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beyond the Humanities  
and Social Sciences in the Digital Era"**

### PROCEEDINGS

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## Introduction

Florida Governor Ron De Santis signed Senate Bill 898, known as “Miya’s Law,” Fla. Stat. 83.515, effectively on July 1, 2022. The Law imposes background screening and other specific requirements on property owners regarding their employees who work in apartments that can be classified as “nontransient” or “transient.” The Law is named after the tragic case of Miya Macado who was murdered by the employee of the apartment she rent. The case was closed unclearly, by the way, the result of this case has brought out the huge step on the tenant’s security in Florida.

## The Case Background

Miya Yman Maeling Marcano was born in 2002 at Pembroke Pines, Florida. She is the daughter of a local famous Trinidadian DJ father and a half US, half British Virgin Islander mother. Marcano’s relative is also a local celebrity. She has always participated in the local festival since a child which have made a reasonable fame to her. She began her university’s life in Orlando, first at the Faculty of Art of the University of Central Florida before transferring to the Faculty of Art of Valencia College. In her second year, Marcano had a part-time work in the leasing office of her place of apartment. (Teproff, 2021)

On September 24, 2021, Marcano had a plan to visit her family, but she missed her flight. Marcano’s parents reported to the Sheriff’s Office to check on her at her apartment. The deputy noticed her bedroom door was blocked by a dresser and that the window had been tampered. According to the CCTV, Marcano was last seen at 5 p.m. of the September 24. Then Marcano’s parents drove up from South Florida, arriving in Orlando around 3 a.m. The missing person bulletin of Marcano was posted on September 25. (Toohey, 2021)

The suspect of Marcano’s missing is Armando Manuel Caballero, a 27-year-old maintenance man at the Apartments where Marcano resided. There were many reports that Caballero always expresses a romantic interest many teenagers and including Marcano. Witness said that Caballero was known to have an apartment’s master key which he was always used to enter many apartments while the tenants were not at home, including the day of Marcano’s missing. Caballero became the prime suspect because of the misused a master key to get into Marcano’s apartment. An arrest warrant was issued, but Caballero was found dead from suicide on September 27. To track Marcano, police used Caballero’s cellphone records to the woodland near the apartment, where the police discovered a body with Marcano’s ID. (Lemos, 2021)

## The Miya Marcano Case

On September 27, 2021, the remaining of Miya Marcano, the 19-year-old sophomore college student who was last seen 3 days earlier, was found in the woods. The autopsy was indicated the cause of death was a “homicide by undetermined means”. Because of the lack of any identifiable evidences due to the decomposition, there was no evidence of sexual assault and a

cause of death was yet to be confirmed, but that it was clear Caballero was responsible for her death. Authorities announced the cause of her death, according to the autopsy report, was a homicide by undetermined means. (Fry, 2022)

From the investigation report, Caballero had a criminal history. In the early of 2021, he was notified a sexual harasser but the incident didn't be recorded because the victim didn't file a formal complaint. In spite of the apartment complex claimed that the background of the crews had already been checked. Caballero, the already-checked-history apartment employee, used the apartment's master key to unlock Marcano's room, kidnapped her, and murdered her. For months, Marcano had told everyone she knew about Caballero's harassing. Unfortunately, everyone rejected Caballero's last violence, and no one cared about it, his stories don't get enough attention which should be deserved. This means only the police notification was inadequate to keep Marcano far from the murderer. Even after Marcano's disappear, her family had to investigate everything on their own to convinced authorities to suspected Caballero. (Kraterou, Korn, and Roback, 2021)

With the indistinctly evidence leading to the incident and the cause of death, the prime suspect was dead also, the Marcano case was closed unclearly. The Marcano family's attorney made a statement that the Marcano case was not Caballero's first alleged incident of harassment and questioned his background checking of the apartment landlord. At tat sametimes, the apartment landlord made a publicly announce that all the apartment employees were no past criminal reports filed including Caballero which led the protest from the apartment residents and the surrounding neighborhood in October 2021. (Garza 2021) While Miya's family will never receive justice and nothing can bring back their daughter, Marcano's family decided to barge their daughter's death should not in vain.

