

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 362

INTRODUCER: Senator Osgood and Senator Garcia

SUBJECT: Reusable Tenant Screening Reports

DATE: March 18, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Pre-meeting
2.			CA	
3.			RC	

I. Summary:

SB 362 authorizes, but does not require, a landlord to accept a “reusable tenant screening report” when determining whether to lease a residential property to a prospective tenant. The report is a form of a consumer report which a prospective tenant requests and pays for and which is uploaded to a website that is then shared with a landlord. The availability of a reusable tenant screening report may streamline the application process for the applicant for a rental property and avoid the cost of multiple background checks.

A reusable tenant screening report is a consumer report that:

- Is prepared within the last 30 days by a consumer reporting agency at the applicant’s request and expense.
- Is made directly available to a landlord or provided through a third-party website that regularly engages in providing these reports and that complies with all state and federal laws pertaining to the use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Does not cost the landlord anything to access or use.

The bill requires a screening report to contain an applicant’s name, contact information, verification of employment, last known address, results of an eviction history check, and the date through which the information in the report is current.

If an applicant provides a reusable tenant screening report to a landlord who accepts those reports, the landlord may not charge the applicant a fee to access the report or an application screening fee. A landlord may require an applicant to state that there has not been a material change in the information submitted in the screening report.

The bill takes effect July 1, 2025.

II. Present Situation:

Rental Application Fees

Landlords charge rental application fees to cover their administrative costs when screening a prospective tenant's application. The fees are often used for credit checks, eviction history checks, or criminal background checks. Application fees may range between \$35 and \$75 per person but can be higher depending on the location. They are generally not refundable because they are paid to third parties, regardless of whether a potential tenant's application is accepted.¹ If a prospective tenant needs to make multiple applications simultaneously, the costs of the applications can be substantial. In Florida, there is no statutory cap on what a landlord may charge for an application fee.

Recognizing the need to simplify the costs for rental applicants, the industry of "reusable tenant screening reports" has developed. In some states these reports are called portable tenant screening reports.

Reusable Tenant Screening Reports

Several states, including California, have adopted reusable tenant screening reports as a means to reduce rental application costs and streamline the process for applicants. Landlords are not required to accept reusable tenant screening reports and the report can only be reused for an application made within 30 days after purchasing the report. In general, an applicant requests and pays for a consumer report from a consumer reporting agency. The report is then made directly available to a potential landlord at no cost to the landlord. The applicant may then reuse the consumer report with multiple applications at no additional cost to the applicant or the landlord. The landlord is prohibited from charging the applicant to access or view the report. Additionally, the report must comply with the pertinent state and federal laws governing the tenant screening process.²

Other states that have adopted the use of reusable tenant screening reports are Washington, Maryland, and Wisconsin.³

State Preemption of the Residential Landlord and Tenant Act

In 2023, the Legislature preempted to the State the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Florida Residential Landlord and Tenant Act.⁴ This preemption "supersedes any local government regulations on matters

¹ Stephen M. White, RentPrep, *A Landlord's Guide to Rental Application Fees (50 States)* (June 26, 2024) <https://rentprep.com/blog/tenant-screening-news/the-landlord-guide-to-charging-rental-application-fees/#faq2> (last visited March 16, 2024).

² *Reusable Tenant Screening Reports, AB 2559*, Contemporary Information Corporation, <https://www.cicreports.com/resources/data-regulations/california-reusable-tenant-screening-reports-ab-2559/> (last visited March 17, 2025). *California Assembly Bill No. 259, Reusable Tenant Screening Reports (2021-2022)* California Legislative Information (9/14/2022) https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2559.

³ *Reusable Tenant Screening Reports*, YouCheckCredit.com, <https://www.youcheckcredit.com/blog/2022/10/reusable-tenant-screening-reports/> (last visited March 17, 2025).

⁴ Ch. 2023-314, s. 1, Laws of Fla.

covered under this part, including, but not limited to, the screening process used by a landlord in approving tenancies; ... [and] rental agreement applications and fees associated with such applications.”⁵

However, the Florida Residential Landlord and Tenant Act is silent on the issue of the screening process that a landlord may use when reviewing prospective tenants or fees that may be charged against the prospective tenant.⁶

III. Effect of Proposed Changes:

The Reusable Tenant Screening Report

The bill authorizes a tenant to use and a landlord to accept a reusable tenant screening report as part of evaluating an applicant for the lease of a residential rental property. A reusable tenant screening report as described in the bill appears to be a consumer report that includes information about a person’s employment and eviction history but perhaps not the person’s credit history. The use of a reusable tenant screening report may reduce the costs of background checks as part of the rental application process for a person who submits multiple applications to lease a rental property at about the same time.

