

1                                   A bill to be entitled  
2           An act relating to military affairs; creating  
3           pt. IV of ch. 250, F.S., the "Florida Uniformed  
4           Servicemembers Protection Act"; providing a  
5           popular name; providing legislative intent;  
6           providing for applicability of specified  
7           federal laws to servicemembers when serving on  
8           active duty or state active duty; providing for  
9           jurisdiction of the courts; providing for  
10          construction of pt. IV of ch. 250, F.S.;  
11          amending s. 83.43, F.S.; defining  
12          "servicemember," "active duty," and "state  
13          active duty" for purposes of the Florida  
14          Residential Landlord and Tenant Act; amending  
15          s. 83.64, F.S.; prohibiting retaliatory action  
16          by a landlord for termination of a rental  
17          agreement by a servicemember; amending s.  
18          83.67, F.S.; prohibiting a landlord from  
19          discriminating against a servicemember in  
20          offering a dwelling unit for rent or in any of  
21          the terms of a rental agreement; providing for  
22          applicability of remedies to servicemembers who  
23          are prospective tenants and the subject of such  
24          discrimination; amending s. 83.682, F.S.;  
25          providing conditions under which a  
26          servicemember may terminate his or her rental  
27          agreement; revising terminology; revising  
28          liability of a servicemember in the event of  
29          early termination of a tenancy; amending s.  
30          115.02, F.S.; revising provisions with respect  
31          to the granting of a leave of absence to an

1 officer; amending s. 115.08, F.S.; revising the  
2 definition of "active military service" and  
3 "period of active military service" and  
4 providing a definition of "servicemember";  
5 amending s. 115.09, F.S.; requiring the  
6 granting of leave of absence for state, county,  
7 and municipal officials who are servicemembers;  
8 repealing s. 115.10, F.S., relating to granting  
9 and denial of leave of absence for public  
10 officials by the Governor; amending s. 115.12,  
11 F.S.; revising provisions relating to rights  
12 during leave to provide that the employing  
13 authority must adhere to the provisions of the  
14 federal Uniformed Services Employment and  
15 Reemployment Rights Act; amending s. 115.13,  
16 F.S.; revising provisions relating to  
17 resumption of official duties; amending s.  
18 115.14, F.S.; requiring the granting of leave  
19 of absence for state, county, and municipal  
20 employees; revising provisions with respect to  
21 supplemental pay for reservist officials and  
22 employees called to active military service;  
23 requiring an employing authority to continue to  
24 provide all health insurance and other existing  
25 benefits; amending s. 115.15, F.S.; providing  
26 for applicability of the federal Uniformed  
27 Services Employment and Reemployment Rights  
28 Act; amending s. 250.01, F.S.; providing  
29 definitions; amending s. 320.07, F.S.;  
30 exempting servicemembers from penalties for  
31 expiration of mobile home and motor vehicle

1 registrations when such registrations expire  
2 while the servicemember is serving on active  
3 duty or state active duty; creating s. 364.195,  
4 F.S.; providing requirements and procedure with  
5 respect to termination of a telecommunications  
6 service contract by a servicemember; creating  
7 s. 520.14, F.S.; providing requirements and  
8 procedure with respect to the termination of a  
9 retail installment contract for leasing a motor  
10 vehicle by a servicemember; amending s.  
11 627.7283, F.S.; requiring motor vehicle  
12 insurance companies to refund the entire  
13 unearned portion of a premium upon cancellation  
14 of motor vehicle insurance by a servicemember  
15 when the servicemember is required to move  
16 pursuant to specified orders; creating s.  
17 689.27, F.S.; providing definitions; providing  
18 requirements and procedure with respect to the  
19 termination of an agreement to purchase real  
20 property by a servicemember; amending s.  
21 1009.531, F.S.; extending the eligibility  
22 period for the Florida Bright Futures  
23 Scholarship Program for students who enlist in  
24 the armed forces or reserves immediately after  
25 completion of high school; amending s.  
26 1009.532, F.S.; providing eligibility for  
27 continuation of Florida Bright Futures  
28 Scholarships for students attending  
29 postsecondary institutions who are also Florida  
30 National Guard or United States Reserves  
31

1 servicemembers and are called to active duty or  
2 active state duty; providing an effective date.

