



Miya's Law: What Florida Landlords and Tenants Should Know About New Rules for Florida Landlords and Property Managers

Key components of a new law aimed to increase residential tenant safety became effective on January 1, 2023. The law, codified as Florida Statutes Section 83.515, and commonly referred to as "Miya's Law," is named after Miya Marcano, an Orlando college student who was tragically murdered in her apartment by a maintenance worker who entered her unit with an apartment key fob. Miya's Law imposes heightened duties on Florida landlords and property managers. Florida landlords and property managers should be aware of these changes to ensure compliance with the law.

Background Screenings

Under Miya's Law, landlords of public lodging establishments (as defined under F.S. 509.242(1)(d)) or nontransient or transient apartments, are required to perform thorough background checks on any potential apartment complex employee as a condition of employment.

The background screening must be performed by a consumer reporting agency in accordance with the federal Fair Credit Reporting Act. The screening must also include a search of criminal history records and sexual predator and sexual offender registries of all 50 states and the District of Columbia.

Under the law, landlords have the right to disqualify a potential employee if the applicant has been found guilty, convicted, or entered a plea of guilty to a criminal offense that involves the disregard of safety of others (i.e., a felony or misdemeanor in the first degree in Florida), or a criminal offense committed in any jurisdiction

which involves violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home invasions, and stalking.

Key Log and Policy

Effective January 1, 2023, landlords of public lodging establishments licensed as a nontransient apartment or transient apartments are required to maintain a log accounting for the issuance and return of all keys for each apartment. Landlords or property managers must also establish policies and procedures for the issuance and return of apartment keys and regulate the storage of, and access to, unissued keys.

Prohibition of Hourly Rate Accommodations

The law prohibits operators of public lodging establishments (i.e., the landlord or property managers) from offering hourly rates for rental accommodations.

Extension of Landlord's Notice Period for Repairs From 12 to 24 Hours

A component of Miya's Law amends Florida Statutes Section 83.53 to extend the "reasonable notice" that the landlord of residential tenancies must give the tenant for the purposes of repairs from 12 to 24 hours prior to the entry. The statute also states that the reasonable time for the purposes of the repairs is between the hours of 7:30 a.m. and 8:00 p.m. Landlords should review their policies and procedures to confirm compliance with these new notice requirements, regardless of what may be stated in current leases.

While the application of Miya's Law may be currently limited to Florida, all landlords and property managers would be wise to consider the standards established with respect to potential employees and recordkeeping.

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