Elements of a Reusable Tenant Screening Report

The bill defines a reusable tenant screening report as a consumer report⁷ that:

- Is prepared within the last 30 days by a consumer reporting agency⁸ at the applicant’s request and expense.

⁵ Section 83.425, F.S.

⁶ Section 83.683, F.S., discusses a timeline for processing a rental application by a servicemember.

⁷ A “consumer report” is defined in the bill at s. 83.471(1)(a)1. F.S.

(a)1. “Consumer report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. s. 1681b.

2. Except for the restrictions provided in 15 U.S.C. s. 1681a(d)(3), the term “consumer report” does not include:

a. Subject to 15 U.S.C. s. 1681s-3, any report containing information solely as to transactions or experiences between the consumer and the person making the report; communication of such information among persons related by common ownership or affiliated by corporate control; or communication of other information among persons related by common ownership or affiliated by corporate control, if it is clearly and conspicuously disclosed to the consumer that the information may be communicated among such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons;

b. Any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

c. Any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his or her decision with respect to such request, if the third party advises the consumer of the name and address of the person to whom the request was made, and such person makes the disclosures to the consumer required under 15 U.S.C. s. 1681m; or

d. A communication described in 15 U.S.C. s. 1681a(o) or 15 U.S.C. s. 1681a(x).

⁸ A “consumer reporting agency” is defined at s. 83.471 (1)(b), F.S.

(b) “Consumer reporting agency” means any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other

- Is made directly available to a landlord or provided through a third-party website regularly engaged in providing these reports and complies with all state and federal laws pertaining to the use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Does not cost the landlord anything to access or use.

Acceptance of a Reusable Tenant Screening Report Is Not Mandatory

The bill authorizes, but does not require, a landlord to accept a “reusable tenant screening report” when determining whether to lease a residential property to a prospective tenant.

Additional Provisions

If a landlord accepts a reusable tenant screening report, he or she may require an applicant to state that there has not been a material change to the information contained in the report.

The screening report must contain the applicant’s full name, contact information including mailing and e-mail addresses and telephone number, verification of employment, last known address, results of an eviction history check that is consistent with applicable housing laws, and the date through which the information in the report is correct. The list of required elements of a reusable tenant screening report implies that other information normally included in a consumer report, such as a person’s credit history, is not included within a reusable tenant screening report.

If an applicant provides the reusable tenant screening report to a landlord who accepts them, the landlord may not charge the applicant a fee to access the report or an application screening fee.

The bill states that it does not affect any other applicable law related to the consideration of criminal history information in housing. This includes, but is not limited to, local ordinances governing the information that a landlord may review and consider when determining whether they will rent to an applicant.

The bill also states that a landlord is not required to accept reusable tenant screening reports.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

information on consumers for the purpose of furnishing consumer reports to third parties, and who uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The reusable tenant screening report will likely save applicants money. The applicant will pay only one application fee to a vendor group that assimilates these reports and then a tenant's report can be shared with multiple landlords of the applicant's choosing at no additional charge to the applicant. This saves the potential tenant from paying multiple screening fees.

The bill will likely result in increased revenues for third-party websites that offer reusable tenant screening reports.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill states in lines 102-105 that, if certain ordinances, resolutions, regulations, or similar policies adopted by a municipality or county conflicts with this section, the policy that provides greater protections to applicants applies. However, in 2023, the Legislature preempted the regulation of residential tenancies to the state in s. 83.425, F.S.

The Legislature may wish to revise the definition of the term "reusable tenant screening report" to clarify whether it is a consumer report plus additional information or whether it is an abbreviated form of a consumer report. If the expansive meaning of the term is intended, the definition of the term could state that a reusable tenant screening report includes credit report and

each of the items of information listed on lines 80-89 of the bill. As drafted, the bill implies that the report includes only the information described in lines 80-89 of the bill.

VIII. Statutes Affected:

This bill creates section 83.471 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
