

Florida's New Home Warranty: Key Builder Requirements



By Neal I. Sklar, Esq.

Florida Governor Ron DeSantis recently signed H.B. 623 into law on April 15, 2024, introducing a significant amendment to Florida's construction regulations. The new legislation establishes section 553.837, Florida Statutes, mandating a one-year statutory warranty for all newly constructed homes. This law, effective July 1, 2025, ensures builders meet minimum warranty standards unless they already provide warranties that meet or exceed the statutory requirements.

SCOPE OF THE STATUTE

The statute applies to builders of any "newly constructed home," defined as residential real property or manufactured, modular, or factory-built single-family dwellings, duplexes, triplexes, or quadplexes that have not been previously occupied. The warranty requirement excludes remodels, renovations, and commercial construction projects.

A "builder" is identified as the primary contractor responsible for obtaining the building permit and overseeing construction activities. Subcontractors are not directly subject to the statutory warranty, as the responsibility lies solely with the primary builder managing the project.

STATUTORY WARRANTY TERMS

The statutory warranty is effective for one year from the earlier of the initial conveyance of title to the first owner or the initial occupancy of the home. This warranty transfers automatically to any subsequent owners within the one-year period.

Under the statute, builders must warrant against construction defects in equipment, materials, or workmanship provided by the builder, subcontractors, or suppliers. These defects must result in a "material violation" of the Florida Building Code, defined as a violation that could reasonably result in physical harm or significant damage to the performance of the building or its systems.

EXCLUSIONS FROM COVERAGE

The statutory warranty excludes:

1. Defects in appliances or equipment covered by separate manufacturer warranties.
2. Normal wear and tear or settling of the home.
3. Defects in work performed or materials supplied by or on behalf of the owner after the builder's completion of the home.
4. Damage caused by the owner or a subsequent owner.
5. Damage resulting from acts of God, such as natural disasters or fires caused by lightning.

BUILDER OBLIGATIONS

Builders must address covered defects at their own expense and restore any work damaged during repairs. Alternatively, builders may satisfy their obligations by purchasing a warranty from a home warranty association regulated under Chapter 634, Florida Statutes.

Failure to comply with the statutory warranty entitles the homeowner to bring a private right of action against the builder or warranty provider. Builders can exceed the statutory warranty standards but must ensure their warranties are clearly documented. If offering extended warranties, builders must specify whether the extended terms are transferable and under what conditions.

PREPARING FOR COMPLIANCE

The statutory warranty takes effect on July 1, 2025. Builders should review their existing warranty practices to ensure compliance. This may involve revising current warranties to meet or exceed the statutory requirements or implementing systems to manage warranty obligations efficiently.

By establishing clear guidelines, this new statute enhances consumer protections and promotes accountability in Florida's construction industry. Builders who proactively adapt their policies will not only comply with the law but also strengthen trust with prospective homeowners. ■



FRIEDMAN SKLAR
— ATTORNEYS AT LAW —

Neal I. Sklar, Esq.
Founding Partner,
Friedman Sklar, PLLC

www.fs-legal.com
nsklar@fs-legal.com
305-332-5767

