

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, 250.84, and 250.85, is created to read:

PART IV

FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

250.80 Popular name.--Sections 250.80-250.85 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 and Armed Forces Reserves understand their rights under applicable state and federal laws. Further, it is the intent of

Amendment No. (for drafter's use only)

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

33 250.82 Definitions.--As used in this part:

34 (1) "Active duty" means full-time duty in the active
35 military service of the United States, including federal duty,
36 which includes attendance of full-time training and annual
37 training while in active military service or attendance of a
38 school designated as a service school by law or by the secretary
39 of the applicable military branch.

40 (2) "State active duty" means full-time duty in the active
41 military service of the State of Florida when ordered by the
42 Governor or Adjutant General in accordance with s. 250.06, s.
43 250.10, or s. 250.28, for purposes which include, but are not
44 limited to, preserving the public peace; executing the laws of
45 the state; suppressing insurrection; repelling invasion;
46 enhancement of security and response to terrorist threat or
47 attack; response to an emergency as defined in s. 252.34 or
48 imminent threat of an emergency; enforcement of laws; conduct of
49 counter-narcotics operations; the provision of training; the
50 provision for the security of the rights or lives of the public
51 and private property; conducting ceremonies, including the
52 performance of duties of officers or enlisted personnel who are
53 employed under the order of the Governor in recruiting;
54 conducting tours of instruction; inspection of troops, armories,
55 storehouses, campsites, rifle ranges, or military properties;
56 sitting on general or special courts-martial, boards of

877553

Amendment No. (for drafter's use only)

57 examination, courts of inquiry, and boards of officers; and
58 conducting or assisting in physical examinations.

59
60 The term shall also include the period during which a person in
61 active military service is absent from duty as a result of
62 illness, being wounded, being on leave, or other lawful cause.

63 (3) "SSCRA" means the Soldiers' and Sailors' Civil Relief
64 Act, Title 50, Appendix United States Code, Section 501 et seq.,
65 as amended.

66 (4) "Servicemember" means any person serving as a member
67 of the United States Armed Forces on active duty or state active
68 duty and all members of the Florida National Guard and United
69 States Reserve Forces.

70 (5) "USERRA" means the Uniformed Services Employment and
71 Reemployment Rights Act, Title 38, United States Code, Chapter
72 43, as amended.

73 250.83 Applicability of federal laws.--Florida law
74 provides certain protections to servicemembers in various legal
75 proceedings and contractual relationships. In addition to these
76 state provisions, federal law also contains protections, such as
77 those provided in the Soldiers' and Sailors' Civil Relief Act
78 (SSCRA), as amended, and the Uniformed Services Employment and
79 Reemployment Rights Act (USERRA), as amended, that are
80 applicable to servicemembers in Florida even though such
81 provisions are not specifically identified under Florida law.
82 These provisions of federal law apply to all servicemembers when
83 they are serving on active duty or state active duty. Florida
84 state courts shall have concurrent jurisdiction for enforcement
85 over all causes of action arising from the provisions of federal

877553

Amendment No. (for drafter's use only)

86 law and may award a remedy as provided therein. The Florida
87 state courts shall also have jurisdiction over all causes of
88 action arising under this act.

89 250.84 Construction of part.--In the event that any other
90 provision of law conflicts with SSCRA, USERRA, or the provisions
91 of this chapter, the provisions of SSCRA, USERRA, or the
92 provisions of this chapter, whichever is applicable, shall
93 control. Nothing in this part shall construe rights or
94 responsibilities not provided under the SSCRA, USERRA, or this
95 chapter.

96 250.85 Florida Uniformed Servicemembers Protection Act;
97 rights of servicemembers; incorporation by reference.--It is the
98 intent of the Legislature that the provisions of the Florida
99 Uniformed Servicemembers Protection Act be included as part of
100 the continuing education requirements for certain licensed
101 professionals as provided in this act. Further, it is the intent
102 of the Legislature to ensure that those individuals affected by
103 the provisions of the Florida Uniformed Servicemembers
104 Protection Act be made aware of the rights and responsibilities
105 of servicemembers.

