

By Senator Trumbull

2-00198-26

2026386__

A bill to be entitled
An act relating to farm equipment; amending s. 604.40,
F.S.; defining the term "farm equipment"; conforming
provisions to changes made by the act; authorizing a
consumer to report farm equipment that is defective
and does not conform to specified warranties to the
manufacturer or its authorized service agent during a
specified timeframe to allow the manufacturer or its
authorized agent to conform such farm equipment to
such warranty; requiring the manufacturer or its
authorized agent to make such repairs to conform the
farm equipment to the warranty upon receipt of such
report; requiring that such repairs be at no cost to
the consumer; requiring the manufacturer or its
authorized agent to replace or accept the return of
the defective farm equipment under certain
circumstances; providing a presumption; providing for
the nonapplicability of the presumption; providing
affirmative defenses; providing civil remedies;
providing an effective date.

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

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

604.40 Farm equipment; protection against defective farm
equipment.—

(1) As used in this section, the term "farm equipment"
means all power-drawn, power-driven, or self-propelled equipment

2-00198-26

2026386__

used on a farm or used to transport farm products.

(2) Notwithstanding any other law, ordinance, rule, or policy to the contrary, farm equipment ~~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.

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

(3)(a) If farm equipment is defective and does not conform to all applicable express written warranties, the consumer may 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 farm equipment to the consumer to allow the manufacturer or its authorized agent the opportunity to conform the farm 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. Such repairs shall be at no cost to the consumer.

(b) The manufacturer or its authorized agent shall replace the farm equipment with comparable farm equipment, or accept the return of the defective farm 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

2-00198-26

2026386__

reasonable number of attempts.

(c) 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.

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

(e) It is an affirmative defense to any claim under this chapter that:

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

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

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

(g) 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. This act shall take effect July 1, 2026.