

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 43](#)

TITLE: Reusable Tenant Screening Reports

SPONSOR(S): Edmonds

COMPANION BILL: [SB 362](#) (Osgood)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

18 Y, 0 N, As CS



[Housing, Agriculture & Tourism](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/HB 43 authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant and specifies the information such a report must include. The bill further prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report.

Fiscal or Economic Impact:

The bill may have an indeterminate positive fiscal impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

CS/HB 43 authorizes, but does not require, a landlord to accept a reusable tenant screening report from a prospective tenant. (Section [1](#))

The bill defines a “reusable tenant screening report” as a [consumer report](#) that:

- Has been prepared within the previous 30 days by a [consumer reporting agency](#) at the request and expense of a prospective tenant.
- Is made directly available to a landlord for use in the rental application process or is provided through a [third-party website](#) that regularly engages in the business of providing a reusable tenant screening report and complies with all the state and federal laws pertaining to use and disclosure of information contained in a consumer report by a consumer reporting agency.
- Is available to the landlord at no cost to access or use. (Section [1](#))

The bill requires a reusable tenant screening report to include the following information:

- The prospective tenant’s full name.
- The prospective tenant’s contact information, including mailing address, e-mail address, and telephone number.
- Verification of the prospective tenant’s employment.
- The prospective tenant’s last known address.
- The results of an eviction history check.
- The date through which the information contained in the report is current. (Section [1](#))

The bill authorizes a landlord to request confirmation from a prospective tenant that there has been no material change to the information in the reusable tenant screening report since it was generated. (Section [1](#))

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DATE: 3/13/2025

The bill prohibits a landlord who has accepted a reusable tenant screening report from a prospective tenant from charging the prospective tenant an application screening fee or other fee associated with accessing the report. (Section [1](#))

The bill provides an effective date of July 1, 2025. (Section [2](#))

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

This bill may have an indeterminate positive fiscal impact on prospective rental tenants as the authorization for landlords to accept reusable tenant screening reports may decrease application costs for such prospective tenants.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

State Preemption of the Residential Landlord and Tenant Act

In 2023, the Legislature expressly preempted the regulation of residential tenancies, the landlord-tenant relationship, and all other matters covered under the Residential Landlord and Tenant Act to the state.¹ This preemption supersedes any local government regulations on such matters, including, but not limited to, the screening process used by a landlord in approving tenancies; security deposits; rental agreement applications and fees associated with such applications; terms and conditions of rental agreements; the rights and responsibilities of the landlord and the tenant; disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant; fees charged by the landlord; or notice requirements.²

The Residential Landlord and Tenant Act is, however, currently silent as to the screening process used by a landlord in approving tenancies and as to applications and fees associated with such applications generally.^{3, 4}

Federal Fair Credit Reporting Act

There are hundreds of companies engaged in employment and tenant background screening across the United States.⁵ These companies are defined as “consumer reporting agencies” (CRAs), pursuant to the federal Fair Credit Reporting Act (FCRA) and are regulated by both the Federal Trade Commission and Consumer Financial Protection Bureau.⁶

The FCRA defines “[consumer reporting agency](#)” as any person which, 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 information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.⁷

It further defines “[consumer report](#)” generally as any written, oral, or other communication of any 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 in 15 U.S.C. s. 1681b.⁸

¹ Ch. 2023-314, L.O.F.

² S. [83.425, F.S.](#)

³ Pt. II, Ch. 83, F.S.

⁴ There is some discussion in s. [83.683, F.S.](#), regarding rental applications by servicemembers.

⁵ Professional Background Screening Association (PBSA), *About PBSA*, <https://thepbsa.org/about-us/about-pbsa/> (last visited Mar. 13, 2025.)

⁶ *Id.*

⁷ 15 U.S.C. § 1681a(f).

⁸ 15 U.S.C. § 1681a(d).

Section 1681b, U.S.C., provides specific circumstances under which a CRA may furnish a consumer report, including, but not limited to:

- In accordance with the written instructions of the consumer to who it relates.⁹
- To a person who has a legitimate business need for the information in connection with a business transaction that is initiated by the consumer.¹⁰

The FCRA promotes the accuracy, fairness, and privacy of information that CRAs collect.¹¹ The FCRA governs the acts of CRAs, entities that furnish information to CRAs (furnishers), and individuals who use credit reports issued by CRAs.¹² Specifically, CRAs and their furnishers must adopt methods to ensure the information they collect and report is accurate.¹³ Individuals may request to review the information a CRA has in his or her file, the sources of the information, and the identity of those to whom the information was disclosed to ensure that it is accurate, and may dispute its accuracy which triggers a CRA's duty to reinvestigate the information.¹⁴

Additionally, if any person takes any adverse action against an individual based in whole or in part on any information contained in a consumer report, he or she must provide specified information to the individual, including:

- Notice of the adverse action to the individual.
- The name, address, and telephone number of the CRA that furnished the consumer report the person relied on.
- Notice of the individual's right to obtain a free copy of a consumer report on themselves from the CRA that issued such a report to the person taking the adverse action.
- Notice of the individual's right to dispute the accuracy or completeness of any information in a consumer report with the CRA who produced it.¹⁵

Portable Tenant Screening Reports

Currently, some companies specialize in online tenant background screening reports, which include information such as a:

- ResidentScore, a renter credit score.
- Criminal background report.
- Credit report.
- Eviction related report.
- Income insights report.
- Identity check report.¹⁶

On such a website, either a landlord or property manager or a tenant can create an account to either request screening of a potential tenant or to screen themselves.¹⁷ Such companies typically provide several tiers of reports that are available for purchase to provide a prospective tenant or property manager or landlord with control over the cost of the report which will impact how much information the report includes.¹⁸ However, even for a top tier

⁹ 15 U.S.C. § 1681b(a)(2).

¹⁰ 15 U.S.C. § 1681b(a)(3)(F)(i).

¹¹ Federal Trade Commission, *A Summary of Your Rights Under the Fair Credit Reporting Act* (Sept. 18, 2018), 12 CFR 1022, <https://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf> (last visited Mar. 13, 2025).

¹² 15 U.S.C. § 1681, et. seq.

¹³ 15 U.S.C. § 1681s-2.

¹⁴ 15 U.S.C. §§ 1681g and 1681i.

¹⁵ 15 U.S.C. § 1681m(a).

¹⁶ TransUnion SmartMove, *Tenant Background Screening Reports*, <https://www.mysmartmove.com/tenant-screening-services> (last visited Mar. 13, 2025).

¹⁷ *Id.*

¹⁸ TransUnion SmartMove, *Pricing*, <https://www.mysmartmove.com/pricing> (last visited Mar. 13, 2025).

tenant screening report, which includes all of the information listed above, the total cost is \$47, and a prospective tenant may grant permission for a property owner to access his or her report.¹⁹

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/HB 1417	Esposito, McClure	Trumbull	Took effect July 1, 2023.

OTHER RESOURCES:

[Tenant Background Screening Reports](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee	18 Y, 0 N, As CS	3/13/2025	Jones	Leshko
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none">Removed provisions that conflict with current law which expressly preempts the regulation of all matters covered under the Residential Landlord and Tenant Act to the state.			
Housing, Agriculture & Tourism Subcommittee				
Judiciary Committee				

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

¹⁹ *Id.*; TransUnion SmartMove, *Tenant Frequently Asked Questions*, <https://www.mysmartmove.com/transunion-smartmove-frequently-asked-questions/tenant-frequently-asked-questions#accordiongroup-338a6660be-item-bf9b64ac40> (last visited Mar. 13, 2025).