106 (1) The provisions of the following sections, as amended
107 or created by this act, are incorporated by reference within the
108 Florida Uniformed Servicemembers Protection Act:

109 (a) Sections 83.43, 83.64, 83.67, and 83.682, which
110 provide rights and responsibilities of servicemembers under the
111 Florida Residential Landlord and Tenant Act.

112 (b) Sections 115.02, 115.08, 115.09, 115.12, 115.13,
113 115.14, and 115.15, which provide rights and responsibilities of

Amendment No. (for drafter's use only)

114 servicemembers with respect to leaves of absence for officials
115 and employees.

116 (c) Section 320.07, which exempts servicemembers from
117 penalties for expiration of mobile home and motor vehicle
118 registrations when such registrations expire while serving on
119 active duty.

120 (d) Section 364.195, which provides requirements and
121 procedures with respect to termination of a telecommunications
122 service contract by a member of the United States Armed Forces.

123 (e) Section 520.14, which provides requirements and
124 procedure with respect to the termination of a retail
125 installment contract for leasing a motor vehicle by a member of
126 the United States Armed Forces.

127 (f) Section 468.4339, which requires the inclusion of
128 information relating to rights of servicemembers under the
129 Florida Uniformed Servicemembers Protection Act within
130 continuing education requirements for community association
131 managers.

132 (g) Section 475.1821, which requires the inclusion of
133 information relating to rights of servicemembers under the
134 Florida Uniformed Servicemembers Protection Act within
135 continuing education requirements for renewal of licensure as a
136 real estate broker, broker-salesperson, or salesperson.

137 (h) Section 627.7283, which requires motor vehicle
138 insurance companies to refund the entire unearned portion of a
139 premium upon cancellation of motor vehicle insurance by a
140 servicemember when the servicemember is required to move
141 pursuant to specified orders.

Amendment No. (for drafter's use only)

142 (i) Section 689.27, which provides requirements and
143 procedure with respect to the termination of an agreement to
144 purchase real property by a member of the United States Armed
145 Forces.

146 (j) Section 1009.531, which extends the eligibility period
147 for the Florida Bright Futures Scholarship Program for students
148 who enlist in the armed forces or reserves immediately after
149 completion of high school.

150 (k) Section 1009.532, which provides eligibility for
151 continuation of Florida Bright Futures Scholarships for students
152 attending postsecondary institutions who are also members of the
153 Florida National Guard or the United States Reserves and are
154 called to active duty or active state duty.

155 (2)(a) The Department of Military Affairs shall make
156 available a document containing the rights and responsibilities
157 of servicemembers set forth in this act, either through printed
158 or electronic means, to appropriate state or local organizations
159 composed of parties affected by said rights, including, but not
160 limited to, those representing:

- 161 1. Motor vehicle dealers.
- 162 2. Financial institutions.
- 163 3. Telecommunications service companies.
- 164 4. Residential tenancies.
- 165 5. Real estate salespersons and brokers.
- 166 6. Community association managers.

167 (b) The Department of Military Affairs shall also make
168 available a document containing the rights and responsibilities
169 of servicemembers set forth in this act, either through printed
170 or electronic means, to servicemembers and their families.

877553

Amendment No. (for drafter's use only)

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

175 1. The rights and responsibilities provided by the Florida
176 Uniformed Servicemembers Protection Act, as amended.

177 2. The rights and responsibilities provided by the
178 Soldiers' and Sailors' Civil Relief Act, as amended.

179 3. The rights and responsibilities provided by the
180 Uniformed Servicemembers Employment and Reemployment Rights Act.

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

183 83.43 Definitions.--As used in this part, the following
184 words and terms shall have the following meanings unless some
185 other meaning is plainly indicated:

186 (14) "Servicemember" shall have the same meaning as
187 provided in s. 250.82.

188 (15) "Active duty" shall have the same meaning as provided
189 in s. 250.82.

190 (16) "State active duty" shall have the same meaning as
191 provided in s. 250.82.

