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NEW REQUIREMENTS FOR RESIDENTIAL LANDLORDS

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Effective July 1, 2022, landlords of transient or non-transient apartments in Florida are required to perform background checks on all employees and licensees. Such background checks, which are a condition to employment, are required to be performed by a consumer reporting agency in accordance with the Fair Credit Reporting Act, and must include screening of criminal history records and sexual predator and sexual offender registries of all fifty (50) states and the District of Columbia. If the background screening of a prospective employee reveals that the prospective employee has been convicted or found guilty of, or entered a plea of nolo contendere, regardless of adjudication, of certain criminal offenses, the landlord may find the prospective employee ineligible for employment. Such criminal offenses include (a) a criminal offense involving the disregard for the safety of others which, if committed in the State of Florida or another state, is a felony or misdemeanor of the first degree in the State of Florida, or (2) a criminal offense committed in any jurisdiction which involves violence such as murder, sexual assault, battery, robbery, carjacking, home invasion, and stalking.

The new law also increases the notification required by a landlord to enter into a unit for maintenance and repairs from 12 hours to 24 hours. In addition to the new required background checks and increased notification requirements, effective January 1, 2023 residential landlords must establish policies and procedures for the issuance and return of keys to each apartment and regulating the storage of, and access to, unissued keys. Further, landlords must maintain a log for each apartment's key indicating the issuance and return of all keys for each apartment.

The new requirements for residential landlords are part of SB 898 which was signed into law by Governor Ron DeSantis on June 27, 2022.

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