

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 1423](#)

TITLE: Presumption Against Liability for Owners and Principal Operators of Multifamily Residential Properties

SPONSOR(S): Salzman

Committee References

[Civil Justice & Claims](#)

14 Y, 3 N, As CS

COMPANION BILL: [SB 956](#) (Bradley)

LINKED BILLS: None

RELATED BILLS: None



[Judiciary](#)

SUMMARY

Effect of the Bill:

HB 1423 amends 768.0706, F.S., to create an exception to the presumption against negligent security liability for owners and principal operators of multifamily residential properties in premises liability cases if two or more of the following crimes were reported to the owner or principal operator to have occurred at the property in the 24 months preceding the subject incident:

- Murder;
- Robbery;
- Sexual battery;
- Aggravated assault;
- Battery;
- Kidnapping or false imprisonment; or
- A crime involving a firearm.

Fiscal or Economic Impact:

The bill may have a negative economic impact on owners and principal operators of multifamily residential properties and their insurance carriers.

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ANALYSIS

EFFECT OF THE BILL:

HB 1423 amends [s. 768.0706, F.S.](#), to create an exception to the presumption against negligent security liability for owners or principal operators of multifamily residential properties in premises liability cases which presumption was codified in 2023 [CS/CS/HB 837](#). Under the bill, an owner or operator may not receive the presumption if two or more of the following crimes were reported to the owner or principal operator to have occurred at the property in the 24 months preceding the incident that is the subject of the premises liability litigation:

- [Murder](#);
- [Robbery](#);
- [Sexual battery](#);
- [Aggravated assault](#);
- [Battery](#);
- [Kidnapping or false imprisonment](#); or
- A crime involving a firearm. (Section 1)

The bill provides an effective date of July 1, 2026. (Section 2)

STORAGE NAME: h1423a.CIV

DATE: 1/29/2026

FISCAL OR ECONOMIC IMPACT:**PRIVATE SECTOR:**

The bill may have a negative economic impact on owners or principal operators of multifamily residential properties and their insurance carriers. By narrowing the circumstances under which an owner or operator may invoke the protective liability presumption, the bill effectively increases their potential exposure to premises liability claims. As a result, insurers may view multifamily residential properties as higher-risk, which could lead to higher insurance premiums.

RELEVANT INFORMATION**SUBJECT OVERVIEW:**Premises Liability

A premises liability claim is a type of negligence claim arising out of an injury suffered on the property of another due to an unsafe condition existing on such property.¹ Unlike ordinary negligence, which is based upon the tortfeasor's active negligence, a premises liability claim may be based upon the tortfeasor's passive negligence; that is, a premises liability claim may stem from the tortfeasor's failure to act to prevent harm to the injured party and not from any affirmative actions of the tortfeasor.² Common premises liability claims include claims arising from slip and fall accidents, dog bites, trip or misstep accidents, and swimming pool accidents.

A premises liability claim may also involve negligent security allegations, in which a person injured by a third party's criminal acts (that is, a third party's intentional tort) on another's property attempts to hold the property owner liable for failing to provide adequate security measures on the property. To prevail on a negligent security claim, the plaintiff must generally prove that the:

- Plaintiff was lawfully present on the defendant's property;³
- Defendant had a duty to provide adequate security on the property but breached such duty;⁴
- Plaintiff was injured because of a third party's criminal act, which act was reasonably foreseeable to the defendant and would not have occurred but for the defendant's breach;⁵ and
- Plaintiff incurred actual damages.⁶

However, in 2023, the Legislature passed [CS/CS/HB 837](#), which took effect on March 24, 2024. Therein, the Legislature created a presumption against negligent security premises liability for the owner or operator of a

¹ *Nicholson v. Stonybrook Apts., LLC*, 154 So. 3d 490, 494 (Fla. 4th DCA 2015).

² *Id.*

³ The only duty a property owner owes to an undiscovered trespasser is to refrain from causing intentional harm, while the only duty he or she owes to a known trespasser is to refrain from committing gross negligence or intentional harm and to warn of known dangers that are not readily observable. *Id.* at 492.

⁴ Generally, a property owner has no duty to protect another person from criminal acts committed by third parties on his or her property, but such a duty may arise where a special relationship exists between the property owner and the victim or between the property owner and the third party such that the property owner has a duty to control the third party's conduct. Special relationships recognized by Florida courts include landlord-tenant, hotel-guest, employer-employee, proprietor-patron, and school-student relationships; all of these examples involve a person who has entered upon the property of another and in so doing has lost a measure of control in providing for his or her own protection. *See, e.g., Stevens v. Jefferson*, 436 So. 2d 33 (Fla. 1983); *D.M. ex rel. K.M. v. Publix Super Markets, Inc.*, 895 So. 2d (Fla. 4th DCA 2005); *Gross v. Fam. Servs. Agency, Inc.*, 716 So. 2d 337 (Fla. 4th DCA 1998); *Salerno v. Hart Fin. Corp.*, 521 So. 2d 234 (Fla. 4th DCA 1988); *cf. Restatement 2d Torts* s. 315; Frederic S. Zinober, *Litigating the Negligent Security Case: Who's In Control Here?*, 44 Stetson L. Rev. 289 (2015).