3  
4 WHEREAS, the United States is once again experiencing  
5 the mobilization and deployment of U.S. military troops, and

6 WHEREAS, while our military personnel are devoting  
7 their entire energy to the needs of our nation, we must ensure  
8 that the men and women of the United States military and their  
9 families are protected at home, and

10 WHEREAS, the additional protections and benefits  
11 provided by this act are necessary and proper given the  
12 sacrifice of our men and women in uniform and their families,  
13 NOW, THEREFORE,

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Part IV of chapter 250, Florida Statutes,  
18 consisting of sections 250.80, 250.81, 250.82, 250.83, and  
19 250.84, is created to read:

20 PART IV

21 FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

22 250.80 Popular name.--Sections 250.80-250.84 may be  
23 known by the popular name the "Florida Uniformed  
24 Servicemembers Protection Act."

25 250.81 Legislative intent.--It is the intent of the  
26 Legislature that men and women who serve in the Florida  
27 National Guard, the United States Armed Forces, and Armed  
28 Forces Reserves understand their rights under applicable state  
29 and federal laws. Further, it is the intent of the Legislature  
30 that Florida residents and businesses understand the rights  
31 afforded to the men and women who volunteer their time and

1 sacrifice their lives to protect the freedoms granted by the  
2 Constitutions of the United States and the State of Florida.

3 250.82 Applicability of federal law.--

4 (1) Florida law provides certain protections to  
5 members of the United States Armed Forces, the United States  
6 Reserve Forces, and the Florida National Guard in various  
7 legal proceedings and contractual relationships. In addition  
8 to these state provisions, federal law also contains  
9 protections, such as those provided in the Soldiers' and  
10 Sailors' Civil Relief Act (SSCRA), Title 50, Appendix United  
11 States Code, Section 501, et seq., and the Uniformed Services  
12 Employment and Reemployment Rights Act (USERRA), Title 38  
13 United States Code, chapter 43, that are applicable to members  
14 in every state even though such provisions are not  
15 specifically identified under state law.

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

20 250.83 Construction of part.--In the event that any  
21 other provision of law conflicts with SSCRA, USERRA, or the  
22 provisions of this chapter, the provisions of SSCRA, USERRA,  
23 or the provisions of this chapter, whichever is applicable,  
24 shall control. Nothing in this part shall construe rights or  
25 responsibilities not provided under the SSCRA, USERRA, or this  
26 chapter.

27 250.84 Florida Uniformed Servicemembers Protection  
28 Act; rights of servicemembers; incorporation by reference.--

29 (1)(a) It is the intent of the Legislature to ensure  
30 that those individuals affected by the provisions of the  
31 Florida Uniformed Servicemembers Protection Act be made aware

1 of the rights and responsibilities of servicemembers. The  
2 Department of Military Affairs shall make available a document  
3 containing the rights and responsibilities of servicemembers  
4 set forth in Florida Statutes, either through printed or  
5 electronic means, to appropriate state or local organizations  
6 composed of parties affected by said rights, including, but  
7 not limited to, those representing:

8 1. Motor vehicle dealers.

9 2. Financial institutions and mortgage brokers.

10 3. Telecommunications service companies.

11 4. Residential tenancies.

12 5. Real estate salespersons and brokers.

13 6. Members of the Florida Bar Association who serve on  
14 a military affairs-related committee.

15 (b) The Department of Military Affairs shall also make  
16 available a document containing the rights and  
17 responsibilities of servicemembers set forth in Florida  
18 Statutes, either through printed or electronic means, to  
19 servicemembers and their families.

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

24 1. The rights and responsibilities provided by the  
25 Florida Uniformed Servicemembers Protection Act, including a  
26 listing of all sections of Florida Statutes relating to  
27 servicemembers.

28 2. The rights and responsibilities provided by the  
29 Soldiers' and Sailors' Civil Relief Act.

