b) Whether the warranty is transferable for the duration  
69 of the warranty and any terms under which the warranty may be  
70 transferred.

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

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