

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Agriculture

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BILL: SB 386

INTRODUCER: Senator Trumbull

SUBJECT: Farm Equipment

DATE: December 1, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Becker	Becker	AG	<b>Pre-meeting</b>
2.			CM	
3.			RC	

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## **I. Summary:**

SB 386 creates a process for consumers and manufacturers to remedy defective farm equipment.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer's warranty period or during the 1-year period following the original delivery date to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty.

The bill requires a manufacturer to replace defective farm equipment with comparable farm equipment or accept the return of the defective equipment from the consumer and refund the consumer the purchase price and related fees if the manufacturer or its authorized dealer cannot or otherwise fails to conform the farm equipment to any applicable express written warranty. This does not limit or impair the rights or remedies which are otherwise available to a consumer under chapter 681.

The bill is effective July 1, 2026.

## **II. Present Situation:**

Current law provides that notwithstanding any other law, ordinance, rule, or policy to the contrary, all power-drawn, power-driven, or self-propelled equipment used on a farm or used to transport farm products may be stored, maintained, or repaired by the owner within the boundaries of the owner's farm and at least 50 feet away from any public road without limitation.<sup>1</sup>

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<sup>1</sup> Section 604.40, F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 604.40, F.S., to provide a process for protection against defective farm equipment. The bill defines “farm equipment” to mean all power-drawn, power-driven, or self-propelled equipment used on a farm or to transport farm products.

If farm equipment is defective and does not conform to all applicable express written warranties, the bill permits a consumer to report the defect to the manufacturer or its authorized service agent during the manufacturer’s warranty period or during the 1-year period following the original delivery date of the equipment to the consumer to allow the manufacturer or its authorized agent the opportunity to conform the equipment to the warranty. Upon receipt of such report, the manufacturer or its authorized agent shall make such repairs as are necessary to conform the equipment to the warranty at no cost to the customer.

The bill requires the manufacturer or its authorized agent to replace the farm equipment with comparable farm equipment, or accept the return of the defective equipment from the consumer and refund the consumer the cash purchase price, including sales tax, license fees, registration fees, and any similar governmental charges if the manufacturer or its authorized dealer is not able to or otherwise fails to conform the farm equipment to any applicable express written warranty after a reasonable number of attempts.

It is presumed that the manufacturer has made a reasonable number of attempts to conform the farm equipment to the applicable express warranties if the same nonconformity has been the subject of repair three or more times by the manufacturer or its authorized agent, but the nonconformity continues to exist. This presumption only applies when the manufacturer or its authorized agent has received prior direct written notification from or on behalf of the consumer and has been offered an opportunity to cure the alleged defect.

The bill provides that it is an affirmative defense to any claim under this chapter that an alleged nonconformity does not substantially impair the farm equipment’s use and market value or a nonconformity is the result of abuse or neglect, or of modifications or alterations of the farm equipment not authorized by the manufacturer.

This does not limit or impair the rights or remedies which are otherwise available to a consumer under chapter 681. Further, any consumer who suffers a loss by reason of a violation of this chapter may bring a civil action to enforce such provision.

**Section 2** provides that the bill takes effect July 1, 2026.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners of defective farm equipment will have a process for remedy should this bill pass.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 604.40 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.