

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. Part IV of chapter 250, Florida Statutes, consisting of sections 250.80, 250.81, 250.82, 250.83, and 250.84, is created to read:

PART IV

FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

250.80 Popular name.--Sections 250.80-250.84 may be known by the popular name the "Florida Uniformed Servicemembers Protection Act."

250.81 Legislative intent.--It is the intent of the Legislature that men and women who serve in the Florida National Guard, the United States Armed Forces, and Armed Forces Reserves understand their rights under applicable state and federal laws.

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28 Further, it is the intent of the Legislature that Florida  
29 residents and businesses understand the rights afforded to the  
30 men and women who volunteer their time and sacrifice their lives  
31 to protect the freedoms granted by the Constitutions of the  
32 United States and the State of Florida.

33 250.82 Applicability of federal law.--

34 (1) Florida law provides certain protections to members of  
35 the United States Armed Forces, the United States Reserve  
36 Forces, and the Florida National Guard in various legal  
37 proceedings and contractual relationships. In addition to these  
38 state provisions, federal law also contains protections, such as  
39 those provided in the Soldiers' and Sailors' Civil Relief  
40 Act(SSCRA), Title 50, Appendix United States Code, Section 501,  
41 et seq., and the Uniformed Services Employment and Reemployment  
42 Rights Act (USERRA), Title 38 United States Code, Chapter 43,  
43 that are applicable to members in every state even though such  
44 provisions are not specifically identified under state law.

45 (2) To the extent allowed by federal law, the state courts  
46 shall have concurrent jurisdiction for enforcement over all  
47 causes of action arising from the provisions of federal law and  
48 may award a remedy as provided therein.

49 250.83 Construction of part.--In the event that any other  
50 provision of law conflicts with SSCRA, USERRA, or the provisions  
51 of this chapter, the provisions of SSCRA, USERRA, or the  
52 provisions of this chapter, whichever is applicable, shall  
53 control. Nothing in this part shall construe rights or  
54 responsibilities not provided under the SSCRA, USERRA, or this  
55 chapter.

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56 250.84 Florida Uniformed Servicemembers Protection Act;  
57 rights of servicemembers; incorporation by reference.--

58 (1)(a) It is the intent of the Legislature to ensure that  
59 those individuals affected by the provisions of the Florida  
60 Uniformed Servicemembers Protection Act be made aware of the  
61 rights and responsibilities of servicemembers. The Department  
62 of Military Affairs shall make available a document containing  
63 the rights and responsibilities of servicemembers set forth in  
64 Florida Statutes, either through printed or electronic means, to  
65 appropriate state or local organizations composed of parties  
66 affected by said rights, including, but not limited to, those  
67 representing:

- 68 1. Motor vehicle dealers.
- 69 2. Financial institutions and mortgage brokers.
- 70 3. Telecommunications service companies.
- 71 4. Residential tenancies.
- 72 5. Real estate salespersons and brokers.
- 73 6. Members of the Florida Bar Association who serve on a  
74 military affairs-related committee.

75 (b) The Department of Military Affairs shall also make  
76 available a document containing the rights and responsibilities  
77 of servicemembers set forth in Florida Statutes, either through  
78 printed or electronic means, to servicemembers and their  
79 families.

80 (c) Such documents containing the rights and  
81 responsibilities of servicemembers set forth in this act shall  
82 include an enumeration of all rights and responsibilities under  
83 state and federal law, including, but not limited to:

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84 1. The rights and responsibilities provided by the Florida  
85 Uniformed Servicemembers Protection Act, including a listing of  
86 all sections of Florida Statutes relating to servicemembers.

87 2. The rights and responsibilities provided by the  
88 Soldiers' and Sailors' Civil Relief Act.

89 3. The rights and responsibilities provided by the  
90 Uniformed Servicemembers Employment and Reemployment Rights Act.

91 Section 2. Subsections (14), (15), and (16) are added to  
92 section 83.43, Florida Statutes, to read:

93 83.43 Definitions.--As used in this part, the following  
94 words and terms shall have the following meanings unless some  
95 other meaning is plainly indicated:

96 (14) "Servicemember" shall have the same meaning as  
97 provided in s. 250.01.

98 (15) "Active duty" shall have the same meaning as provided  
99 in s. 250.01.

100 (16) "State active duty" shall have the same meaning as  
101 provided in s. 250.01.