⁵ Generally, a negligent person is not liable for the damages suffered by another person when some separate force or action is an intervening cause of the harm; but if the intervening cause was foreseeable, the original negligent actor may still be held liable. Thus, a negligent security claim's success often hinges on the foreseeability of the crime committed, as property owners are not expected to prevent all possible crimes which may occur on their property. Whether a crime was foreseeable is a question of fact, but evidence of foreseeability may include the crime rate in the premises' immediate area, whether similar crimes have previously been committed on the premises, and the nature of the property itself (in other words, whether the property is of a type that is likely to attract crime). *Stevens*, 436 So. 2d at 34-35; *Gibson v. Avis Rent-A-Car System, Inc.*, 386 So. 2d 520 (Fla. 1980); *Williams v. Office of Sec. & Intelligence, Inc.*, 509 So. 2d 1282 (Fla. 3d DCA 1987).

⁶ *Globe Sec. Systems Co. v. Mayor's Jewelers, Inc.*, 458 So. 2d 828 (Fla. 3d DCA 1984).

multi-family residential property⁷ which substantially implements the following security measures on that property as long as the third-party criminal actor is not an employee or agent of the owner or operator:

- A security camera system at points of entry and exit which records, and maintains as retrievable for at least 30 days, video footage to assist in offender identification and apprehension.
- A lighted parking lot illuminated at an intensity of at least an average of 1.8 foot-candles per square foot at 18 inches above the surface from dusk until dawn or controlled by photocell or any similar electronic device that provides light from dusk until dawn.
- Lighting in walkways, laundry rooms, common areas, and porches, which lighting must be illuminated from dusk until dawn or controlled by photocell or any similar electronic device that provides light from dusk until dawn.
- At least a one-inch deadbolt in each dwelling unit door.
- A locking device on each window, exterior sliding door, and door not used for community purposes.
- Locked gates with key or fob access along pool fence areas.
- A peephole or door viewer on each dwelling unit door that does not include a window or have a window next to the door.
- Completion of crime prevention through environmental design assessment by January 1, 2025, performed by a law enforcement agency or a designated FCPTED Practitioner. The owner or operator must remain in substantial compliance with the assessment.
- Provision of proper crime deterrence and safety training⁸ to current employees by January 1, 2025, and to an employee hired after that date within 60 days of his or her hire.

For purposes of establishing the presumption against liability, the burden of proof is on the owner or principal operator to demonstrate that he or she has substantially implemented the security measures outlined above.

Crimes Generally Defined Under Florida Law

Murder

Under Florida law, the term “murder” generally means the unlawful killing of a human being.⁹

Robbery

Under Florida law, the term “robbery” generally means the taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear.¹⁰

Sexual battery

Under Florida law, the term “sexual battery” generally means oral, anal, or female genital penetration, by, or union with, the sexual organ of another or the anal or female genital penetration of another by any other object.¹¹

⁷ “Multi-family residential property” means a residential building, or group of residential buildings, such as apartments, townhouses, or condominiums, consisting of at least five dwelling units on a particular parcel. “Parcel,” in turn, means real property for which a distinct parcel identification number is assigned to the property by the property appraiser for the county in which the property is located.

⁸ “Proper crime deterrence and safety training” means training which trains and familiarizes employees with the security principles, devices, measures, and standards set forth in [S. 768.0706, F.S.](#) and which is reviewed at least every three years and updated as necessary. The owner or principal operator may request that a law enforcement agency or the Florida Crime Prevention Through Environmental Design Practitioner performing the assessment review the training curriculum. [S. 768.0706, F.S.](#)

⁹ S. [782.04\(1\)\(a\), F.S.](#)

¹⁰ S. [812.13\(1\), F.S.](#)

¹¹ S. [794.011\(j\), F.S.](#)

Aggravated assault

Under Florida law, the term “aggravated assault” generally means an assault with a deadly weapon without intent to kill or an assault with an intent to commit a felony.¹²

Battery

Under Florida law, the term “battery” generally means actually and intentionally touching or striking another person against the will of the other or intentionally causing bodily harm to another person.¹³

Kidnapping

Under Florida law, the term “kidnapping” generally means forcibly, secretly, or by threat confining, abducting, or imprisoning another person against her or his will and without lawful authority, with intent to:

- Hold for ransom or reward or as a shield or hostage;
- Commit or facilitate commission of any felony;
- Inflict bodily harm upon or to terrorize the victim of another person; or
- Interfere with the performance of any governmental or political function.¹⁴

False imprisonment

Under Florida law, the term “false imprisonment” generally means forcibly, by threat, or secretly confining, abducting, imprisoning, or restraining another person without lawful authority and against his or her will.¹⁵

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	CS/CS/HB 837 - Civil Remedies	Gregory, Fabricio/ <i>Hutson</i>	Became law and took effect on March 24, 2023

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	14 Y, 3 N, As CS	1/29/2026	Jones	Fronczak
THE CHANGES ADOPTED BY THE COMMITTEE:	Clarified that the two crimes must be reported to the owner or principal operator in order to remove the presumption against liability.			
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹² S. [784.021\(1\)\(a\)\(b\), F.S.](#)

¹³ S. [784.03, F.S.](#)

¹⁴ S. [787.01, F.S.](#)

¹⁵ S. [787.02, F.S.](#)