PCS for HB 331 ORIGINAL 2014

A bill to be entitled

2 An act relating to residential tenant insurance 3 policies; creating s. 83.491, F.S.; requiring a 4 residential rental agreement to specify whether 5 insurance coverage is required; creating required 6 disclosures; limiting scope to written rental 7 agreements; limiting recoveries; providing an 8 effective date. 9 Be It Enacted by the Legislature of the State of Florida: 10 11 12 Section 1. Section 83.491, Florida Statutes, is created to 13 read: 83.491 Insurance requirement.-14 15 (1) As to every written rental agreement governed by this 16 part: (a) If the rental agreement requires that the tenant obtain 17 18 a tenant's policy of insurance, the rental agreement must 19 include a statement that reads, in substantially this form: "A 20 landlord is generally not liable for loss or damage to your 21 personal property. This rental agreement requires you to

(b) If the rental agreement does not require that the

purchase and maintain a tenant's policy of insurance covering

choice with a minimum coverage amount of (insert coverage

loss or damage to your personal property from a company of your

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requirements here)."

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tenant obtain a tenant's policy of insurance, the rental
agreement must include a statement that reads, in substantially
this form: "A landlord is generally not liable for loss or
damage to your personal property. This rental agreement does not
require you to purchase and maintain a tenant's policy of
insurance. You should consider purchasing a tenant's policy of
insurance covering loss or damage to your personal property from
a company of your choice."

- (2) A notice required by subsection (1) must be in the same or larger type size as the majority of the rental agreement and must be separately initialed by the tenant.
- (3) An unwritten agreement, or one that fails to include the required notice, is presumed to not require a tenant's policy of insurance.
- (4) The sole remedy of a tenant for a landlord's failure to include either required notice in a written lease agreement is that the lease agreement may be, at the option of the tenant, terminable pursuant to s. 83.57. A tenant shall not have any cause of action against a landlord related to a landlord's failure to enforce an insurance requirement. No person shall be deemed a third party beneficiary of a requirement to purchase tenant's insurance.
- Section 2. This act shall take effect January 1, 2015, and shall apply to any residential lease governed by Part II of Chapter 83 of the Florida Statutes that is entered into, or renewed after, said effective date.

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