

1 A bill to be entitled  
 2 An act relating to premises liability for criminal  
 3 acts of third parties; creating s. 768.0701, F.S.;  
 4 requiring a trier of fact to consider the comparative  
 5 fault of certain persons in certain actions for  
 6 damages; creating s. 768.0706, F.S.; providing  
 7 definitions; providing the owner or operator of a  
 8 multifamily complex with a presumption against  
 9 liability under certain circumstances; specifying the  
 10 safety and security measures that must be implemented  
 11 to gain the presumption; providing that such owners or  
 12 operators do not lose the presumption under certain  
 13 circumstances; providing an effective date.

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

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 17 Section 1. Section 768.0701, Florida Statutes, is created  
 18 to read:

19 768.0701 Premises liability for criminal acts of third  
 20 parties.—Notwithstanding s. 768.81(4), in an action for damages  
 21 against the owner, lessor, operator, or manager of commercial or  
 22 real property brought by a person injured by a criminal act of a  
 23 third party while lawfully on the property, the trier of fact  
 24 shall consider the fault of all persons who contributed to the  
 25 injury.

26 Section 2. Section 768.0706, Florida Statutes, is created  
 27 to read:

28 768.0706 Multifamily complex safety and security measures;  
 29 presumption against liability.-

30 (1) As used in this section, the term:

31 (a) "Multifamily complex" means a residential building, or  
 32 group of residential buildings, comprised of at least five  
 33 dwelling units on a particular parcel and includes apartments,  
 34 townhouses, and condominiums.

35 (b) "Parcel" means real property for which a distinct  
 36 parcel identification number is assigned to the property by the  
 37 property appraiser for the county in which the property is  
 38 located.

39 (2) The owner or operator of a multifamily complex shall  
 40 gain a presumption against liability in connection with a  
 41 criminal act that occurs on the premises and that is committed  
 42 by a third party who is not an employee or agent of the owner of  
 43 operator upon substantially implementing the following safety  
 44 and security measures:

45 (a) A security camera system at points of entry and exit  
 46 which records, and maintains as retrievable for at least 30  
 47 days, video footage to assist in offender identification and  
 48 apprehension.

49 (b) A lighted parking lot illuminated at an intensity of  
 50 at least an average of 1.8 foot-candles per square foot at 18

51 inches above the surface from dusk until dawn or controlled by  
52 photocell or any similar electronic device that provides light  
53 at dusk.

54 (c) Lighting in walkways, laundry rooms, common areas, and  
55 porches illuminated from dusk until dawn or controlled by  
56 photocell or any similar electronic device that provides light  
57 at dusk.

58 (d) A 1-inch deadbolt on each dwelling unit door.

59 (e) A locking device on each window and sliding glass  
60 door.

61 (f) Keyed or fobbed and locked gates along pool fence  
62 areas.

63 (g) A peephole or door viewer on each dwelling unit door  
64 for which there is not a window next to, or in, the door.

65 (h) Any additional safety and security measures referenced  
66 in current lease agreements or that have been otherwise promised  
67 to residents as features offered by the multifamily complex.

68 (i) By January 1, 2025, completing a security assessment  
69 performed by a law enforcement agency or a person who holds an  
70 active Florida Crime Prevention Practitioner designation through  
71 the Florida Attorney General's Florida Crime Prevention Training  
72 Institute and, within 6 months after completing the assessment,  
73 demonstrates substantial compliance with the assessment  
74 recommendations.

75 (3) The owner or operator of a multifamily complex that

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76 deviates from the safety and security measures listed in  
77 subsection (2) does not lose the presumption against liability  
78 if such deviation is pursuant to the recommendations of a  
79 security assessment performed by a law enforcement agency or a  
80 person who holds an active Florida Crime Prevention Practitioner  
81 designation through the Florida Attorney General's Florida Crime  
82 Prevention Training Institute completed within the past 5 years.

83 Section 3. This act shall take effect July 1, 2023.