

1                   A bill to be entitled  
2       An act relating to farm equipment; amending s. 604.40,  
3       F.S.; defining the term "farm equipment"; conforming  
4       provisions to changes made by the act; authorizing a  
5       consumer to report farm equipment that is defective  
6       and does not conform to specified warranties to the  
7       manufacturer or its authorized service agent during a  
8       specified timeframe to allow the manufacturer or its  
9       authorized agent to conform such farm equipment to  
10      such warranty; requiring the manufacturer or its  
11      authorized agent to make such repairs to conform the  
12      farm equipment to the warranty upon receipt of such  
13      report; requiring that such repairs be at no cost to  
14      the consumer; requiring the manufacturer or its  
15      authorized agent to replace or accept the return of  
16      the defective farm equipment under certain  
17      circumstances; providing a presumption; providing for  
18      the nonapplicability of the presumption; providing  
19      affirmative defenses; providing civil remedies;  
20      providing an effective date.

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22   Be It Enacted by the Legislature of the State of Florida:

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24       **Section 1.   Section 604.40, Florida Statutes, is amended to**  
25   **read:**

26           604.40   Farm equipment; protection against defective farm  
27 equipment.—

28           (1)   As used in this section, the term "farm equipment"  
29 means all power-drawn, power-driven, or self-propelled equipment  
30 used on a farm or used to transport farm products.

31           (2)   Notwithstanding any other law, ordinance, rule, or  
32 policy to the contrary, farm equipment ~~all power-drawn, power-~~  
33 ~~driven, or self-propelled equipment used on a farm or used to~~  
34 ~~transport farm products~~ may be stored, maintained, or repaired  
35 by the owner within the boundaries of the owner's farm and at  
36 least 50 feet away from any public road without limitation.

37           ~~(2)~~   This subsection ~~section~~ does not apply to farm  
38 equipment ~~that is~~ used in urban agriculture, as defined in s.  
39 604.73(3).

40           (3)(a) If farm equipment is defective and does not conform  
41 to all applicable express written warranties, the consumer may  
42 report the defect to the manufacturer or its authorized service  
43 agent during the manufacturer's warranty period or during the 1-  
44 year period following the original delivery date of the farm  
45 equipment to the consumer to allow the manufacturer or its  
46 authorized agent the opportunity to conform the farm equipment  
47 to the warranty. Upon receipt of such report, the manufacturer  
48 or its authorized agent shall make such repairs as are necessary  
49 to conform the equipment to the warranty. Such repairs shall be  
50 at no cost to the consumer.

51        (b) The manufacturer or its authorized agent shall replace  
52 the farm equipment with comparable farm equipment, or accept the  
53 return of the defective farm equipment from the consumer and  
54 refund the consumer the cash purchase price, including sales  
55 tax, license fees, registration fees, and any similar  
56 governmental charges if the manufacturer or its authorized  
57 dealer is not able to or otherwise fails to conform the farm  
58 equipment to any applicable express written warranty after a  
59 reasonable number of attempts.

60        (c) It is presumed that the manufacturer has made a  
61 reasonable number of attempts to conform the farm equipment to  
62 the applicable express warranties if the same nonconformity has  
63 been the subject of repair three or more times by the  
64 manufacturer or its authorized agent but the nonconformity  
65 continues to exist. All reasonable attempts to conform the farm  
66 equipment to the manufacturer's warranty must be made within 18  
67 months after the consumer reports the defect to the manufacturer  
68 in accordance with paragraph (a).

69        (d) In no event shall the presumption provided in  
70 paragraph (c) apply to a manufacturer unless the manufacturer or  
71 its authorized agent has received prior direct written  
72 notification from or on behalf of the consumer and been offered  
73 an opportunity to cure the alleged defect.

74        (e) It is an affirmative defense to any claim under this  
75 subsection that:

76        1. An alleged nonconformity does not substantially impair  
77 the farm equipment's use and market value; or

78        2. A nonconformity is the result of abuse or neglect, or  
79 of modifications to or alterations of the farm equipment not  
80 authorized by the manufacturer.

81        (f) This subsection may not be construed to limit or  
82 impair the rights or remedies which are otherwise available to a  
83 consumer under chapter 681.

84        (g) Any consumer who suffers a loss by reason of a  
85 violation of this subsection may bring a civil action to enforce  
86 such provision.

87        **Section 2.** This act shall take effect July 1, 2026.