

By Senator Steube

23-00814-18

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1                   A bill to be entitled  
2           An act relating to sexual offenders; creating s.  
3           83.495, F.S.; providing a short title; defining terms;  
4           requiring that all residential rental agreements of a  
5           certain duration contain a distinct and prominent  
6           disclosure statement regarding the employment of  
7           sexual offenders; requiring that the disclosure  
8           statement contain an acknowledgement of receipt to be  
9           signed by the tenant in the presence of a witness;  
10          requiring the disclosure statement to be maintained  
11          within the tenant file and available to the tenant  
12          upon request; providing that the rental agreement is  
13          not complete until the acknowledgement of receipt in  
14          the disclosure statement has been signed by the  
15          tenant; authorizing a tenant to cancel the agreement  
16          within a specified period of time and to receive a  
17          refund of all deposit moneys without penalty if the  
18          agreement disclosed the employment of a sexual  
19          offender; authorizing a tenant to void a rental  
20          agreement at any time if such disclosure was not made;  
21          requiring that all deposit moneys less a deduction for  
22          certain damages be returned to the tenant upon the  
23          tenant's request under such circumstances; requiring  
24          the disclosure statement, including the  
25          acknowledgement of receipt, to be updated upon renewal  
26          of a residential rental agreement; providing an  
27          effective date.

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

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Section 1. Section 83.495, Florida Statutes, is created to read:

83.495 Duty to warn residential rental tenants of a sex offender with access to premises.-

(1) This section may be cited as "The Florida Sex Offender Rental Notification Act."

(2) As used in this section, the term:

(a) "Employee" includes an owner, landlord, manager, and maintenance or other personnel who have or are entitled to have access by key, access code, or other means of entry into a rental residence.

(b) "Sexual offender" has the same meaning as in s. 943.0435(1)(h)1.a.(I).

(3) All residential rental agreements having a duration of five or more consecutive days must contain a distinct and prominent disclosure statement that advises the tenant of all of the following:

(a) Whether all employees have been screened for offenses qualifying under s. 943.0435, and, if so, whether they are subject to annual rescreening.

(b) The manner, method, and date of all employee screenings performed pursuant to this section, including the jurisdictions searched, for offenses qualifying under 943.0435.

(c) The results of the screening, specifically identifying the name, job description, and offense of any employee who is a sexual offender.

(4) The disclosure statement must contain an acknowledgement of receipt to be signed by the tenant in the

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59 presence of a witness. The disclosure statement must be  
60 maintained within the tenant file and available to the tenant  
61 upon request.

62 (5) A residential rental agreement that is subject to this  
63 section is not deemed complete until the tenant signs the  
64 acknowledgement of receipt contained in the disclosure  
65 statement.

66 (6) If the disclosure statement identifies an employee as a  
67 sexual offender, a tenant may cancel the residential rental  
68 agreement within 3 business days after completing it, and all  
69 deposit moneys must be returned to the tenant without penalty.

70 (7) A residential rental agreement is voidable by the  
71 tenant at any time if the disclosure statement failed to  
72 disclose the employment of a sexual offender who was employed at  
73 the time that the disclosure statement was prepared. In the  
74 event the residential rental agreement is voided, all deposit  
75 moneys, less any amount payable for physical damage to the  
76 property caused by the tenant, must be returned to the tenant  
77 upon his or her request without penalty and without regard to  
78 any remaining tenant obligation under the rental agreement.

79 (8) The disclosure statement required in this section,  
80 including the acknowledgement of receipt, must be updated upon  
81 renewal of a residential rental agreement.

82 Section 2. This act shall take effect July 1, 2018.