102 Section 3. Subsection (1) of section 83.64, Florida  
103 Statutes, is amended to read:

104 83.64 Retaliatory conduct.--

105 (1) It is unlawful for a landlord to discriminatorily  
106 increase a tenant's rent or decrease services to a tenant, or to  
107 bring or threaten to bring an action for possession or other  
108 civil action, primarily because the landlord is retaliating  
109 against the tenant. In order for the tenant to raise the defense  
110 of retaliatory conduct, the tenant must have acted in good  
111 faith. Examples of conduct for which the landlord may not  
112 retaliate include, but are not limited to, situations where:

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113 (a) The tenant has complained to a governmental agency  
114 charged with responsibility for enforcement of a building,  
115 housing, or health code of a suspected violation applicable to  
116 the premises;

117 (b) The tenant has organized, encouraged, or participated  
118 in a tenants' organization; ~~or~~

119 (c) The tenant has complained to the landlord pursuant to  
120 s. 83.56(1); or ~~or~~

121 (d) The tenant is a servicemember who has terminated a  
122 rental agreement pursuant to s. 83.682.

123 Section 4. Section 83.67, Florida Statutes, is amended to  
124 read:

125 83.67 Prohibited practices.--

126 (1) No landlord of any dwelling unit governed by this part  
127 shall cause, directly or indirectly, the termination or  
128 interruption of any utility service furnished the tenant,  
129 including, but not limited to, water, heat, light, electricity,  
130 gas, elevator, garbage collection, or refrigeration, whether or  
131 not the utility service is under the control of, or payment is  
132 made by, the landlord.

133 (2) No landlord of any dwelling unit governed by this part  
134 shall prevent the tenant from gaining reasonable access to the  
135 dwelling unit by any means, including, but not limited to,  
136 changing the locks or using any bootlock or similar device.

137 (3) No landlord of any dwelling unit governed by this part  
138 shall discriminate against a servicemember in offering a  
139 dwelling unit for rent or in any of the terms of the rental  
140 agreement.

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141        ~~(4)(3)~~ No landlord of any dwelling unit governed by this  
142 part shall remove the outside doors, locks, roof, walls, or  
143 windows of the unit except for purposes of maintenance, repair,  
144 or replacement; nor shall the landlord remove the tenant's  
145 personal property from the dwelling unit unless said action is  
146 taken after surrender, abandonment, or a lawful eviction. If  
147 provided in the rental agreement or a written agreement separate  
148 from the rental agreement, upon surrender or abandonment by the  
149 tenant, the landlord is not required to comply with s. 715.104  
150 and is not liable or responsible for storage or disposition of  
151 the tenant's personal property; if provided in the rental  
152 agreement there must be printed or clearly stamped on such  
153 rental agreement a legend in substantially the following form:  
154

155            BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT  
156 UPON SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA  
157 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR  
158 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.  
159

160 For the purposes of this section, abandonment shall be as set  
161 forth in s. 83.59(3)(c).

162        ~~(5)(4)~~ A landlord who violates the provisions of this  
163 section shall be liable to the tenant for actual and  
164 consequential damages or 3 months' rent, whichever is greater,  
165 and costs, including attorney's fees. Subsequent or repeated  
166 violations which are not contemporaneous with the initial  
167 violation shall be subject to separate awards of damages.

168        ~~(6)(5)~~ A violation of this section shall constitute  
169 irreparable harm for the purposes of injunctive relief.

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170 ~~(7)(6)~~ The remedies provided by this section are not  
171 exclusive and shall not preclude the tenant from pursuing any  
172 other remedy at law or equity which the tenant may have. The  
173 remedies provided by this section shall also apply to a  
174 servicemember who is a prospective tenant who has been  
175 discriminated against under subsection (3).

176 Section 5. Section 83.682, Florida Statutes, is amended to  
177 read:

178 83.682 Termination of rental agreement by a servicemember  
179 ~~member of the United States Armed Forces.--~~

180 ~~(1)(a)~~ Any servicemember ~~member of the United States Armed~~  
181 ~~Forces who is required to move pursuant to permanent change of~~  
182 ~~station orders to depart 35 miles or more from the location of a~~  
183 ~~rental premises or who is prematurely or involuntarily~~  
184 ~~discharged or released from active duty with the United States~~  
185 ~~Armed Forces~~ may terminate his or her rental agreement by  
186 providing the landlord with a written notice of termination to  
187 be effective on the date stated in the notice that is at least  
188 30 days after the landlord's receipt of the notice if any of the  
189 following criteria are met:-