192 Section 3. Section 83.575, Florida Statutes, is created to
193 read:

194 83.575 Termination of tenancy with specific duration.--

195 (1) A rental agreement with a specific duration may
196 contain a provision requiring the tenant to notify the landlord
197 before vacating the premises at the end of the rental agreement;
198 however, a rental agreement may not require more than 60 days'
199 notice before vacating the premises.

Amendment No. (for drafter's use only)

200 (2) A rental agreement may provide that if a tenant fails
201 to give the required notice before vacating the premises at the
202 end of the rental agreement, the tenant may be liable for
203 liquidated damages as specified in the rental agreement.

204 (3) If the tenant remains on the premises with the
205 permission of the landlord after the rental agreement has
206 terminated and fails to give notice required under s. 83.57(3),
207 the tenant is liable to the landlord for an additional 1 month's
208 rent.

209 Section 4. Subsection (1) of section 83.64, Florida
210 Statutes, is amended to read:

211 83.64 Retaliatory conduct.--

212 (1) It is unlawful for a landlord to discriminatorily
213 increase a tenant's rent or decrease services to a tenant, or to
214 bring or threaten to bring an action for possession or other
215 civil action, primarily because the landlord is retaliating
216 against the tenant. In order for the tenant to raise the defense
217 of retaliatory conduct, the tenant must have acted in good
218 faith. Examples of conduct for which the landlord may not
219 retaliate include, but are not limited to, situations where:

220 (a) The tenant has complained to a governmental agency
221 charged with responsibility for enforcement of a building,
222 housing, or health code of a suspected violation applicable to
223 the premises;

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

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

Amendment No. (for drafter's use only)

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

230 Section 5. Section 83.67, Florida Statutes, is amended to
231 read:

232 83.67 Prohibited practices.--

233 (1) No landlord of any dwelling unit governed by this part
234 shall cause, directly or indirectly, the termination or
235 interruption of any utility service furnished the tenant,
236 including, but not limited to, water, heat, light, electricity,
237 gas, elevator, garbage collection, or refrigeration, whether or
238 not the utility service is under the control of, or payment is
239 made by, the landlord.

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

244 (3) No landlord of any dwelling unit governed by this part
245 shall discriminate against a servicemember in offering a
246 dwelling unit for rent or in any of the terms of the rental
247 agreement.

248 (4)~~(3)~~ No landlord of any dwelling unit governed by this
249 part shall remove the outside doors, locks, roof, walls, or
250 windows of the unit except for purposes of maintenance, repair,
251 or replacement; nor shall the landlord remove the tenant's
252 personal property from the dwelling unit unless said action is
253 taken after surrender, abandonment, or a lawful eviction. If
254 provided in the rental agreement or a written agreement separate
255 from the rental agreement, upon surrender or abandonment by the
256 tenant, the landlord is not required to comply with s. 715.104

877553

Amendment No. (for drafter's use only)

257 and is not liable or responsible for storage or disposition of
258 the tenant's personal property; if provided in the rental
259 agreement there must be printed or clearly stamped on such
260 rental agreement a legend in substantially the following form:
261

262 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
263 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
264 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
265 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.
266

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

269 ~~(5)~~(4) A landlord who violates the provisions of this
270 section shall be liable to the tenant for actual and
271 consequential damages or 3 months' rent, whichever is greater,
272 and costs, including attorney's fees. Subsequent or repeated
273 violations which are not contemporaneous with the initial
274 violation shall be subject to separate awards of damages.

275 ~~(6)~~(5) A violation of this section shall constitute
276 irreparable harm for the purposes of injunctive relief.

277 ~~(7)~~(6) The remedies provided by this section are not
278 exclusive and shall not preclude the tenant from pursuing any
279 other remedy at law or equity which the tenant may have. The
280 remedies provided by this section shall also apply to a
281 servicemember who is a prospective tenant who has been
282 discriminated against under subsection (3).