30  
31

1           3. The rights and responsibilities provided by the  
2 Uniformed Servicemembers Employment and Reemployment Rights  
3 Act.

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

6           83.43 Definitions.--As used in this part, the  
7 following words and terms shall have the following meanings  
8 unless some other meaning is plainly indicated:

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

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

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

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

17           83.64 Retaliatory conduct.--

18           (1) It is unlawful for a landlord to discriminatorily  
19 increase a tenant's rent or decrease services to a tenant, or  
20 to bring or threaten to bring an action for possession or  
21 other civil action, primarily because the landlord is  
22 retaliating against the tenant. In order for the tenant to  
23 raise the defense of retaliatory conduct, the tenant must have  
24 acted in good faith. Examples of conduct for which the  
25 landlord may not retaliate include, but are not limited to,  
26 situations where:

27           (a) The tenant has complained to a governmental agency  
28 charged with responsibility for enforcement of a building,  
29 housing, or health code of a suspected violation applicable to  
30 the premises;

31

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

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

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

7 Section 4. Section 83.67, Florida Statutes, is amended  
8 to read:

9 83.67 Prohibited practices.--

10 (1) No landlord of any dwelling unit governed by this  
11 part shall cause, directly or indirectly, the termination or  
12 interruption of any utility service furnished the tenant,  
13 including, but not limited to, water, heat, light,  
14 electricity, gas, elevator, garbage collection, or  
15 refrigeration, whether or not the utility service is under the  
16 control of, or payment is made by, the landlord.

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

22 (3) No landlord of any dwelling unit governed by this  
23 part shall discriminate against a servicemember in offering a  
24 dwelling unit for rent or in any of the terms of the rental  
25 agreement.

26 (4)~~(3)~~ No landlord of any dwelling unit governed by  
27 this part shall remove the outside doors, locks, roof, walls,  
28 or windows of the unit except for purposes of maintenance,  
29 repair, or replacement; nor shall the landlord remove the  
30 tenant's personal property from the dwelling unit unless said  
31 action is taken after surrender, abandonment, or a lawful



1 eviction. If provided in the rental agreement or a written  
2 agreement separate from the rental agreement, upon surrender  
3 or abandonment by the tenant, the landlord is not required to  
4 comply with s. 715.104 and is not liable or responsible for  
5 storage or disposition of the tenant's personal property; if  
6 provided in the rental agreement there must be printed or  
7 clearly stamped on such rental agreement a legend in  
8 substantially the following form:

9  
10 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON  
11 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA  
12 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR  
13 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.  
14

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

17 (5)~~(4)~~ A landlord who violates the provisions of this  
18 section shall be liable to the tenant for actual and  
19 consequential damages or 3 months' rent, whichever is greater,  
20 and costs, including attorney' s fees. Subsequent or repeated  
21 violations which are not contemporaneous with the initial  
22 violation shall be subject to separate awards of damages.

23 (6)~~(5)~~ A violation of this section shall constitute  
24 irreparable harm for the purposes of injunctive relief.

25 (7)~~(6)~~ The remedies provided by this section are not  
26 exclusive and shall not preclude the tenant from pursuing any  
27 other remedy at law or equity which the tenant may have. The  
28 remedies provided by this section shall also apply to a  
29 servicemember who is a prospective tenant who has been  
30 discriminated against under subsection (3).  
31

1 Section 5. Section 83.682, Florida Statutes, is  
2 amended to read:

3 83.682 Termination of rental agreement by a  
4 servicemember ~~member of the United States Armed Forces.--~~

5 (1)(a) ~~Any servicemember member of the United States~~  
6 ~~Armed Forces who is required to move pursuant to permanent~~  
7 ~~change of station orders to depart 35 miles or more from the~~  
8 ~~location of a rental premises or who is prematurely or~~  
9 ~~involuntarily discharged or released from active duty with the~~  
10 ~~United States Armed Forces~~ may terminate his or her rental  
11 agreement by providing the landlord with a written notice of  
12 termination to be effective on the date stated in the notice  
13 that is at least 30 days after the landlord's receipt of the  
14 notice if any of the following criteria are met:-

