

New Requirements for Residential Landlords in Florida

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On June 27, 2022, Governor Ron DeSantis signed Miya's Law, Senate Bill (SB) 898, to heighten the safety requirements for residential apartments. Miya's Law, effective July 1, 2022, will have a significant impact on the daily operations of Florida landlords and property managers.

The Florida Senate named SB 898 in honor of Miya Marcano, a female 19-year-old college student tragically killed by a handyman in her apartment complex who used a key fob to enter her apartment.

Miya's Law requires landlords to conduct background screenings for prospective employees as a condition to employment. Landlords and licensees of transient and non-transient apartments must have a background screening procedure that includes a review of criminal history records and sexual offender registries in all 50 states. If the background screening of a prospective employee reveals certain violent criminal offenses, then the landlord may find the prospective employee ineligible for employment.

Landlords must also maintain a log for each dwelling unit's keys. The new log requirements ensure apartments account for the issuance, return, and storage of all key fobs. Certain key fobs are easily copied at hardware stores making key fobs a major security risk for tenants. The Department of Business and Professional Regulations will inspect apartments' key logs and background check procedures yearly.

Miya's Law doubles the notification requirement for "reasonable notice" to enter a unit for maintenance and repairs from 12 hours to 24 hours. In response to Miya's Law, Florida Realtors® updated all contracts and forms that include a mandatory "reasonable notice" provision to the 24-hour standard. Nevertheless, existing rental contracts containing the old 12-hour notice provision must still comply with new 24-hour requirement. Miya's law also prohibits operators of public lodging establishments from offering hourly housing rates for accommodation.

Florida Governor Ron DeSantis stated, "Every tenant deserves to be safe in their own home. By signing this legislation, we are making it safer to live in a rental unit and giving renters more peace of mind in their homes. Miya's death was a tragedy, and our prayers continue to be with the Marcano family. I am proud to act on their behalf to help prevent a tragedy like that from happening to another Florida tenant."

Sources

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