283 Section 6. Section 83.682, Florida Statutes, is amended to
284 read:

877553

Amendment No. (for drafter's use only)

285 83.682 Termination of rental agreement by a servicemember
286 ~~member of the United States Armed Forces.--~~

287 (1)(a) Any servicemember ~~member of the United States Armed~~
288 ~~Forces who is required to move pursuant to permanent change of~~
289 ~~station orders to depart 35 miles or more from the location of a~~
290 ~~rental premises or who is prematurely or involuntarily~~
291 ~~discharged or released from active duty with the United States~~
292 ~~Armed Forces~~ may terminate his or her rental agreement by
293 providing the landlord with a written notice of termination to
294 be effective on the date stated in the notice that is at least
295 30 days after the landlord's receipt of the notice if any of the
296 following criteria are met:-

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

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

302 (c) The servicemember is released from federal or state
303 active duty after having leased the rental premises while on
304 federal or state active duty status and the rental premises is
305 more than 35 miles from the servicemember's home of record prior
306 to entering active duty;

307 (d) The servicemember receives military orders requiring
308 him or her to move into government quarters or, after entering
309 into a rental agreement, the servicemember becomes eligible to
310 live in government quarters;

311 (e) The servicemember receives temporary duty orders,
312 temporary change of station orders, or state active duty orders
313 to an area more than 35 miles from the location of the rental

877553

Amendment No. (for drafter's use only)

314 premises, provided such orders are for a period exceeding 60
315 days; or

316 (f) The servicemember has leased the property, but prior
317 to taking possession of the rental premises, receives a change
318 of orders to an area that is more than 35 miles from the
319 location of the rental premises.

320 (2) The notice to the landlord must be accompanied by
321 either a copy of the official military orders or a written
322 verification signed by the servicemember's ~~member's~~ commanding
323 officer.

324 (3)~~(b)~~ In the event a servicemember ~~member of the United~~
325 States Armed Forces dies during active duty, an adult member of
326 his or her immediate family may terminate the servicemember's
327 ~~member's~~ rental agreement by providing the landlord with a
328 written notice of termination to be effective on the date stated
329 in the notice that is at least 30 days after the landlord's
330 receipt of the notice. The notice to the landlord must be
331 accompanied by either a copy of the official military orders
332 showing the servicemember was on active duty or a written
333 verification signed by the servicemember's ~~member's~~ Commanding
334 Officer and a copy of the servicemember's death certificate.

335 (4)~~(2)~~ Upon termination of a rental agreement under this
336 section, the tenant is liable for the rent due under the rental
337 agreement prorated to the effective date of the termination
338 payable at such time as would have otherwise been required by
339 the terms of the rental agreement. The tenant is not liable for
340 any other rent or damages due to the early termination of the
341 tenancy as provided for in this section ~~except the liquidated~~
342 damages provided in this section. Notwithstanding any provision

877553

Amendment No. (for drafter's use only)

343 of this section to the contrary, if a tenant terminates the
344 rental agreement pursuant to this section 14 or more days prior
345 to occupancy, no damages or penalties of any kind will be
346 assessable are due.

347 ~~(3) In consideration of early termination of the rental~~
348 ~~agreement, the tenant is liable to the landlord for liquidated~~
349 ~~damages provided the tenant has completed less than 9 months of~~
350 ~~the tenancy and the landlord has suffered actual damages due to~~
351 ~~loss of the tenancy. The liquidated damages must be no greater~~
352 ~~than 1 month's rent if the tenant has completed less than 6~~
353 ~~months of the tenancy as of the effective date of termination,~~
354 ~~or one-half of 1 month's rent if the tenant has completed at~~
355 ~~least 6 but not less than 9 months of the tenancy as of the~~
356 ~~effective date of termination.~~

357 (5)(4) The provisions of this section may not be waived or
358 modified by the agreement of the parties under any
359 circumstances.

360 Section 7. Section 115.02, Florida Statutes, is amended to
361 read:

362 115.02 Governor to grant application; proviso.--When any
363 such officer shall be granted a leave of absence pursuant to
364 this chapter ~~volunteer or be called into the service of the~~
365 ~~United States during war,~~ the Governor shall, upon application
366 being made by such officer, grant such officer leave of absence
367 during the time he or she shall be retained in such military
368 service; provided, such service shall not extend beyond the term
369 of office of such officer, in which event the office shall be
370 filled by election at the expiration thereof.

