

By Senator Burton

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1                   A bill to be entitled  
2           An act relating to premises liability for criminal  
3           acts by third parties; creating s. 768.0706, F.S.;  
4           defining terms; specifying that owners or principal  
5           operators of multifamily residential properties have a  
6           certain presumption against liability under certain  
7           circumstances; requiring the Florida Crime Prevention  
8           Training Institute of the Department of Legal Affairs  
9           to develop a proposed curriculum relating to crime  
10          deterrence and safety training; specifying that the  
11          state has no liability in connection with providing  
12          such curriculum; providing construction; amending s.  
13          768.075, F.S.; revising the circumstances under which  
14          persons or organizations owning or controlling an  
15          interest in real property are immune from liability;  
16          providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 768.0706, Florida Statutes, is created  
21 to read:

22           768.0706 Multifamily residential property safety and  
23 security; presumption against liability.—

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

25           (a) "Crime prevention through environmental design" has the  
26 same meaning as in s. 163.503(6).

27           (b) "Multifamily residential property" means a residential  
28 building, or group of residential buildings, such as apartments,  
29 townhouses, or condominiums, consisting of at least five

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30 dwelling units on a particular parcel.

31 (c) "Parcel" means real property for which a distinct  
32 parcel identification number is assigned to the property by the  
33 property appraiser for the county in which the property is  
34 located.

35 (2) The owner or principal operator of a multifamily  
36 residential property which substantially implements all of the  
37 following security measures on that property has a presumption  
38 against liability in connection with criminal acts that occur on  
39 the premises which are committed by third parties who are not  
40 employees or agents of the owner or operator.

41 (a) The owner or principal operator of a multifamily  
42 residential property must implement the following safety and  
43 security measures:

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

48 2. A lighted parking lot illuminated at an intensity of at  
49 least an average of 1.8 foot-candles per square foot at 18  
50 inches above the surface from dusk until dawn or controlled by  
51 photocell or any similar electronic device that provides light  
52 from dusk until dawn;

53 3. Lighting in walkways, laundry rooms, common areas, and  
54 porches. Such lighting must be illuminated from dusk until dawn  
55 or controlled by photocell or any similar electronic device that  
56 provides light from dusk until dawn;

57 4. At least a 1 inch deadbolt in each dwelling unit door;

58 5. A locking device on each window, each exterior sliding

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59 door, and any other doors not used for community purposes;

60 6. Locked gates with key or fob access along pool fence  
61 areas; and

62 7. A peephole or door viewer on each dwelling unit door  
63 that does not include a window or that does not have a window  
64 next to the door.

65 (b) By January 1, 2025, the owner or principal operator of  
66 a multifamily residential property must have a crime prevention  
67 through environmental design assessment that is no more than 5  
68 years old completed for the property. The assessment must be  
69 performed by a law enforcement agency or a Florida Crime  
70 Prevention Through Environmental Design Practitioner designated  
71 by the Florida Crime Prevention Training Institute of the  
72 Department of Legal Affairs. The owner or principal operator  
73 must remain in substantial compliance with the assessment.

74 (c) By January 1, 2025, the owner or principal operator of  
75 a multifamily residential property shall provide proper crime  
76 deterrence and safety training to their current employees. After  
77 January 1, 2025, the owner or principal operator must provide  
78 such training to an employee within 60 days after his or her  
79 hire date. The Florida Crime Prevention Training Institute of  
80 the Department of Legal Affairs shall develop a proposed  
81 curriculum or best practices for owners or principal operators  
82 to implement such training. The state has no liability in  
83 connection with providing a proposed training curriculum under  
84 this paragraph. The training curriculum implemented by an owner  
85 or a principal operator must train and familiarize employees  
86 with the security principles, devices, measures, and standards  
87 set forth under paragraph (a). The owner or principal operator

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88 must review, and update if necessary, the curriculum at least  
89 every 5 years. The owner or principal operator may request a law  
90 enforcement agency or the Florida Crime Prevention Through  
91 Environmental Design Practitioner performing the assessment  
92 under paragraph (b) to review the training curriculum.

93 (3) This section does not establish a private cause of  
94 action.

95 Section 2. Subsection (4) of section 768.075, Florida  
96 Statutes, is amended to read:

97 768.075 Immunity from liability for injury to trespassers  
98 on real property.-

99 (4) A person or organization owning or controlling an  
100 interest in real property, or an agent of such person or  
101 organization, shall not be held liable for negligence that  
102 results in the death of, injury to, or damage to a person who is  
103 attempting to commit a criminal act ~~felony~~ or who is engaged in  
104 the commission of a criminal act ~~felony~~ on the property.

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