190 (a) The servicemember is required, pursuant to a permanent  
191 change of station orders, to move 35 miles or more from the  
192 location of the rental premises;

193 (b) The servicemember is prematurely or involuntarily  
194 discharged or released from active duty or state active duty;

195 (c) The servicemember is released from active duty or  
196 state active duty after having leased the rental premises while  
197 on active duty or state active duty status and the rental

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198 premises is 35 miles or more from the servicemember's home of  
199 record prior to entering active duty or state active duty;

200 (d) After entering into a rental agreement, the  
201 servicemember receives military orders requiring him or her to  
202 move into government quarters or the servicemember becomes  
203 eligible to live in and opts to move into government quarters;

204 (e) The servicemember receives temporary duty orders,  
205 temporary change of station orders, or state active duty orders  
206 to an area 35 miles or more from the location of the rental  
207 premises, provided such orders are for a period exceeding 60  
208 days; or

209 (f) The servicemember has leased the property, but prior  
210 to taking possession of the rental premises, receives a change  
211 of orders to an area that is 35 miles or more from the location  
212 of the rental premises.

213 (2) The notice to the landlord must be accompanied by  
214 either a copy of the official military orders or a written  
215 verification signed by the servicemember's ~~member's~~ commanding  
216 officer.

217 (3)~~(b)~~ In the event a servicemember ~~member of the United~~  
218 ~~States Armed Forces~~ dies during active duty, an adult member of  
219 his or her immediate family may terminate the servicemember's  
220 ~~member's~~ rental agreement by providing the landlord with a  
221 written notice of termination to be effective on the date stated  
222 in the notice that is at least 30 days after the landlord's  
223 receipt of the notice. The notice to the landlord must be  
224 accompanied by either a copy of the official military orders  
225 showing the servicemember was on active duty or a written



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226 verification signed by the servicemember's ~~member's~~ Commanding  
227 Officer and a copy of the servicemember's death certificate.

228 (4)(2) Upon termination of a rental agreement under this  
229 section, the tenant is liable for the rent due under the rental  
230 agreement prorated to the effective date of the termination  
231 payable at such time as would have otherwise been required by  
232 the terms of the rental agreement. The tenant is not liable for  
233 any other rent or damages due to the early termination of the  
234 tenancy as provided for in this section ~~except the liquidated~~  
235 ~~damages provided in this section.~~ Notwithstanding any provision  
236 of this section to the contrary, if a tenant terminates the  
237 rental agreement pursuant to this section 14 or more days prior  
238 to occupancy, no damages or penalties of any kind will be  
239 assessable ~~are due.~~

240 ~~(3) In consideration of early termination of the rental~~  
241 ~~agreement, the tenant is liable to the landlord for liquidated~~  
242 ~~damages provided the tenant has completed less than 9 months of~~  
243 ~~the tenancy and the landlord has suffered actual damages due to~~  
244 ~~loss of the tenancy. The liquidated damages must be no greater~~  
245 ~~than 1 month's rent if the tenant has completed less than 6~~  
246 ~~months of the tenancy as of the effective date of termination,~~  
247 ~~or one-half of 1 month's rent if the tenant has completed at~~  
248 ~~least 6 but not less than 9 months of the tenancy as of the~~  
249 ~~effective date of termination.~~

250 (5)(4) The provisions of this section may not be waived or  
251 modified by the agreement of the parties under any  
252 circumstances.

253 Section 6. Section 115.02, Florida Statutes, is amended to  
254 read:

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255           115.02 Governor to grant application; proviso.--When any  
256 such officer shall be granted a leave of absence pursuant to  
257 this chapter ~~volunteer or be called into the service of the~~  
258 ~~United States during war~~, the Governor shall, upon application  
259 being made by such officer, grant such officer leave of absence  
260 during the time he or she shall be retained in such military  
261 service; provided, such service shall not extend beyond the term  
262 of office of such officer, in which event the office shall be  
263 filled by election at the expiration thereof.

264           Section 7. Section 115.08, Florida Statutes, is amended to  
265 read:

266           115.08 Definitions.--

267           (1) The term "active military service" as used in this  
268 chapter law shall signify active duty in the Florida defense  
269 force or federal service in training or on active duty with any  
270 branch of the Armed Forces or Reservists of the Armed Forces,  
271 the Florida National Guard Army of the United States, the United  
272 States Navy, the Marine Corps of the United States, the Coast  
273 Guard of the United States, and service of all officers of the  
274 United States Public Health Service detailed by proper authority  
275 for duty with the Armed Forces ~~either with the army or the navy,~~  
276 and shall include the period during which a person in military  
277 service is absent from duty on account of sickness, wounds,  
278 leave, or other lawful cause.