Amendment No. (for drafter's use only)

371 Section 8. Section 115.08, Florida Statutes, is amended to
372 read:

373 115.08 Definitions.--

374 (1) The term "active military service" as used in this
375 chapter law shall signify active duty in the Florida defense
376 force or federal service in training or on active duty with any
377 branch of the Armed Forces or Reservists of the Armed Forces,
378 the Florida National Guard Army of the United States, the United
379 States Navy, the Marine Corps of the United States, the Coast
380 Guard of the United States, and service of all officers of the
381 United States Public Health Service detailed by proper authority
382 for duty with the Armed Forces ~~either with the army or the navy,~~
383 and shall include the period during which a person in military
384 service is absent from duty on account of sickness, wounds,
385 leave, or other lawful cause.

386 (2) The term "period of active military service" as used
387 in this chapter law shall begin with the date of entering upon
388 active military service, and shall terminate with death or a
389 date 30 days immediately next succeeding the date of release or
390 discharge from active military service, or upon return from
391 active military service, whichever shall occur first.

392 (3) The term "servicemember" as used in this chapter shall
393 have the same meaning as provided in s. 250.82.

394 Section 9. Section 115.09, Florida Statutes, is amended to
395 read:

396 115.09 Leave to public officials for military
397 service.--All officials of the state, the several counties of
398 the state, and the municipalities or political subdivisions of
399 the state, including district school and community college

877553

Amendment No. (for drafter's use only)

400 officers, which officials are also servicemembers ~~officers or~~
401 ~~enlisted personnel~~ in the National Guard or a reserve component
402 of the Armed Forces of the United States, shall ~~may, subject to~~
403 ~~the provisions and conditions hereafter set forth~~, be granted
404 leave of absence from their respective offices and duties to
405 perform active military service, the first 30 days of any such
406 leave of absence to be with full pay.

407 Section 10. Section 115.10, Florida Statutes, is repealed.

408 Section 11. Section 115.12, Florida Statutes, is amended
409 to read:

410 115.12 Rights during leave.--

411 (1) During such leave of absence such official shall be
412 entitled to preserve all seniority rights, efficiency ratings,
413 promotional status and retirement privileges. The period of
414 active military service shall, for purposes of computation to
415 determine whether such person may be entitled to retirement
416 under the laws of the state, be deemed continuous service in the
417 office of said official. While absent on such leave without pay,
418 said official shall not be required to make any contribution to
419 any retirement fund.

420 (2) The employing authority shall adhere to all the
421 provisions contained in the Uniformed Services Employment and
422 Reemployment Rights Act, Title 38, United States Code, Chapter
423 43, as amended.

424 Section 12. Section 115.13, Florida Statutes, is amended
425 to read:

426 115.13 Resumption of official duties.--Upon said officer
427 terminating his or her active military service, he or she shall
428 ~~immediately~~ enter upon the duties of office for the unexpired

877553

Amendment No. (for drafter's use only)

429 portion of the term for which he or she was elected or
430 appointed, in accordance with the limits provided under the
431 Uniformed Services Employment and Reemployment Rights Act, Title
432 38, United States Code Chapter 43, as amended.

433 Section 13. Section 115.14, Florida Statutes, is amended
434 to read:

435 115.14 Employees.--All employees of the state, the several
436 counties of the state, and the municipalities or political
437 subdivisions of the state shall ~~may, in the discretion of the~~
438 ~~employing authority of such employee,~~ be granted leave of
439 absence under the terms of this law; upon such leave of absence
440 being granted said employee shall enjoy the same rights and
441 privileges as are hereby granted to officials under this law,
442 insofar as may be, including, without limitation, receiving full
443 pay for the first 30 days. Notwithstanding the provisions of s.
444 115.09, the employing authority may supplement the military pay
445 of its officials and employees who are reservists called to
446 active military service after the first 30 days ~~for the first 30~~
447 ~~days with full pay and, thereafter,~~ in an amount necessary to
448 bring their total salary, inclusive of their base military pay,
449 to the level earned at the time they were called to active
450 military duty. The employing authority shall ~~may also, in its~~
451 ~~discretion,~~ continue to provide all ~~any~~ health insurance and
452 other existing benefits to such officials and employees as
453 required by the Uniformed Services Employment and Reemployment
454 Rights Act, Title 38, United States Code, Chapter 43, as
455 amended.

