

ENROLLED

CS/CS/HB 623, Engrossed 1

2024 Legislature

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An act relating to builder warranties; creating s. 553.837, F.S.; defining terms; requiring a builder to provide certain warranties for a newly constructed home for a specified period; providing that certain defects are not covered by such warranties; providing construction; requiring the builder to remedy, at the builder's expense, certain defects and restore work damaged; providing that a builder may purchase a warranty from a certain home warranty association to cover specified warranties; requiring the builder to comply with the warranty requirement for a newly constructed home for a specified period even if it is sold or transferred; providing that certain express warranties supersede certain provisions under certain circumstances; specifying requirements for certain express warranties; providing that enforcement is limited to a private cause of action brought by a purchaser against the noncompliant builder; providing construction; providing an effective date.

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

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

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26 553.837 Mandatory builder warranty.-
 27 (1) As used in this section, the term:
 28 (a) "Builder" has the same meaning as in s. 553.993.
 29 (b) "Material violation" has the same meaning as in s.
 30 553.84.
 31 (c) "Newly constructed home" means any residential real
 32 property or manufactured building, modular building, or factory-
 33 built building as defined in s. 553.36 which is a single-family
 34 dwelling, duplex, triplex, or quadruplex that has not been
 35 previously occupied.
 36 (2) A builder shall warrant a newly constructed home for
 37 all construction defects of equipment, material, or workmanship
 38 furnished by the builder or any subcontractor or supplier
 39 resulting in a material violation of the Florida Building Code
 40 pursuant to this part, for a period of 1 year after the date of
 41 original conveyance of title to the initial owner or after the
 42 date of initial occupancy of the dwelling, whichever occurs
 43 first. Defects with respect to appliances or equipment that are
 44 covered under a manufacturer warranty do not fall within the
 45 scope of the required warranty under this subsection.
 46 (a) This subsection may not be construed to require the
 47 builder's warranty to cover any of the following:
 48 1. Normal wear and tear of the newly constructed home.
 49 2. Normal house settling within generally acceptable trade
 50 practices.

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51 3. Any object or part of a newly constructed home that
 52 contains a defect that is caused by any work performed or
 53 material supplied incident to construction, modification, or
 54 repair performed by the initial purchaser, a subsequent
 55 purchaser, or anyone acting on his or her behalf, other than the
 56 builder or its employees, agents, or contractors.

57 4. Any loss or damage to the newly constructed home,
 58 whether caused by the initial purchaser, a subsequent purchaser,
 59 a third party, or an act of God over which the builder has no
 60 control, such as a natural disaster or a fire caused by
 61 lightning.

62 (b) The builder shall remedy, at the builder's expense,
 63 any defects that are covered under this subsection and shall
 64 restore any work damaged in fulfilling the terms and conditions
 65 of the warranty. A builder may purchase a warranty from a home
 66 warranty association provided for under chapter 634 to cover the
 67 warranties required in this section.

68 (c) A builder shall comply with the requirement to warrant
 69 a newly constructed home, whether pursuant to the statutory
 70 warranty under this subsection or a builder's express written
 71 warranty as provided in subsection (3), for the full 1-year
 72 period required under this subsection even if the newly
 73 constructed home is sold or transferred and is no longer owned
 74 by the initial owner.

75 (3) Notwithstanding any other provision in this section,

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76 the terms and conditions of an express written warranty that is
 77 provided by a builder to the initial owner of a newly
 78 constructed home supersede any provisions in this section if the
 79 express written warranty contains provisions with respect to any
 80 of the following:

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

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

87 (c) If the builder provides an express written warranty
 88 that is longer than that required under subsection (2), the
 89 express written warranty must state:

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

93 2. Whether the warranty is transferable for a duration
 94 beyond the 1 year required under paragraph (2) (c) and any terms
 95 under which the warranty may be transferred.

96 (4) Enforcement of this section is limited to a private
 97 civil cause of action by a purchaser against any builder that
 98 fails to comply with this section. This section may not be
 99 construed to extend the statute of repose beyond that provided
 100 by law.

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