279           (2) The term "period of active military service" as used  
280 in this chapter law shall begin with the date of entering upon  
281 active military service, and shall terminate with death or a  
282 date 30 days immediately next succeeding the date of release or

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283 discharge from active military service, or upon return from  
284 active military service, whichever shall occur first.

285 (3) The term "servicemember" as used in this chapter shall  
286 have the same meaning as provided in s. 250.01.

287 Section 8. Section 115.09, Florida Statutes, is amended to  
288 read:

289 115.09 Leave to public officials for military  
290 service.--All officials of the state, the several counties of  
291 the state, and the municipalities or political subdivisions of  
292 the state, including district school and community college  
293 officers, which officials are also servicemembers ~~officers or~~  
294 ~~enlisted personnel~~ in the National Guard or a reserve component  
295 of the Armed Forces of the United States, shall ~~may, subject to~~  
296 ~~the provisions and conditions hereafter set forth,~~ be granted  
297 leave of absence from their respective offices and duties to  
298 perform active military service, the first 30 days of any such  
299 leave of absence to be with full pay.

300 Section 9. Section 115.10, Florida Statutes, is repealed.

301 Section 10. Section 115.12, Florida Statutes, is amended  
302 to read:

303 115.12 Rights during leave.--

304 (1) During such leave of absence such official shall be  
305 entitled to preserve all seniority rights, efficiency ratings,  
306 promotional status and retirement privileges. The period of  
307 active military service shall, for purposes of computation to  
308 determine whether such person may be entitled to retirement  
309 under the laws of the state, be deemed continuous service in the  
310 office of said official. While absent on such leave without pay,

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311 said official shall not be required to make any contribution to  
312 any retirement fund.

313 (2) The employing authority shall adhere to all the  
314 provisions contained in the Uniformed Services Employment and  
315 Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

316 Section 11. Section 115.13, Florida Statutes, is amended  
317 to read:

318 115.13 Resumption of official duties.--Upon said officer  
319 terminating his or her active military service, he or she shall  
320 ~~immediately~~ enter upon the duties of office for the unexpired  
321 portion of the term for which he or she was elected or  
322 appointed, in accordance with the limits provided under the  
323 Uniformed Services Employment and Reemployment Rights Act,  
324 chapter 43 of Title 38 U.S.C.

325 Section 12. Section 115.14, Florida Statutes, is amended  
326 to read:

327 115.14 Employees.--All employees of the state, the several  
328 counties of the state, and the municipalities or political  
329 subdivisions of the state ~~shall may, in the discretion of the~~  
330 ~~employing authority of such employee,~~ be granted leave of  
331 absence under the terms of this law; upon such leave of absence  
332 being granted said employee shall enjoy the same rights and  
333 privileges as are hereby granted to officials under this law,  
334 insofar as may be, including, without limitation, receiving full  
335 pay for the first 30 days. Notwithstanding the provisions of s.  
336 115.09, the employing authority may supplement the military pay  
337 of its officials and employees who are reservists called to  
338 active military service after the first 30 days ~~for the first 30~~  
339 ~~days with full pay and, thereafter,~~ in an amount necessary to

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340 bring their total salary, inclusive of their base military pay,  
341 to the level earned at the time they were called to active  
342 military duty. The employing authority shall ~~may also, in its~~  
343 ~~discretion,~~ continue to provide all any health insurance and  
344 other existing benefits to such officials and employees as  
345 required by the Uniformed Services Employment and Reemployment  
346 Rights Act, chapter 43 of Title 38 U.S.C.

347 Section 13. Section 115.15, Florida Statutes, is amended  
348 to read:

349 115.15 Adoption of federal law for employees.--The  
350 provisions of the Uniformed Services Employment and Reemployment  
351 Rights Act, chapter 43 of Title 38 U.S.C., ~~section 8 of chapter~~  
352 ~~720 Acts of Congress of the United States, approved September~~  
353 ~~16, 1940 (Title 50 App. Section 308, U.S.C.A.), insofar as it~~  
354 ~~relates to the reemployment of public employees granted a leave~~  
355 ~~of absence on active military duty under this law, shall be~~  
356 applicable in this state and the refusal of any state, county,  
357 or municipal official to comply therewith shall subject him or  
358 her to removal from office.