456 Section 14. Section 115.15, Florida Statutes, is amended
457 to read:

877553

Amendment No. (for drafter's use only)

458 115.15 Adoption of federal law for employees.--The
459 provisions of the Uniformed Services Employment and Reemployment
460 Rights Act, Title 38, United States Code Chapter 43, as amended
461 section 8 of chapter 720 Acts of Congress of the United States,
462 approved September 16, 1940 (Title 50 App. Section 308,
463 U.S.C.A.), insofar as it relates to the reemployment of public
464 employees granted a leave of absence on active military duty
465 under this law, shall be applicable in this state and the
466 refusal of any state, county, or municipal official to comply
467 therewith shall subject him or her to removal from office.

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

472 320.07 Expiration of registration; annual renewal
473 required; penalties.--

474 (3) The operation of any motor vehicle without having
475 attached thereto a registration license plate and validation
476 stickers, or the use of any mobile home without having attached
477 thereto a mobile home sticker, for the current registration
478 period shall subject the owner thereof, if he or she is present,
479 or, if the owner is not present, the operator thereof to the
480 following penalty provisions:

481 (e) Any servicemember, as defined in s. 250.82, whose
482 mobile home registration has expired while serving on active
483 duty shall not be charged with a violation of this subsection
484 if, at the time of the offense, the servicemember was serving on
485 federal or state active duty more than 35 miles away from the
486 servicemember's home of record prior to entering active duty.

877553

Amendment No. (for drafter's use only)

487 The servicemember must present to the department either a copy
488 of the official military orders or a written verification signed
489 by the servicemember's commanding officer to waive charges.

490 (5) Any servicemember, as defined in s. 250.82, whose
491 motor vehicle or mobile home registration has expired while
492 serving on active duty, shall be able to renew his or her
493 registration upon return from active duty without penalty, if
494 the servicemember served on federal or state active duty more
495 than 35 miles from the servicemember's home of record prior to
496 entering active duty. The servicemember must provide to the
497 department either a copy of the official military orders or a
498 written verification signed by the servicemember's commanding
499 officer to waive delinquent fees.

500 (6)(5) Delinquent fees imposed under this section shall
501 not be apportionable under the International Registration Plan.

502 Section 16. Section 364.195, Florida Statutes, is created
503 to read:

504 364.195 Termination of telecommunications service contract
505 by a servicemember.--

506 (1) Any servicemember, as defined in s. 250.82, may
507 terminate his or her telecommunications service contract by
508 providing the telecommunications company with a written notice
509 of termination, effective on the date specified in the notice,
510 which date shall be at least 30 days after receipt of the notice
511 by the telecommunications company, if any of the following
512 criteria are met:

513 (a) The servicemember is required, pursuant to a permanent
514 change of station orders, to move outside the area served by the
515 telecommunications company or to an area where the type of

877553

Amendment No. (for drafter's use only)

516 telecommunications service being provided to the servicemember
517 is not available from the telecommunications company;

518 (b) The servicemember is discharged or released from
519 federal or state active duty and will return from such duty to
520 an area not served by the telecommunications company or where
521 the type of telecommunications service contracted for is not
522 available from the telecommunications company;

523 (c) The servicemember is released from federal or state
524 active duty after having entered into a contract for
525 telecommunications service while on federal or state active duty
526 status and the telecommunications company does not provide
527 telecommunications service or the same type of
528 telecommunications service contracted for in the region of the
529 servicemember's home of record prior to entering active duty;

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

532 (e) The servicemember receives temporary duty orders,
533 temporary change of station orders, or state active duty orders
534 to an area not served by the telecommunications company or where
535 the type of telecommunications service contracted for is not
536 available from the telecommunications company, provided such
537 orders are for a period exceeding 60 days.

