

## Insights

# Florida Tort Reform and Negligent Security Liability: New Requirements for Multifamily Property Owners

Article

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Aimed at combatting lawsuit abuse, Florida's recently passed tort reform bill (HB 837/SB 236) makes dramatic changes to the state's justice system, including negligent security cases against owners and operators of "multifamily residential property."

HB 837 creates a presumption against liability for the owner or operator of a multifamily residential property that substantially implements certain security measures on the property where the criminal actor is not an employee or the owner or operator.

A multifamily residential property is defined as "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."

In order to gain the presumption against negligent security liability, the owner or operator of multi-family residential should comply with the following requirements:

1. A security camera system that faces every entrance and exit with at least 30 days of recorded footage;
2. A lighted parking lot illuminated at an intensity of at least an average 1.8 foot-candles per square foot at 18 inches above the surface from dusk until dawn;
3. Lighting in walkways, laundry rooms, common areas, and porches from dusk until dawn;
4. At least a 1-inch deadbolt in each dwelling unit door;
5. A locking device on each window, each exterior sliding door, and any other doors not used for community purposes;
6. Locked gates with key or fob access along fences surrounding pool areas;

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7. A peephole or door viewer on each dwelling unit door that does not include a window or that does not have a window next to the door;
8. Be in substantial compliance of a crime prevention through environmental designed assessment performed by a law enforcement agency by January 1, 2025; and
9. Provide proper crime deterrence and safety training to its current employees.

Additionally, if a negligent security action is brought by a person who was lawfully on commercial or real property and was injured by a third party's criminal act, the jury must now consider the fault of all persons who contributed to the injury. Before, a jury could not apportion fault to the third-party criminal who caused the harm, so the property owner ended up with the entire bill for the plaintiff's damages. With this change, the financial liability of the property owner is reduced.

For more information about HB 837 and its changes to negligence liability, as well as insurance and other laws, please contact the Lowndes Litigation Group.