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

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

20 (c) The servicemember is released from active duty or  
21 state active duty after having leased the rental premises  
22 while on active duty or state active duty status and the  
23 rental premises is 35 miles or more from the servicemember's  
24 home of record prior to entering active duty or state active  
25 duty;

26 (d) After entering into a rental agreement, the  
27 servicemember receives military orders requiring him or her to  
28 move into government quarters or the servicemember becomes  
29 eligible to live in and opts to move into government quarters;

30 (e) The servicemember receives temporary duty orders,  
31 temporary change of station orders, or state active duty

1 orders to an area 35 miles or more from the location of the  
2 rental premises, provided such orders are for a period  
3 exceeding 60 days; or

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

8 (2) The notice to the landlord must be accompanied by  
9 either a copy of the official military orders or a written  
10 verification signed by the servicemember's ~~member's~~ commanding  
11 officer.

12 (3)~~(b)~~ In the event a servicemember ~~member of the~~  
13 ~~United States Armed Forces~~ dies during active duty, an adult  
14 member of his or her immediate family may terminate the  
15 servicemember's ~~member's~~ rental agreement by providing the  
16 landlord with a written notice of termination to be effective  
17 on the date stated in the notice that is at least 30 days  
18 after the landlord's receipt of the notice. The notice to the  
19 landlord must be accompanied by either a copy of the official  
20 military orders showing the servicemember was on active duty  
21 or a written verification signed by the servicemember's  
22 ~~member's~~ Commanding Officer and a copy of the servicemember's  
23 death certificate.

24 (4)~~(2)~~ Upon termination of a rental agreement under  
25 this section, the tenant is liable for the rent due under the  
26 rental agreement prorated to the effective date of the  
27 termination payable at such time as would have otherwise been  
28 required by the terms of the rental agreement. The tenant is  
29 not liable for any other rent or damages due to the early  
30 termination of the tenancy as provided for in this section  
31 ~~except the liquidated damages provided in this section.~~

1 Notwithstanding any provision of this section to the contrary,  
2 if a tenant terminates the rental agreement pursuant to this  
3 section 14 or more days prior to occupancy, no damages or  
4 penalties of any kind will be assessable ~~are due~~.

5 ~~(3) In consideration of early termination of the~~  
6 ~~rental agreement, the tenant is liable to the landlord for~~  
7 ~~liquidated damages provided the tenant has completed less than~~  
8 ~~9 months of the tenancy and the landlord has suffered actual~~  
9 ~~damages due to loss of the tenancy. The liquidated damages~~  
10 ~~must be no greater than 1 month's rent if the tenant has~~  
11 ~~completed less than 6 months of the tenancy as of the~~  
12 ~~effective date of termination, or one-half of 1 month's rent~~  
13 ~~if the tenant has completed at least 6 but not less than 9~~  
14 ~~months of the tenancy as of the effective date of termination.~~

15 (5)~~(4)~~ The provisions of this section may not be  
16 waived or modified by the agreement of the parties under any  
17 circumstances.

18 Section 6. Section 115.02, Florida Statutes, is  
19 amended to read:

20 115.02 Governor to grant application; proviso.--When  
21 any such officer shall be granted a leave of absence pursuant  
22 to this chapter ~~volunteer or be called into the service of the~~  
23 ~~United States during war~~, the Governor shall, upon application  
24 being made by such officer, grant such officer leave of  
25 absence during the time he or she shall be retained in such  
26 military service; provided, such service shall not extend  
27 beyond the term of office of such officer, in which event the  
28 office shall be filled by election at the expiration thereof.

29 Section 7. Section 115.08, Florida Statutes, is  
30 amended to read:

31 115.08 Definitions.--

1           (1) The term "active military service" as used in this  
2 chapter law shall signify active duty in the Florida defense  
3 force or federal service in training or on active duty with  
4 any branch of the Armed Forces or Reservists of the Armed  
5 Forces, the Florida National Guard Army of the United States,  
6 ~~the United States Navy, the Marine Corps of the United States,~~  
7 the Coast Guard of the United States, and service of all  
8 officers of the United States Public Health Service detailed  
9 by proper authority for duty with the Armed Forces ~~either with~~  
10 ~~the army or the navy~~, and shall include the period during  
11 which a person in military service is absent from duty on  
12 account of sickness, wounds, leave, or other lawful cause.

