

By Senator Gibson

9-00390A-15

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A bill to be entitled

An act relating to residential tenant insurance policies; creating s. 83.491, F.S.; requiring a written residential rental agreement to include a statement specifying whether insurance coverage is required; providing a form for such statement; providing notice requirements; limiting the scope to written rental agreements; prohibiting a cause of action relating to a landlord's failure to enforce an insurance requirement; providing applicability; providing an effective date.

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

Section 1. Section 83.491, Florida Statutes, is created to read:

83.491 Insurance requirement.—

(1) As to a written residential rental agreement under this part which is entered into or renewed on or after January 1, 2016:

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

TENANT'S INSURANCE REQUIRED

A landlord is generally not liable for loss or damage to your personal property. This rental agreement requires you to

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30 purchase and maintain a tenant's insurance policy that covers
31 loss or damage to your personal property from a company of your
32 choice.

34 (b) If the rental agreement does not require the tenant to
35 obtain a tenant's insurance policy that covers loss or damage to
36 personal property, the rental agreement must include a statement
37 in substantially the following form:

38
39 LANDLORD LIABILITY; TENANT'S INSURANCE

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41 A landlord is generally not liable for loss or damage to your
42 personal property. This rental agreement does not require you to
43 purchase or maintain a tenant's insurance policy. However, you
44 should consider purchasing a tenant's insurance policy that
45 covers loss or damage to your personal property from a company
46 of your choice.

47
48 (2) The notice required by subsection (1) must be in a type
49 size that is at least as large as the type size in the majority
50 of the agreement and must be separately initialed by the tenant.

51 (3) An unwritten agreement or an agreement that fails to
52 include the required notice creates a presumption that the
53 tenant is not required to have an insurance policy that covers
54 loss or damage to personal property.

55 (4) A tenant does not have a cause of action against a
56 landlord as a result of the landlord's failure to enforce an
57 insurance requirement. A person is not deemed to be a third-
58 party beneficiary of a requirement to purchase tenant's

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59 insurance.

60 Section 2. This act applies to a residential lease under
61 part II of chapter 83, Florida Statutes, which is entered into
62 on or after the effective date of this act.

63 Section 3. This act shall take effect January 1, 2016.