

## LODGING STANDARDS/MIYA'S LAW

### New Duties Imposed on Landlords of Public Lodging Establishments due to Passage of "Miya's Law":

[Senate Bill 898](#) created section 83.515, Florida Statutes, and has been cited to as "Miya's Law." The bill creates additional duties for landlords of public lodging establishments that are classified as nontransient apartments or transient apartments under § 509.242(1)(d) or (e).

First, a landlord that falls under the above definition must require background screening for all prospective employees as a condition of employment for the establishment. The background screening must be performed by a consumer reporting agency in accordance with the Fair Credit Reporting Act, and it must include a screening of criminal history records, sexual predator registries, and sexual offender registries in all 50 states and DC. A landlord has discretion to disqualify any prospective employee if he or she has been convicted, pled guilty, or pled nolo contendere to specific crimes, including: (1) a criminal offense involving the disregard for the safety of others, no matter where committed, if it would be a felony or first degree misdemeanor in the state of Florida; and (2) a criminal offense in any jurisdiction which involves violence, including murder, sexual battery, robbery, carjacking, home-invasion robbery, and stalking.

Under Miya's Law, each qualifying public lodging establishment must maintain logs for the issuance and return of keys for each dwelling unit. Each establishment must further create policies and procedures for the issuance and return of keys, and it must regulate the storage of, and access to, unissued keys. Upon request of the Division of Hotels and Restaurants, a licensee must provide proof of compliance for all of the above.

The bill makes modifications to other statutes as well. The "reasonable notice" a landlord must provide before entering a dwelling for the purposes of repairs has been increased from 12 hours to 24 hours. It further eliminates the ability to charge "hourly rates" for accommodations at public lodging establishments, although hourly rates are expressly permitted when charged as a late checkout fee. The bill was signed into law on June 27, 2022 and the bulk of the regulations will not go into effect until January 1, 2023.