13           (2) The term "period of active military service" as  
14 used in this chapter law shall begin with the date of entering  
15 upon active military service, and shall terminate with death  
16 or a date 30 days immediately next succeeding the date of  
17 release or discharge from active military service, or upon  
18 return from active military service, whichever shall occur  
19 first.

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

22           Section 8. Section 115.09, Florida Statutes, is  
23 amended to read:

24           115.09 Leave to public officials for military  
25 service.--All officials of the state, the several counties of  
26 the state, and the municipalities or political subdivisions of  
27 the state, including district school and community college  
28 officers, which officials are also servicemembers ~~officers or~~  
29 ~~enlisted personnel~~ in the National Guard or a reserve  
30 component of the Armed Forces of the United States, shall may,  
31 ~~subject to the provisions and conditions hereafter set forth,~~

1 be granted leave of absence from their respective offices and  
2 duties to perform active military service, the first 30 days  
3 of any such leave of absence to be with full pay.

4 Section 9. Section 115.10, Florida Statutes, is  
5 repealed.

6 Section 10. Section 115.12, Florida Statutes, is  
7 amended to read:

8 115.12 Rights during leave.--

9 (1) During such leave of absence such official shall  
10 be entitled to preserve all seniority rights, efficiency  
11 ratings, promotional status and retirement privileges. The  
12 period of active military service shall, for purposes of  
13 computation to determine whether such person may be entitled  
14 to retirement under the laws of the state, be deemed  
15 continuous service in the office of said official. While  
16 absent on such leave without pay, said official shall not be  
17 required to make any contribution to any retirement fund.

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

21 Section 11. Section 115.13, Florida Statutes, is  
22 amended to read:

23 115.13 Resumption of official duties.--Upon said  
24 officer terminating his or her active military service, he or  
25 she shall ~~immediately~~ enter upon the duties of office for the  
26 unexpired portion of the term for which he or she was elected  
27 or appointed, in accordance with the limits provided under the  
28 Uniformed Services Employment and Reemployment Rights Act,  
29 chapter 43 of Title 38 U.S.C.

30 Section 12. Section 115.14, Florida Statutes, is  
31 amended to read:

1           115.14 Employees.--All employees of the state, the  
2 several counties of the state, and the municipalities or  
3 political subdivisions of the state shall ~~may, in the~~  
4 ~~discretion of the employing authority of such employee, be~~  
5 granted leave of absence under the terms of this law; upon  
6 such leave of absence being granted said employee shall enjoy  
7 the same rights and privileges as are hereby granted to  
8 officials under this law, insofar as may be, including,  
9 without limitation, receiving full pay for the first 30 days.  
10 Notwithstanding the provisions of s. 115.09, the employing  
11 authority may supplement the military pay of its officials and  
12 employees who are reservists called to active military service  
13 after the first 30 days ~~for the first 30 days with full pay~~  
14 ~~and, thereafter,~~ in an amount necessary to bring their total  
15 salary, inclusive of their base military pay, to the level  
16 earned at the time they were called to active military duty.  
17 The employing authority shall ~~may also, in its discretion,~~  
18 continue to provide all ~~any~~ health insurance and other  
19 existing benefits to such officials and employees as required  
20 by the Uniformed Services Employment and Reemployment Rights  
21 Act, chapter 43 of Title 38 U.S.C.

22           Section 13. Section 115.15, Florida Statutes, is  
23 amended to read:

24           115.15 Adoption of federal law for employees.--The  
25 provisions of the Uniformed Services Employment and  
26 Reemployment Rights Act, chapter 43 of Title 38 U.S.C.,  
27 ~~section 8 of chapter 720 Acts of Congress of the United~~  
28 ~~States, approved September 16, 1940 (Title 50 App. Section~~  
29 ~~308, U.S.C.A.), insofar as it relates to the reemployment of~~  
30 ~~public employees granted a leave of absence on active military~~  
31 ~~duty under this law, shall be applicable in this state and the~~

1 refusal of any state, county, or municipal official to comply  
2 therewith shall subject him or her to removal from office.