359 Section 14. Section 250.01, Florida Statutes, is amended  
360 to read:

361 (Substantial rewording of section. See  
362 s. 250.01, F.S., for present text.)

363 250.01 Definitions.--As used in this chapter, the term:

364 (1) "Active duty" means full-time duty in active military  
365 service of the United States. The term includes federal duty  
366 such as full-time training, annual training, and attendance  
367 while a person is in active military service or in a school  
368 designated as a service school by law or by the secretary of the

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369 applicable military department. The term does not mean full-time  
370 duty in the National Guard.

371 (2) "State active duty" means full-time duty in active  
372 military service of the State of Florida when ordered by the  
373 Governor or Adjutant General in accordance with s. 250.06, s.  
374 250.10, or s. 250.28 to preserve the public peace, execute the  
375 laws of the state, suppress insurrection, repel invasion,  
376 enhance security and respond to terrorist threats or attacks,  
377 respond to an emergency as defined in s. 252.34 or to imminent  
378 danger of an emergency, enforce the law, carry out counter-drug  
379 operations, provide training, provide for the security of the  
380 rights or lives of the public, protect property, or conduct  
381 ceremonies. The term includes the duties of officers or enlisted  
382 personnel who are employed under the order of the Governor in  
383 recruiting; making tours of instruction; inspecting troops,  
384 armories, storehouses, campsites, rifle ranges, or military  
385 property; sitting on general or special courts-martial, boards  
386 of examination, courts of inquiry, or boards of officers; or  
387 making or assisting in physical examinations.

388  
389 The terms shall also include the period during which a person in  
390 active military service is absent from duty as a result of  
391 illness, being wounded, being on leave, or other lawful cause.

392 (3) "SSCRA" means the Soldiers' and Sailors' Civil Relief  
393 Act, Title 50, Appendix U.S.C. s. 501 et seq.

394 (4) "Servicemember" means any person serving as a member  
395 of the United States Armed Forces on active duty or state active  
396 duty and all members of the Florida National Guard and United  
397 States Reserve Forces.

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398       (5) "USERRA" means the Uniformed Services Employment and  
399 Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

400       Section 15. Paragraph (e) is added to subsection (3) of  
401 section 320.07, Florida Statutes, present subsection (5) is  
402 renumbered as subsection (6) and amended, and a new subsection  
403 (5) is added to said section, to read:

404       320.07 Expiration of registration; annual renewal  
405 required; penalties.--

406       (3) The operation of any motor vehicle without having  
407 attached thereto a registration license plate and validation  
408 stickers, or the use of any mobile home without having attached  
409 thereto a mobile home sticker, for the current registration  
410 period shall subject the owner thereof, if he or she is present,  
411 or, if the owner is not present, the operator thereof to the  
412 following penalty provisions:

413       (e) Any servicemember, as defined in s. 250.01, whose  
414 mobile home registration has expired while serving on active  
415 duty or state active duty shall not be charged with a violation  
416 of this subsection if, at the time of the offense, the  
417 servicemember was serving on active duty or state active duty 35  
418 miles or more from the mobile home. The servicemember must  
419 present to the department either a copy of the official military  
420 orders or a written verification signed by the servicemember's  
421 commanding officer to waive charges.

422       (5) Any servicemember, as defined in s. 250.01, whose  
423 motor vehicle or mobile home registration has expired while  
424 serving on active duty or state active duty, shall be able to  
425 renew his or her registration upon return from active duty or  
426 state active duty without penalty, if the servicemember served

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427 on active duty or state active duty 35 miles or more from the  
428 servicemember's home of record prior to entering active duty or  
429 state active duty. The servicemember must provide to the  
430 department either a copy of the official military orders or a  
431 written verification signed by the servicemember's commanding  
432 officer to waive delinquent fees.

433 (6)(5) Delinquent fees imposed under this section shall  
434 not be apportionable under the International Registration Plan.

