

By the Committee on Community Affairs; and Senators Stewart, Perry, Taddeo, Book, Berman, Bracy, Polsky, and Cruz

578-02326-22

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1 A bill to be entitled
2 An act relating to tenant safety; providing a short
3 title; creating s. 83.515, F.S.; requiring landlords
4 of nontransient or transient apartments to require
5 employees to undergo background screenings as a
6 condition of employment; specifying requirements for
7 the employee background screenings; authorizing
8 landlords to disqualify persons from employment under
9 certain circumstances relating to criminal offenses;
10 amending s. 83.53, F.S.; revising what constitutes
11 reasonable notice for repairs of dwelling units;
12 amending s. 509.211, F.S.; requiring public lodging
13 establishments licensed as nontransient or transient
14 apartments to take certain actions relating to
15 employee background screenings and keys for dwelling
16 units; requiring such establishments to provide proof
17 of compliance to the Division of Hotels and
18 Restaurants of the Department of Business and
19 Professional Regulation upon request; providing
20 effective dates.

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

23
24 Section 1. This act may be cited as "Miya's Law."

25 Section 2. Section 83.515, Florida Statutes, is created to
26 read:

27 83.515 Background screening of apartment employees;
28 employment disqualification.—

29 (1) The landlord of a public lodging establishment

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30 classified under s. 509.242(1)(d) or (e) as a nontransient
31 apartment or transient apartment, respectively, must require
32 that each employee of the establishment undergo a background
33 screening as a condition of employment.

34 (2) The background screening required under subsection (1)
35 must be performed by a consumer reporting agency in accordance
36 with the federal Fair Credit Reporting Act, and must include a
37 screening of criminal history records and sexual predator and
38 sexual offender registries of all 50 states and the District of
39 Columbia.

40 (3) A landlord may disqualify a person from employment if
41 the person has been convicted or found guilty of, or entered a
42 plea of guilty or nolo contendere to, regardless of
43 adjudication, any of the following offenses:

44 (a) A criminal offense involving disregard for the safety
45 of others which, if committed in this state, is a felony or a
46 misdemeanor of the first degree or, if committed in another
47 state, would be a felony or a misdemeanor of the first degree if
48 committed in this state.

49 (b) A criminal offense committed in any jurisdiction which
50 involves violence, including, but not limited to, murder, sexual
51 battery, robbery, carjacking, home-invasion robbery, and
52 stalking.

53 Section 3. Subsection (2) of section 83.53, Florida
54 Statutes, is amended to read:

55 83.53 Landlord's access to dwelling unit.—

56 (2) The landlord may enter the dwelling unit at any time
57 for the protection or preservation of the premises. The landlord
58 may enter the dwelling unit upon reasonable notice to the tenant

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59 and at a reasonable time for the purpose of repair of the
60 premises. "Reasonable notice" for the purpose of repair is
61 notice given at least 24 ~~42~~ hours prior to the entry, and
62 reasonable time for the purpose of repair shall be between the
63 hours of 7:30 a.m. and 8:00 p.m. The landlord may enter the
64 dwelling unit when necessary for the further purposes set forth
65 in subsection (1) under any of the following circumstances:

66 (a) With the consent of the tenant;

67 (b) In case of emergency;

68 (c) When the tenant unreasonably withholds consent; or

69 (d) If the tenant is absent from the premises for a period
70 of time equal to one-half the time for periodic rental payments.
71 If the rent is current and the tenant notifies the landlord of
72 an intended absence, then the landlord may enter only with the
73 consent of the tenant or for the protection or preservation of
74 the premises.

75 Section 4. Effective January 1, 2023, subsection (5) is
76 added to section 509.211, Florida Statutes, to read:

77 509.211 Safety regulations.—

78 (5) Each public lodging establishment licensed as a
79 nontransient apartment or transient apartment shall do all of
80 the following:

81 (a) Require that each employee of the licensee undergo a
82 background screening as a condition of employment pursuant to s.
83 83.515.

84 (b) Maintain a log accounting for the issuance and return
85 of all keys for each dwelling unit.

86 (c) Establish policies and procedures for the issuance and
87 return of dwelling unit keys and regulating the storage of, and

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88 access to, unissued keys.

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90 Upon request during the division's annual inspection of the
91 premises, a licensee must provide the division with proof of
92 compliance with this subsection for the inspection.

93 Section 5. Except as otherwise expressly provided in this
94 act, this act shall take effect July 1, 2022.