3 Section 14. Section 250.01, Florida Statutes, is  
4 amended to read:

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

7 250.01 Definitions.--As used in this chapter, the  
8 term:

9 (1) "Active duty" means full-time duty in active  
10 military service of the United States. The term includes  
11 federal duty such as full-time training, annual training, and  
12 attendance while a person is in active military service or in  
13 a school designated as a service school by law or by the  
14 secretary of the applicable military department. The term does  
15 not mean full-time duty in the National Guard.

16 (2) "State active duty" means full-time duty in active  
17 military service of the State of Florida when ordered by the  
18 Governor or Adjutant General in accordance with s. 250.06, s.  
19 250.10, or s. 250.28 to preserve the public peace, execute the  
20 laws of the state, suppress insurrection, repel invasion,  
21 enhance security and respond to terrorist threats or attacks,  
22 respond to an emergency as defined in s. 252.34 or to imminent  
23 danger of an emergency, enforce the law, carry out  
24 counter-drug operations, provide training, provide for the  
25 security of the rights or lives of the public, protect  
26 property, or conduct ceremonies. The term includes the duties  
27 of officers or enlisted personnel who are employed under the  
28 order of the Governor in recruiting; making tours of  
29 instruction; inspecting troops, armories, storehouses,  
30 campsites, rifle ranges, or military property; sitting on  
31 general or special courts-martial, boards of examination,



1 courts of inquiry, or boards of officers; or making or  
2 assisting in physical examinations.

3  
4 The terms shall also include the period during which a person  
5 in active military service is absent from duty as a result of  
6 illness, being wounded, being on leave, or other lawful cause.

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

9 (4) "Servicemember" means any person serving as a  
10 member of the United States Armed Forces on active duty or  
11 state active duty and all members of the Florida National  
12 Guard and United States Reserve Forces.

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

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

19 320.07 Expiration of registration; annual renewal  
20 required; penalties.--

21 (3) The operation of any motor vehicle without having  
22 attached thereto a registration license plate and validation  
23 stickers, or the use of any mobile home without having  
24 attached thereto a mobile home sticker, for the current  
25 registration period shall subject the owner thereof, if he or  
26 she is present, or, if the owner is not present, the operator  
27 thereof to the following penalty provisions:

28 (e) Any servicemember, as defined in s. 250.01, whose  
29 mobile home registration has expired while serving on active  
30 duty or state active duty shall not be charged with a  
31 violation of this subsection if, at the time of the offense,

1 the servicemember was serving on active duty or state active  
2 duty 35 miles or more from the mobile home. The servicemember  
3 must present to the department either a copy of the official  
4 military orders or a written verification signed by the  
5 servicemember's commanding officer to waive charges.

6 (5) Any servicemember, as defined in s. 250.01, whose  
7 motor vehicle or mobile home registration has expired while  
8 serving on active duty or state active duty, shall be able to  
9 renew his or her registration upon return from active duty or  
10 state active duty without penalty, if the servicemember served  
11 on active duty or state active duty 35 miles or more from the  
12 servicemember's home of record prior to entering active duty  
13 or state active duty. The servicemember must provide to the  
14 department either a copy of the official military orders or a  
15 written verification signed by the servicemember's commanding  
16 officer to waive delinquent fees.

17 (6)(5) Delinquent fees imposed under this section  
18 shall not be apportionable under the International  
19 Registration Plan.