435 Section 16. Section 364.195, Florida Statutes, is created  
436 to read:

437 364.195 Termination of telecommunications service contract  
438 by a servicemember.--

439 (1) Any servicemember, as defined in s. 250.01, may  
440 terminate his or her telecommunications service contract by  
441 providing the telecommunications company with a written notice  
442 of termination, effective on the date specified in the notice,  
443 which date shall be at least 30 days after receipt of the notice  
444 by the telecommunications company, if any of the following  
445 criteria are met:

446 (a) The servicemember is required, pursuant to a permanent  
447 change of station orders, to move outside the area served by the  
448 telecommunications company or to an area where the type of  
449 telecommunications service being provided to the servicemember  
450 is not available from the telecommunications company;

451 (b) The servicemember is discharged or released from  
452 active duty or state active duty and will return from such duty  
453 to an area not served by the telecommunications company or where  
454 the type of telecommunications service contracted for is not  
455 available from the telecommunications company;

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456 (c) The servicemember is released from active duty or  
457 state active duty after having entered into a contract for  
458 telecommunications service while on active duty or state active  
459 duty status and the telecommunications company does not provide  
460 telecommunications service or the same type of  
461 telecommunications service contracted for in the region of the  
462 servicemember's home of record prior to entering active duty or  
463 state active duty;

464 (d) The servicemember receives military orders requiring  
465 him or her to move outside the continental United States; or

466 (e) The servicemember receives temporary duty orders,  
467 temporary change of station orders, or active duty or state  
468 active duty orders to an area not served by the  
469 telecommunications company or where the type of  
470 telecommunications service contracted for is not available from  
471 the telecommunications company, provided such orders are for a  
472 period exceeding 60 days.

473 (2) The written notice to the telecommunications company  
474 must be accompanied by either a copy of the official military  
475 orders or a written verification signed by the servicemember's  
476 commanding officer.

477 (3) Upon termination of a contract under this section, the  
478 servicemember is liable for the amount due under the contract  
479 prorated to the effective date of the termination payable at  
480 such time as would have otherwise been required by the terms of  
481 the contract. The servicemember is not liable for any other fees  
482 due to the early termination of the contract as provided for in  
483 this section.

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484 (4) The provisions of this section may not be waived or  
485 modified by the agreement of the parties under any  
486 circumstances.

487 Section 17. Section 520.14, Florida Statutes, is created  
488 to read:

489 520.14 Termination of retail installment contract for  
490 leasing a motor vehicle by a servicemember.--

491 (1) Any servicemember, as defined in s. 250.01, may  
492 terminate his or her retail installment contract for leasing a  
493 motor vehicle by providing the sales finance company with a  
494 written notice of termination, effective on the date specified  
495 in the notice, which date shall be at least 30 days after the  
496 receipt of the notice by the sales finance company, if any of  
497 the following criteria are met:

498 (a) The servicemember is required, pursuant to a permanent  
499 change of station, to move outside the continental United  
500 States; or

501 (b) The servicemember receives temporary duty orders,  
502 temporary change of station orders, or active duty orders  
503 outside the continental United States, provided such orders are  
504 for a period exceeding 60 days.

505 (2) The written notice to the sales finance company under  
506 subsection (1) must be accompanied by either a copy of the  
507 official military orders or a written verification signed by the  
508 servicemember's commanding officer.

509 (3) Upon termination of a contract under this section, the  
510 lessee is liable for the amount due under the contract, prorated  
511 to the effective date of the termination, payable at such time  
512 as would have otherwise been required by the terms of the

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513 contract. The lessee is not liable for any other fees due to the  
514 early termination of the contract as provided for in this  
515 section.

516 (4) The provisions of this section may not be waived or  
517 modified by the agreement of the parties under any  
518 circumstances.

519 Section 18. Subsection (5) is added to section 627.7283,  
520 Florida Statutes, to read:

521 627.7283 Cancellation; return of premium.--

522 (5) The insurer must refund 100 percent of the unearned  
523 premium if the insured is a servicemember, as defined in s.  
524 250.01, who cancels because he or she is called to active duty  
525 or transferred by the United States Armed Forces to a location  
526 where the insurance is not required. The insurer may require a  
527 servicemember to submit either a copy of the official military  
528 orders or a written verification signed by the servicemember's  
529 commanding officer to support the refund authorized under this  
530 subsection. If the insurer cancels, the insurer must refund 100  
531 percent of the unearned premium. Cancellation is without  
532 prejudice to any claim originating prior to the effective date  
533 of the cancellation. For purposes of this section, unearned  
534 premiums must be computed on a pro rata basis.

535 Section 19. Section 689.27, Florida Statutes, is created  
536 to read:

537 689.27 Termination of agreement to purchase real property  
538 by a servicemember.--

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

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

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

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

549 (d) "Servicemember" shall have the same meaning as  
550 provided in s. 250.01.

