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1 A bill to be entitled
2 An act relating to lodging standards; providing a
3 short title; creating s. 83.515, F.S.; requiring
4 landlords of nontransient or transient apartments to
5 require employees to undergo background screenings as
6 a 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; creating s.
20 509.098, F.S.; prohibiting an operator of a public
21 lodging establishment from offering an hourly rate for
22 an accommodation; providing applicability; providing
23 effective dates.

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

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

28 Section 2. Section 83.515, Florida Statutes, is created to
29 read:

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30 83.515 Background screening of apartment employees;
31 employment disqualification.-

32 (1) The landlord of a public lodging establishment
33 classified under s. 509.242(1)(d) or (e) as a nontransient
34 apartment or transient apartment, respectively, must require
35 that each employee of the establishment undergo a background
36 screening as a condition of employment.

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

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

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

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

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

58 83.53 Landlord's access to dwelling unit.-

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59 (2) The landlord may enter the dwelling unit at any time
60 for the protection or preservation of the premises. The landlord
61 may enter the dwelling unit upon reasonable notice to the tenant
62 and at a reasonable time for the purpose of repair of the
63 premises. "Reasonable notice" for the purpose of repair is
64 notice given at least 24 ~~12~~ hours prior to the entry, and
65 reasonable time for the purpose of repair shall be between the
66 hours of 7:30 a.m. and 8:00 p.m. The landlord may enter the
67 dwelling unit when necessary for the further purposes set forth
68 in subsection (1) under any of the following circumstances:

69 (a) With the consent of the tenant;

70 (b) In case of emergency;

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

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

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

80 509.211 Safety regulations.—

81 (5) Each public lodging establishment licensed as a
82 nontransient apartment or transient apartment shall do all of
83 the following:

84 (a) Require that each employee of the licensee undergo a
85 background screening as a condition of employment pursuant to s.
86 83.515.

87 (b) Maintain a log accounting for the issuance and return

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88 of all keys for each dwelling unit.

89 (c) Establish policies and procedures for the issuance and
90 return of dwelling unit keys and regulating the storage of, and
91 access to, unissued keys.

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

96 Section 5. Effective upon this act becoming a law, section
97 509.098, Florida Statutes, is created to read:

98 509.098 Prohibition of hourly rates.-

99 (1) An operator of a public lodging establishment may not
100 offer an hourly rate for an accommodation.

101 (2) This section does not apply to an hourly rate charged
102 by an operator of a public lodging establishment as a late
103 checkout fee.

104 Section 6. Except as otherwise expressly provided in this
105 act and except for this section, which shall take effect upon
106 this act becoming a law, this act shall take effect July 1,
107 2022.