20 Section 16. Section 364.195, Florida Statutes, is  
21 created to read:

22 364.195 Termination of telecommunications service  
23 contract by a servicemember.--

24 (1) Any servicemember, as defined in s. 250.01, may  
25 terminate his or her telecommunications service contract by  
26 providing the telecommunications company with a written notice  
27 of termination, effective on the date specified in the notice,  
28 which date shall be at least 30 days after receipt of the  
29 notice by the telecommunications company, if any of the  
30 following criteria are met:

31

1           (a) The servicemember is required, pursuant to a  
2 permanent change of station orders, to move outside the area  
3 served by the telecommunications company or to an area where  
4 the type of telecommunications service being provided to the  
5 servicemember is not available from the telecommunications  
6 company;

7           (b) The servicemember is discharged or released from  
8 active duty or state active duty and will return from such  
9 duty to an area not served by the telecommunications company  
10 or where the type of telecommunications service contracted for  
11 is not available from the telecommunications company;

12           (c) The servicemember is released from active duty or  
13 state active duty after having entered into a contract for  
14 telecommunications service while on active duty or state  
15 active duty status and the telecommunications company does not  
16 provide telecommunications service or the same type of  
17 telecommunications service contracted for in the region of the  
18 servicemember's home of record prior to entering active duty  
19 or state active duty;

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

23           (e) The servicemember receives temporary duty orders,  
24 temporary change of station orders, or active duty or state  
25 active duty orders to an area not served by the  
26 telecommunications company or where the type of  
27 telecommunications service contracted for is not available  
28 from the telecommunications company, provided such orders are  
29 for a period exceeding 60 days.

30           (2) The written notice to the telecommunications  
31 company must be accompanied by either a copy of the official

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

3 (3) Upon termination of a contract under this section,  
4 the servicemember is liable for the amount due under the  
5 contract prorated to the effective date of the termination  
6 payable at such time as would have otherwise been required by  
7 the terms of the contract. The servicemember is not liable for  
8 any other fees due to the early termination of the contract as  
9 provided for in this section.

10 (4) The provisions of this section may not be waived  
11 or modified by the agreement of the parties under any  
12 circumstances.

13 Section 17. Section 520.14, Florida Statutes, is  
14 created to read:

15 520.14 Termination of retail installment contract for  
16 leasing a motor vehicle by a servicemember.--

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

24 (a) The servicemember is required, pursuant to a  
25 permanent change of station, to move outside the continental  
26 United States; or

27 (b) The servicemember receives temporary duty orders,  
28 temporary change of station orders, or active duty orders  
29 outside the continental United States, provided such orders  
30 are for a period exceeding 60 days.

31

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

5           (3) Upon termination of a contract under this section,  
6 the lessee is liable for the amount due under the contract,  
7 prorated to the effective date of the termination, payable at  
8 such time as would have otherwise been required by the terms  
9 of the contract. The lessee is not liable for any other fees  
10 due to the early termination of the contract as provided for  
11 in this section.

12           (4) The provisions of this section may not be waived  
13 or modified by the agreement of the parties under any  
14 circumstances.

15           Section 18. Subsection (5) is added to section  
16 627.7283, Florida Statutes, to read:

17           627.7283 Cancellation; return of premium.--

18           (5) The insurer must refund 100 percent of the  
19 unearned premium if the insured is a servicemember, as defined  
20 in s. 250.01, who cancels because he or she is called to  
21 active duty or transferred by the United States Armed Forces  
22 to a location where the insurance is not required. The insurer  
23 may require a servicemember to submit either a copy of the  
24 official military orders or a written verification signed by  
25 the servicemember's commanding officer to support the refund  
26 authorized under this subsection. If the insurer cancels, the  
27 insurer must refund 100 percent of the unearned premium.  
28 Cancellation is without prejudice to any claim originating  
29 prior to the effective date of the cancellation. For purposes  
30 of this section, unearned premiums must be computed on a pro  
31 rata basis.