538 (2) The written notice to the telecommunications company
539 must be accompanied by either a copy of the official military
540 orders or a written verification signed by the servicemember's
541 commanding officer.

542 (3) Upon termination of a contract under this section, the
543 servicemember is liable for the amount due under the contract
544 prorated to the effective date of the termination payable at

877553

Amendment No. (for drafter's use only)

545 such time as would have otherwise been required by the terms of
546 the contract. The servicemember is not liable for any other fees
547 due to the early termination of the contract as provided for in
548 this section.

549 (4) The provisions of this section may not be waived or
550 modified by the agreement of the parties under any
551 circumstances.

552 Section 17. Section 468.4339, Florida Statutes, is created
553 to read:

554 468.4339 Provisions of continuing education.--The council
555 shall require a portion of the classroom hours in ss. 468.4337
556 and 468.4338 to include information on the rights of
557 servicemembers, as provided in the Florida Uniformed
558 Servicemembers Protection Act.

559 Section 18. Section 475.1821, Florida Statutes, is created
560 to read:

561 475.1821 Provisions of continuing education.--The
562 commission shall require a portion of the classroom hours in s.
563 475.182 to include information on the rights of servicemembers
564 as provided in the Florida Uniformed Servicemembers Protection
565 Act.

566 Section 19. Section 520.14, Florida Statutes, is created
567 to read:

568 520.14 Termination of retail installment contract for
569 leasing a motor vehicle by a member of the United States Armed
570 Forces.--

571 (1) Any servicemember of the United States Armed Forces,
572 as defined in s. 250.82, may terminate his or her retail
573 installment contract for leasing a motor vehicle by providing

877553

Amendment No. (for drafter's use only)

574 the sales finance company with a written notice of termination,
575 effective on the date specified in the notice, which date shall
576 be at least 30 days after the receipt of the notice by the sales
577 finance company, if any of the following criteria are met:

578 (a) The servicemember is required, pursuant to a permanent
579 change of station, to move outside the continental United
580 States; or

581 (b) The servicemember receives temporary duty orders,
582 temporary change of station orders, or state active duty orders
583 outside the continental United States, provided such orders are
584 for a period exceeding 60 days.

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

589 (3) Upon termination of a contract under this section, the
590 lessee is liable for the amount due under the contract, prorated
591 to the effective date of the termination, payable at such time
592 as would have otherwise been required by the terms of the
593 contract. The lessee is not liable for any other fees due to the
594 early termination of the contract as provided for in this
595 section.

596 (4) The provisions of this section may not be waived or
597 modified by the agreement of the parties under any
598 circumstances.

599 Section 20. Subsection (5) is added to section 627.7283,
600 Florida Statutes, to read:

601 627.7283 Cancellation; return of premium.-

Amendment No. (for drafter's use only)

602 (5) The insurer must refund 100 percent of the unearned
603 premium if the insured is a servicemember, as defined in s.
604 250.82, who cancels because he or she is required to move,
605 pursuant to a permanent change of station, temporary duty orders
606 exceeding 60 days, temporary change of station orders exceeding
607 60 days, or state active duty orders, to a location where the
608 insurance is not required. The insurer may require a
609 servicemember to submit either a copy of the official military
610 orders or a written verification signed by the servicemember's
611 commanding officer to support the refund authorized under this
612 subsection. If the insurer cancels, the insurer must refund 100
613 percent of the unearned premium. Cancellation is without
614 prejudice to any claim originating prior to the effective date
615 of the cancellation. For purposes of this section, unearned
616 premiums must be computed on a pro rata basis.

617 Section 21. Section 689.27, Florida Statutes, is created
618 to read:

619 689.27 Termination of agreement to purchase real property
620 by a member of the United States Armed Forces.--

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

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

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

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

877553

Amendment No. (for drafter's use only)

631 (d) "Servicemember" shall have the same meaning as
632 provided in s. 250.82.

