

A bill to be entitled

An act relating to residential tenant insurance policies; creating s. 83.491, F.S.; requiring a written residential rental agreement to include a statement specifying whether insurance coverage is required; providing a form for such statement; providing notice requirements; limiting the scope to written rental agreements; prohibiting a cause of action relating to a landlord's failure to enforce an insurance requirement; providing applicability; providing an effective date.

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

Section 1. Section 83.491, Florida Statutes, is created to read:

83.491 Insurance requirement.—

(1) As to every written residential rental agreement governed by this part that is entered into or renewed on or after January 1, 2015:

(a) If the rental agreement requires the tenant to obtain a tenant's policy of insurance covering loss or damage to personal property, the rental agreement must include a statement in substantially the following form:

A landlord is generally not liable for loss or damage

27 to your personal property. This rental agreement  
28 requires you to purchase and maintain a tenant's  
29 policy of insurance covering loss or damage to your  
30 personal property from a company of your choice.

31  
32 (b) If the rental agreement does not require the tenant to  
33 obtain a tenant's policy of insurance covering loss or damage to  
34 personal property, the rental agreement must include a statement  
35 in substantially the following form:

36  
37 A landlord is generally not liable for loss or damage  
38 to your personal property. This rental agreement does  
39 not require you to purchase or maintain a tenant's  
40 policy of insurance. However, you should consider  
41 purchasing a tenant's policy of insurance covering  
42 loss or damage to your personal property from a  
43 company of your choice.

44  
45 (2) The notice required by subsection (1) must be in a  
46 type size equal to or larger than the type in the majority of  
47 the agreement and must be separately initialed by the tenant.

48 (3) An unwritten agreement or an agreement that fails to  
49 include the required notice is presumed not to require a  
50 tenant's policy of insurance covering loss or damage to personal  
51 property.

52 (4) A tenant does not have a cause of action against a

53 landlord as a result of a landlord's failure to enforce an  
54 insurance requirement. A person is not deemed a third-party  
55 beneficiary of a requirement to purchase tenant's insurance.

56 Section 2. This act applies to a residential lease  
57 governed by part II of chapter 83, Florida Statutes, that is  
58 entered into on or after the effective date of this act.

59 Section 3. This act shall take effect January 1, 2015.