### **The Miya's Law**

The Miya Marcano case pushed up the founding of the Miya Marcano Foundation that actively helps in finding missing people and supports the vulnerable. The family also pushed Miya's Law in Florida to protect students, single mothers, the elderly, apartment residents, support families of missing persons and educate communities on ways to protect one another. Miya's Law also seeks to improve the effectiveness of the employees' background checking. As in the statement of the Foundation website:

“ Miya's Law is proposed bi-partisan legislation in the State of Florida ( HB577/ SB898) that endeavors to ensure an elevated expectancy of residential security and personal safety on residential properties in the State of Florida. In this light, stricter governance such as the implementation of higher levels of background checks and limitations on the use of master keys will ensure the protection of all tenants and aid in strengthening the relationships between landlords and tenants.



The enforcement of Miya's Law will increase the safety and protection of our most vulnerable population, including students, children, single mothers, senior citizens, tenant victims, and over 2.8 million Florida residents residing in single- or multi-unit residential properties. Residential security and personal safety are undoubtedly among the very first lines of defense in the protection of tenants residing in residential communities, and a solid baseline must be established and upheld to safeguard tenants.

Safety and security are fundamental human rights (rights to life) and should be regarded as such. Miya's Law will help ensure the protection and well-being of our most vulnerable population – further reassuring tenant safety and security within residential communities. Because of Miya's Law, lives will be saved." (Miya Marcano Foundation, n.d.)

Miya's Law passed The Florida legislature after Governor Ron DeSantis signed Miya's Law on June 27, 2022. (Lakshmi, 2022) The Miya's Law requires landlords of non-transient and transient apartment buildings to perform background screenings on employees as a condition of employment after July 1, 2022. The background screening includes a search of all criminal, sex offender, and sexual predator registries from all 50 states and Washington, D.C. The applicant whom has been convicted of, has been found guilty of, or has been pled guilty to a crime involving the disregard for the safety of others that is a felony or first-degree misdemeanor in Florida.

A landlord must to disqualify applicants even the crime was committed in another state but would be a felony or first-degree misdemeanor if committed in Florida. The applicants whom has the conviction involved violence, such as murder, sexual battery, robbery, carjacking, home-invasion robbery, and stalking are also has been rejected. Miya's Law also amends existing safety regulations for lodging, food service, and membership campgrounds, requiring those establishments to implement the same background screening process discussed above. Landlord may enter a dwelling to make repairs only after providing the Reasonable Notice prior. (Corcoran, and Timothy, 2022) Miya's Law applies to apartments with five or more units, but does not apply to dormitories. It enforces apartments from hiring people with a criminal background or a violent background. It also requires apartments to keep logs of master keys and give tenants more notice before owners can enter apartments. The tenants should be noticed before the landlord enter the apartments. (Aboraya, 2021)

In short, Miya's Law aims to enforce a number of safety measures:

1. Requiring landlords to do background screenings on employees.
2. The law also requires those background checks to include national screenings for domestic violence and the sex offender registry.



3. Apartment and maintenance staff is required to give a 24-hour notice before using a master key to enter a tenant's unit.
4. Miya's Law requires staff to maintain a key log with details on who has access and when it's used.

While the law is technically in effect, Florida's Division of Hotels and Restaurants will not be able to enforce most of the law until January 2023. (Badcock, 2022)

### Conclusion and The Aftermath

In the bringing the justice back to the Marcano's family the Miya Marcano Foundation was established. The organization hopes to spread awareness on apartment safety, provide resources to the families of missing people, and support legislation that would offer greater protections for people living in apartment complexes. As its first priority, the foundation pushed for stricter apartment security standards to prevent the no laughing matter. Every tenant deserves to be safe. Miya's Law is a crucial part in protecting the safety, however, the criminal background check alone as required by this law simply won't provide the protection. Moreover, apartment and landlords are not the only hirer. The companies in the residence and security business employing workers, whom would be entering the homes of customers also. Miya's Law only applies in Florida, it recommended a minimum screening requirement which enforces to all employers to make legal and business-appropriate post-offer decisions relating to someone's criminal convictions in today's highly sensitive environment. Landlords and employers need to consider adding additional screenings.

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