1           Section 19. Section 689.27, Florida Statutes, is  
2 created to read:

3           689.27 Termination of agreement to purchase real  
4 property by a servicemember.--

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

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

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

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

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

17           (2) Any servicemember may terminate a contract to  
18 purchase property, prior to closing on such property, by  
19 providing the seller or mortgagor of the property with a  
20 written notice of termination to be effective immediately, if  
21 any of the following criteria are met:

22           (a) The servicemember is required, pursuant to  
23 permanent change of station orders received after entering  
24 into a contract for the property and prior to closing, to move  
25 35 miles or more from the location of the property;

26           (b) The servicemember is released from active duty or  
27 state active duty after having agreed to purchase the property  
28 and prior to closing while serving on active duty or state  
29 active duty status, and the property is 35 miles or more from  
30 the servicemember's home of record prior to entering active  
31 duty or state active duty;

1           (c) Prior to closing, the servicemember receives  
2 military orders requiring him or her to move into government  
3 quarters or the servicemember becomes eligible to live in and  
4 opts to move into government quarters; or

5           (d) Prior to closing, the servicemember receives  
6 temporary duty orders, temporary change of station orders, or  
7 active duty or state active duty orders to an area 35 miles or  
8 more from the location of the property, provided such orders  
9 are for a period exceeding 90 days.

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

14           (4) Upon termination of a contract under this section,  
15 the seller or mortgagor or his or her agent shall refund any  
16 funds provided by the servicemember under the contract within  
17 7 days. The servicemember is not liable for any other fees due  
18 to the termination of the contract as provided for in this  
19 section.

20           (5) The provisions of this section may not be waived  
21 or modified by the agreement of the parties under any  
22 circumstances.

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

25           1009.531 Florida Bright Futures Scholarship  
26 Program; student eligibility requirements for initial  
27 awards.--

28           (2) A student is eligible to accept an initial award  
29 for 3 years following high school graduation and to accept a  
30 renewal award for 7 years following high school graduation. A  
31 student who applies for an award by high school graduation and

1 who meets all other eligibility requirements, but who does not  
2 accept his or her award, may reapply during subsequent  
3 application periods up to 3 years after high school  
4 graduation. For a student who enlists in the United States  
5 Armed Forces immediately after completion of high school, the  
6 3-year eligibility period for his or her initial award shall  
7 begin upon the date of separation from active duty. For a  
8 student who is receiving a Florida Bright Futures Scholarship  
9 and discontinues his or her education to enlist in the United  
10 States Armed Forces, the remainder of his or her 7-year  
11 renewal period shall commence upon the date of separation from  
12 active duty.

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

15 1009.532 Florida Bright Futures Scholarship Program;  
16 student eligibility requirements for renewal awards.--

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

20 (a) Complete at least 12 semester credit hours or the  
21 equivalent in the last academic year in which the student  
22 earned a scholarship.

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

25 1. If a recipient's grades fall beneath the average  
26 required to renew a Florida Academic Scholarship, but are  
27 sufficient to renew a Florida Medallion Scholarship or a  
28 Florida Gold Seal Vocational Scholarship, the Department of  
29 Education may grant a renewal from one of those other  
30 scholarship programs, if the student meets the renewal  
31 eligibility requirements; ~~or~~



1           2. If, at any time during the eligibility period, a  
2 student's grades are insufficient to renew the scholarship,  
3 the student may restore eligibility by improving the grade  
4 point average to the required level. A student is eligible for  
5 such a reinstatement only once. The Legislature encourages  
6 education institutions to assist students to calculate whether  
7 or not it is possible to raise the grade point average during  
8 the summer term. If the institution determines that it is  
9 possible, the education institution may so inform the  
10 department, which may reserve the student's award if funds are  
11 available. The renewal, however, must not be granted until the  
12 student achieves the required cumulative grade point average.  
13 If the summer term is not sufficient to raise the grade point  
14 average to the required renewal level, the student's next  
15 opportunity for renewal is the fall semester of the following  
16 academic year; ~~or~~.

17           3. If a student is receiving a Florida Bright Futures  
18 Scholarship, is a servicemember of the Florida National Guard  
19 or United States Reserves while attending a postsecondary  
20 institution, is called to active duty or state active duty, as  
21 defined in s. 250.01, prior to completing his or her degree,  
22 and meets all other requirements for the scholarship, the  
23 student shall be eligible to continue the scholarship for 2  
24 years after completing active duty or state active duty.

25           Section 22. This act shall take effect upon becoming a  
26 law.

27  
28  
29  
30  
31