

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.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
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.

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

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

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

75 2. A nonconformity is the result of abuse or neglect, or

76 of modifications or alterations of the farm equipment not
77 authorized by the manufacturer.

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

81 (g) Any consumer who suffers a loss by reason of a
82 violation of this chapter may bring a civil action to enforce
83 such provision.

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