



552604

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/07/2015	.	
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	.	
	.	

The Committee on Banking and Insurance (Smith) recommended the following:

1 **Senate Amendment to Amendment (707930) (with title**
2 **amendment)**

3
4 Delete line 56
5 and insert:

6 Section 2. Effective January 1, 2016, section 83.491,
7 Florida Statutes, is created to read:

8 83.491 Insurance requirement.—

9 (1) As to a written residential rental agreement under this
10 part which is entered into or renewed on or after January 1,



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11 2016:

12 (a) If the rental agreement requires the tenant to obtain a
13 tenant's insurance policy that covers loss or damage to personal
14 property, the rental agreement must include a statement in
15 substantially the following form:

16
17 TENANT'S INSURANCE REQUIRED

18
19 A landlord is generally not liable for loss or damage to your
20 personal property. This rental agreement requires you to
21 purchase and maintain a tenant's insurance policy that covers
22 loss or damage to your personal property from a company of your
23 choice.

24
25 (b) If the rental agreement does not require the tenant to
26 obtain a tenant's insurance policy that covers loss or damage to
27 personal property, the rental agreement must include a statement
28 in substantially the following form:

29
30 LANDLORD'S LIABILITY; TENANT'S INSURANCE

31
32 A landlord is generally not liable for loss or damage to your
33 personal property. This rental agreement does not require you to
34 purchase or maintain a tenant's insurance policy. However, you
35 should consider purchasing a tenant's insurance policy that
36 covers loss or damage to your personal property from a company
37 of your choice.

38
39 (2) The notice required by subsection (1) must be in a type



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40 size that is at least as large as the type size in the majority
41 of the agreement and must be separately initialed by the tenant.

42 (3) An unwritten agreement or an agreement that fails to
43 include the required notice creates a presumption that the
44 tenant is not required to have an insurance policy that covers
45 loss or damage to personal property.

46 (4) A tenant does not have a cause of action against a
47 landlord as a result of the landlord's failure to enforce an
48 insurance requirement. A person is not deemed to be a third-
49 party beneficiary of a requirement to purchase tenant's
50 insurance.

51 Section 3. Section 83.491, Florida Statutes, as created by
52 this act, applies to a residential lease under part II of
53 chapter 83, Florida Statutes, which is entered into on or after
54 January 1, 2016.

55 Section 4. Except as otherwise expressly provided in this
56 act, this act shall take effect upon becoming a law.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete lines 75 - 76

61 and insert:

62 exceptions; providing for construction; creating s.
63 83.491, F.S.; requiring a written residential rental
64 agreement to include a statement specifying whether
65 insurance coverage is required; providing a form for
66 such statement; providing notice requirements;
67 limiting the scope to written rental agreements;
68 prohibiting a cause of action relating to a landlord's



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failure to enforce an insurance requirement; providing
applicability; providing effective dates.