

## CHAPTER 2022-222

### Committee Substitute for Senate Bill No. 898

An act relating to lodging standards; providing a short title; creating s. 83.515, F.S.; requiring landlords of nontransient or transient apartments to require employees to undergo background screenings as a condition of employment; specifying requirements for the employee background screenings; authorizing landlords to disqualify persons from employment under certain circumstances relating to criminal offenses; amending s. 83.53, F.S.; revising what constitutes reasonable notice for repairs of dwelling units; amending s. 509.211, F.S.; requiring public lodging establishments licensed as nontransient or transient apartments to take certain actions relating to employee background screenings and keys for dwelling units; requiring such establishments to provide proof of compliance to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation upon request; creating s. 509.098, F.S.; prohibiting an operator of a public lodging establishment from offering an hourly rate for an accommodation; providing applicability; providing effective dates.

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

Section 1. This act may be cited as “Miya’s Law.”

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

83.515 Background screening of apartment employees; employment disqualification.—

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

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

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

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

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

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

83.53 Landlord’s access to dwelling unit.—

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

- (a) With the consent of the tenant;
- (b) In case of emergency;
- (c) When the tenant unreasonably withholds consent; or
- (d) If the tenant is absent from the premises for a period of time equal to one-half the time for periodic rental payments. If the rent is current and the tenant notifies the landlord of an intended absence, then the landlord may enter only with the consent of the tenant or for the protection or preservation of the premises.

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

509.211 Safety regulations.—

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

- (a) Require that each employee of the licensee undergo a background screening as a condition of employment pursuant to s. 83.515.
- (b) Maintain a log accounting for the issuance and return of all keys for each dwelling unit.
- (c) Establish policies and procedures for the issuance and return of dwelling unit keys and regulating the storage of, and access to, unissued keys.

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

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

509.098 Prohibition of hourly rates.—

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

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

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

Approved by the Governor June 27, 2022.

Filed in Office Secretary of State June 27, 2022.