

Bill No. CS for SB 1098

Amendment No. ____ Barcode 424054

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

Senate Amendment (with title amendment)

On page 9, between lines 18 and 19,

insert:

Section 8. Section 689.27, Florida Statutes, is created to read:

689.27 Termination of agreement to purchase real property by a member of the United States Armed Forces, the United States Reserve Forces, or the Florida National Guard.--

(1) Notwithstanding any other provisions of law and for the purposes of this section:

(a) "Closing" means the finalizing of the sale of property, upon which title to the property is transferred from the seller to the buyer.

(b) "Contract" means an instrument purporting to contain an agreement to purchase real property.

(c) "Property" means a house, condominium, or mobile home that a member intends to purchase to serve as his or her primary residence.

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1 (2) Any member of the United States Armed Forces, the
2 United States Reserve Forces, or the Florida National Guard
3 may terminate a contract to purchase property, prior to
4 closing on such property, by providing the seller or mortgagor
5 of the property with a written notice of termination to be
6 effective immediately, if any of the following criteria are
7 met:

8 (a) The member is required, pursuant to a permanent
9 change of station orders received after entering into a
10 contract for the property, to move 35 miles or more from the
11 location of the property;

12 (b) The member is released from federal or state
13 active duty after having agreed to purchase the property while
14 serving on federal or state active duty status, and the
15 property is more than 35 miles away from the member s home of
16 record prior to entering active duty;

17 (c) The member receives military orders requiring him
18 or her to move into government quarters or, after contracting
19 to purchase property but prior to closing, the member becomes
20 eligible to live in government quarters;

21 (d) Prior to closing, the member receives temporary
22 duty orders, temporary change of station orders, or state
23 active duty orders to an area more than 35 miles from where
24 the property is located, provided such orders are for a period
25 exceeding 90 days; or

26 (e) The member has entered into an agreement to
27 purchase the property, but prior to taking possession of the
28 property, receives a change of orders to an area located more
29 than 35 miles from the location of the property.

30 (3) The notice to the seller or mortgagor canceling
31 the contract must be accompanied by either a copy of the

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1 official military orders or a written verification signed by
2 the member's commanding officer.

3 (4) Upon termination of a contract under this section,
4 the seller or mortgagor or his or her agent shall refund any
5 funds provided by the member under the contract within 7 days.
6 The member is not liable for any other fees due to the
7 termination of the contract as provided for in this section.

8 (5) The provisions of this section may not be waived
9 or modified by the agreement of the parties under any
10 circumstances.

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12 (Redesignate subsequent sections.)

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 29, after "circumstances;"

18

19 insert:

20 creating s. 689.27, F.S., providing
21 requirements and procedure with respect to the
22 termination by a member of the United States
23 Armed Services, the United States Reserve
24 Forces, or the Florida National Guard of an
25 agreement to purchase real property;

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