551 (2) Any servicemember may terminate a contract to purchase  
552 property, prior to closing on such property, by providing the  
553 seller or mortgagor of the property with a written notice of  
554 termination to be effective immediately, if any of the following  
555 criteria are met:

556 (a) The servicemember is required, pursuant to permanent  
557 change of station orders received after entering into a contract  
558 for the property and prior to closing, to move 35 miles or more  
559 from the location of the property;

560 (b) The servicemember is released from active duty or  
561 state active duty after having agreed to purchase the property  
562 and prior to closing while serving on active duty or state  
563 active duty status, and the property is 35 miles or more from  
564 the servicemember's home of record prior to entering active duty  
565 or state active duty;

566 (c) Prior to closing, the servicemember receives military  
567 orders requiring him or her to move into government quarters or  
568 the servicemember becomes eligible to live in and opts to move  
569 into government quarters; or

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570 (d) Prior to closing, the servicemember receives temporary  
571 duty orders, temporary change of station orders, or active duty  
572 or state active duty orders to an area 35 miles or more from  
573 the location of the property, provided such orders are for a  
574 period exceeding 90 days.

575 (3) The notice to the seller or mortgagor canceling the  
576 contract must be accompanied by either a copy of the official  
577 military orders or a written verification signed by the  
578 servicemember's commanding officer.

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

584 (5) The provisions of this section may not be waived or  
585 modified by the agreement of the parties under any  
586 circumstances.

587 Section 20. Subsection (2) of section 1009.531, Florida  
588 Statutes, is amended to read:

589 1009.531 Florida Bright Futures Scholarship Program;  
590 student eligibility requirements for initial awards.--

591 (2) A student is eligible to accept an initial award for 3  
592 years following high school graduation and to accept a renewal  
593 award for 7 years following high school graduation. A student  
594 who applies for an award by high school graduation and who meets  
595 all other eligibility requirements, but who does not accept his  
596 or her award, may reapply during subsequent application periods  
597 up to 3 years after high school graduation. For a student who  
598 enlists in the United States Armed Forces immediately after

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599 completion of high school, the 3-year eligibility period for his  
600 or her initial award shall begin upon the date of separation  
601 from active duty. For a student who is receiving a Florida  
602 Bright Futures Scholarship and discontinues his or her education  
603 to enlist in the United States Armed Forces, the remainder of  
604 his or her 7-year renewal period shall commence upon the date of  
605 separation from active duty.

606 Section 21. Subsection (1) of section 1009.532, Florida  
607 Statutes, is amended to read:

608 1009.532 Florida Bright Futures Scholarship Program;  
609 student eligibility requirements for renewal awards.--

610 (1) To be eligible to renew a scholarship from any of the  
611 three types of scholarships under the Florida Bright Futures  
612 Scholarship Program, a student must:

613 (a) Complete at least 12 semester credit hours or the  
614 equivalent in the last academic year in which the student earned  
615 a scholarship.

616 (b) Maintain the cumulative grade point average required  
617 by the scholarship program, except that:

618 1. If a recipient's grades fall beneath the average  
619 required to renew a Florida Academic Scholarship, but are  
620 sufficient to renew a Florida Medallion Scholarship or a Florida  
621 Gold Seal Vocational Scholarship, the Department of Education  
622 may grant a renewal from one of those other scholarship  
623 programs, if the student meets the renewal eligibility  
624 requirements; ~~or~~

625 2. If, at any time during the eligibility period, a  
626 student's grades are insufficient to renew the scholarship, the  
627 student may restore eligibility by improving the grade point

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628 average to the required level. A student is eligible for such a  
629 reinstatement only once. The Legislature encourages education  
630 institutions to assist students to calculate whether or not it  
631 is possible to raise the grade point average during the summer  
632 term. If the institution determines that it is possible, the  
633 education institution may so inform the department, which may  
634 reserve the student's award if funds are available. The renewal,  
635 however, must not be granted until the student achieves the  
636 required cumulative grade point average. If the summer term is  
637 not sufficient to raise the grade point average to the required  
638 renewal level, the student's next opportunity for renewal is the  
639 fall semester of the following academic year; or-

640 3. If a student is receiving a Florida Bright Futures  
641 Scholarship, is a servicemember of the Florida National Guard or  
642 United States Reserves while attending a postsecondary  
643 institution, is called to active duty or state active duty, as  
644 defined in s. 250.01, prior to completing his or her degree, and  
645 meets all other requirements for the scholarship, the student  
646 shall be eligible to continue the scholarship for 2 years after  
647 completing active duty or state active duty.

