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# The 15<sup>th</sup> National and International Humanities and Social Sciences

## HUSOC

Virtual Conference  
19<sup>th</sup> January 2023

**“Expanding Our Horizons: Strategies for Synergization  
beyond the Humanities  
and Social Sciences in the Digital Era”**

**PROCEEDINGS**

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## สารบัญ

เรื่อง	หน้า
ชื่อโครงการและแนวคิดหลัก	1
หลักการและเหตุผล	1
วัตถุประสงค์	1
เจ้าภาพจัดงานประชุมฯ	2
วันที่จัดงานประชุมฯ	3
เครือข่ายความร่วมมือ	3
กำหนดการงานประชุมวิชาการระดับชาติ	13
 การนำเสนอที่ความระดับชาติ	
พฤติกรรมทางภาษาของคำว่า “เวลา” ในภาษาไทยและลาว	26
คำประสมในภาษาเมืองไทย	34
การวิเคราะห์ประเด็นทางวัฒนธรรมในหนังสือแบบเรียนภาษาฝรั่งเศส Édito ระดับ A1	51
การเปรียบเทียบประเพณีส่ง耕耘ต์และการแข่งเรือในบริบทสังคมไทยและสังคมจีน	70
เกณฑ์การเลือกหนังสืออ่านนอกเวลาสำหรับการเรียนการสอนวิชาภาษาต่างประเทศ	
กรณีศึกษา: ภาพประเทศเยอรมนีและเกณฑ์การเลือกหนังสืออ่านนอกเวลาของ สาขาวิชาภาษาเยอรมัน จุฬาลงกรณ์มหาวิทยาลัย	83
การพัฒนาสมรรถนะภาษาอังกฤษนักศึกษามหาวิทยาลัยราชภัฏพิบูลสงคราม	
ด้วยชุดกิจกรรมพัฒนาทักษะภาษาอังกฤษ	89
การพัฒนานวัตกรรมการเรียนภาษาอังกฤษเพื่อใช้สื่อสารในชีวิตประจำวัน	90
การศึกษาความหมายและหน้าที่ของคำสลับตำแหน่งภาษาจีน	91
ความสัมพันธ์ระหว่างภาษาอังกฤษกับภาษาไทยในช่วงก่อนที่ห้าม ปี พ.ศ. 2561 – 2565	92
การสื่อความหมายในบทเพลงของ Troye Sivan: การวิเคราะห์ตามแนวอรรถศาสตร์ และวัฒนบัญชาศาสตร์	105
การพัฒนาเว็บไซต์สองภาษา (ฝรั่งเศส-ไทย) เพื่อประชาสัมพันธ์	

แหล่งท่องเที่ยวเชิงวัฒนธรรมรอบกว้านพะ夷า	115
การศึกษาเปรียบเทียบจำนวนที่มีคำว่า “ฝน” ในภาษาไทยกับจำนวนที่มีคำว่า “雨” (yǔ: ฝน) ในภาษาจีน	133
การศึกษาเปรียบเทียบวรรณกรรมและการถูนและอนิเมชั่น เรื่อง Le Roman de Renart	146
หมอดำ : ตนตรี พิธีกรรม และความเป็นการเมือง	160
กัญชา: การศึกษาโลกวัฒนธรรมกัญชาในชีวิตคนปัจจุบัน	175
การบริหารงานภาครัฐไทย: วิพากษ์อดีต วิเคราะห์ปัจจุบัน มุ่งสู่อนาคต	188
การบริหารงานภาครัฐในฝันที่เป็นจริง	201
การวัดสมรรถนะความสามารถสู่ผลลัพธ์ของการผลิตบัณฑิต หลักสูตรเศรษฐศาสตรบัณฑิต มหาวิทยาลัยเชียงใหม่	219
การพัฒนาภูมายกย่องกับการส่งเสริมการท่องเที่ยวเชิงนิเวศเกษตร	220
การวิเคราะห์คุณลักษณะบัณฑิตของนิสิตระดับปริญญาตรีในสาขาวัฒนศาสตร์และภูมิสารสนเทศ ความสะอาดในโลกของชาวบ้าน: บทเรียนจากการสนับสนุนทางมนุษย์วิทยา	220
การสร้างหนังสือส่งเสริมการอ่านเรื่อง The Medieval ยุคกลางหรือยุคเมดิ้น ในรูปแบบหนังสืออิเล็กทรอนิกส์ สำหรับนักเรียนชั้นมัธยมศึกษาตอนปลาย	248
การยอมรับของประชาชนต่อการดำเนินมาตรการการป้องกันและช่วยเหลือประชาชน จากการแพร่ระบาดของโรคติดเชื้อไวรัสโคโรนา 2019 ในเขตอำเภอเมือง จังหวัดพะ夷า	263
การเปลี่ยนแปลงทางภาษาในบริบทการพัฒนา : กรณีศึกษาบ้านหนองลือ อำเภอเชียงคำ จังหวัดพะ夷า	278
พัฒนาการการท่องเที่ยวเชิงวัฒนธรรม : ประเมินตานข้าวใหม่ใส่บาตรหลวง จังหวัดพะ夷า	291
นำเสนอทบทความระดับนานาชาติ	
An Analysis of Nursing Lecturers' Perspectives on English Contents for Nursing Students	293
A Cognitive-Based Approach to Analysing Translators' Choices: A One-Shot Case Study	294
The IG Scammers in Thailand	304

## A Comparative Study of Hedging in the Discussion Sections of English Research

Articles by Thai, Chinese, and Saudi Arabian Writers	314
Psychological Empowerment and Employee Creativity at Startups in Thailand: The Moderating Role of Firm Size	315
Duties and Liability of Apartment Landlords according to Florida's Miya's Law	324
How Community of Practice plays a role in supporting technology integration in an English classroom: A initial report	330
Language Anxiety and Academic Performance among Thai University Students in Learning English	342
In Search of Queering Spaces: Conducting Online Ethnography among the Gender- Diverse Students in the Lower Northern Thailand	355
Effectiveness of Interactive Based Learning at Quizizz Application: An Action Research on Malay for Tourism Subject	368
The Adaptation of Japanese manga in Thailand: Translation Matters	369
An Analysis of Presentation Techniques in Kazuo Ishiguro's Never Let Me Go	386
Effects of Smartphone Addiction on Well-Being of Thai Undergraduate Students	398
Linguistic Landscape on Tourist Attraction Signs in Uttaradit Province	399

## Duties and Liabilities of Apartment Landlords according to Miya's Law of Florida

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### Abstract

This academic article on “Duties and Liability of Apartment Landlords according to Florida's Miya's Law” aims to study the background of Miya's Law, effective July 1, 2022, and reason for the enactment of the law in detail which requires landlords to do its duties by conducting national background screenings, including a criminal history record and sexual offender registries on employees, and authorizes landlords to disqualify applicants who exhibit a history of violent criminal offenses. Moreover, the maintenance of a key log to ensure that access is only given to authorized individuals at authorized times and tenants will have to be given 24 hours' notice before workers can enter apartments. These measures are in order to strengthen residential tenant safety. Furthermore, this article will focus on the significant impacts of Miya's Law, on the daily operations of Florida property owners and property managers, including their liabilities.

**Keywords:** Duties and Liabilities of Apartment Landlords, Miya's Law of Florida

## 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· 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 Morover, 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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