648 Section 22. This act shall take effect upon becoming a  
649 law.

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

652 Remove the entire title, and insert:

653  
654 A bill to be entitled  
655 An act relating to military affairs; creating pt. IV of  
656 ch. 250, F.S., the "Florida Uniformed Servicemembers

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657 Protection Act"; providing a popular name; providing  
658 legislative intent; providing for applicability of  
659 specified federal laws to servicemembers when serving on  
660 active duty or state active duty; providing for  
661 jurisdiction of the courts; providing for construction of  
662 pt. IV of ch. 250, F.S.; amending s. 83.43, F.S.; defining  
663 "servicemember," "active duty," and "state active duty"  
664 for purposes of the Florida Residential Landlord and  
665 Tenant Act; amending s. 83.64, F.S.; prohibiting  
666 retaliatory action by a landlord for termination of a  
667 rental agreement by a servicemember; amending s. 83.67,  
668 F.S.; prohibiting a landlord from discriminating against a  
669 servicemember in offering a dwelling unit for rent or in  
670 any of the terms of a rental agreement; providing for  
671 applicability of remedies to servicemembers who are  
672 prospective tenants and the subject of such  
673 discrimination; amending s. 83.682, F.S.; providing  
674 conditions under which a servicemember may terminate his  
675 or her rental agreement; revising terminology; revising  
676 liability of a servicemember in the event of early  
677 termination of a tenancy; amending s. 115.02, F.S.;  
678 revising provisions with respect to the granting of a  
679 leave of absence to an officer; amending s. 115.08, F.S.;  
680 revising the definition of "active military service" and  
681 "period of active military service" and providing a  
682 definition of "servicemember"; amending s. 115.09, F.S.;  
683 requiring the granting of leave of absence for state,  
684 county, and municipal officials who are servicemembers;  
685 repealing s. 115.10, F.S., relating to granting and denial

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686 of leave of absence for public officials by the Governor;  
687 amending s. 115.12, F.S.; revising provisions relating to  
688 rights during leave to provide that the employing  
689 authority must adhere to the provisions of the federal  
690 Uniformed Services Employment and Reemployment Rights Act;  
691 amending s. 115.13, F.S.; revising provisions relating to  
692 resumption of official duties; amending s. 115.14, F.S.;  
693 requiring the granting of leave of absence for state,  
694 county, and municipal employees; revising provisions with  
695 respect to supplemental pay for reservist officials and  
696 employees called to active military service; requiring an  
697 employing authority to continue to provide all health  
698 insurance and other existing benefits; amending s. 115.15,  
699 F.S.; providing for applicability of the federal Uniformed  
700 Services Employment and Reemployment Rights Act; amending  
701 s. 250.01, F.S.; providing definitions; amending s.  
702 320.07, F.S.; exempting servicemembers from penalties for  
703 expiration of mobile home and motor vehicle registrations  
704 when such registrations expire while the servicemember is  
705 serving on active duty or state active duty; creating s.  
706 364.195, F.S.; providing requirements and procedure with  
707 respect to termination of a telecommunications service  
708 contract by a servicemember; creating s. 520.14, F.S.;  
709 providing requirements and procedure with respect to the  
710 termination of a retail installment contract for leasing a  
711 motor vehicle by a servicemember; amending s. 627.7283,  
712 F.S.; requiring motor vehicle insurance companies to  
713 refund the entire unearned portion of a premium upon  
714 cancellation of motor vehicle insurance by a servicemember

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715 when the servicemember is required to move pursuant to  
716 specified orders; creating s. 689.27, F.S.; providing  
717 definitions; providing requirements and procedure with  
718 respect to the termination of an agreement to purchase  
719 real property by a servicemember; amending s. 1009.531,  
720 F.S.; extending the eligibility period for the Florida  
721 Bright Futures Scholarship Program for students who enlist  
722 in the armed forces or reserves immediately after  
723 completion of high school; amending s. 1009.532, F.S.;  
724 providing eligibility for continuation of Florida Bright  
725 Futures Scholarships for students attending postsecondary  
726 institutions who are also Florida National Guard or United  
727 States Reserves servicemembers and are called to active  
728 duty or active state duty; providing an effective date.  
729

730 WHEREAS, the United States is once again experiencing the  
731 mobilization and deployment of U.S. military troops, and

732 WHEREAS, while our military personnel are devoting their  
733 entire energy to the needs of our nation, we must ensure that  
734 the men and women of the United States military and their  
735 families are protected at home, and

736 WHEREAS, the additional protections and benefits provided  
737 by this act are necessary and proper given the sacrifice of our  
738 men and women in uniform and their families, NOW, THEREFORE,