633 (2) Any servicemember may terminate a contract to purchase
634 property, prior to closing on such property, by providing the
635 seller or mortgagor of the property with a written notice of
636 termination to be effective immediately, if any of the following
637 criteria are met:

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

642 (b) The servicemember is released from federal or state
643 active duty after having agreed to purchase the property and
644 prior to closing while serving on federal or state active duty
645 status, and the property is more than 35 miles from the
646 servicemember's home of record prior to entering active duty;

647 (c) The servicemember receives military orders requiring
648 him or her to move into government quarters or, after
649 contracting to purchase property, but prior to closing, the
650 servicemember becomes eligible to live in government quarters;

651 (d) Prior to closing, the servicemember receives temporary
652 duty orders, temporary change of station orders, or state active
653 duty orders to an area more than 35 miles from where the
654 property is located, provided such orders are for a period
655 exceeding 90 days; or

656 (e) The servicemember has entered into an agreement to
657 purchase the property but, prior to closing on the property,
658 receives a change of orders to an area located more than 35
659 miles from the location of the property.

877553

Amendment No. (for drafter's use only)

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

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

669 (5) The provisions of this section may not be waived or
670 modified by the agreement of the parties under any
671 circumstances.

672 Section 22. Subsection (2) of section 1009.531, Florida
673 Statutes, is amended to read:

674 1009.531 Florida Bright Futures Scholarship Program;
675 student eligibility requirements for initial awards.—

676 (2) A student is eligible to accept an initial award for 3
677 years following high school graduation and to accept a renewal
678 award for 7 years following high school graduation. A student
679 who applies for an award by high school graduation and who meets
680 all other eligibility requirements, but who does not accept his
681 or her award, may reapply during subsequent application periods
682 up to 3 years after high school graduation. For a student who
683 enlists in the United States Armed Forces immediately after
684 completion of high school, the 3-year eligibility period for his
685 or her initial award shall begin on the date of separation from
686 active duty. For a student who is receiving a Florida Bright
687 Futures Scholarship and discontinues his or her education to
688 enlist in the United States Armed Forces, the remainder of his

877553

Amendment No. (for drafter's use only)

689 or her 7-year renewal period shall commence on the date of
690 separation from active duty.

691 Section 23. Subsection (1) of section 1009.532, Florida
692 Statutes, is amended to read:

693 1009.532 Florida Bright Futures Scholarship Program;
694 student eligibility requirements for renewal awards.--

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

698 (a) Complete at least 12 semester credit hours or the
699 equivalent in the last academic year in which the student earned
700 a scholarship.

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

703 1. If a recipient's grades fall beneath the average
704 required to renew a Florida Academic Scholarship, but are
705 sufficient to renew a Florida Medallion Scholarship or a Florida
706 Gold Seal Vocational Scholarship, the Department of Education
707 may grant a renewal from one of those other scholarship
708 programs, if the student meets the renewal eligibility
709 requirements; ~~or~~

710 2. If, at any time during the eligibility period, a
711 student's grades are insufficient to renew the scholarship, the
712 student may restore eligibility by improving the grade point
713 average to the required level. A student is eligible for such a
714 reinstatement only once. The Legislature encourages education
715 institutions to assist students to calculate whether or not it
716 is possible to raise the grade point average during the summer
717 term. If the institution determines that it is possible, the

Amendment No. (for drafter's use only)

718 education institution may so inform the department, which may
719 reserve the student's award if funds are available. The renewal,
720 however, must not be granted until the student achieves the
721 required cumulative grade point average. If the summer term is
722 not sufficient to raise the grade point average to the required
723 renewal level, the student's next opportunity for renewal is the
724 fall semester of the following academic year; or-

725 3. If a student is receiving a Florida Bright Futures
726 Scholarship and is also a member of the Florida National Guard
727 or United States Reserves while attending a postsecondary
728 institution, and is called to active duty or state active duty,
729 as defined in s. 250.82, prior to completing his or her degree
730 and meets all other requirements for the scholarship, the
731 student shall be eligible to continue the scholarship for 2
732 years after completing active duty.

733 Section 24. This act shall take effect upon becoming a
734 law.

735
736 ===== T I T L E A M E N D M E N T =====

737 Remove the entire title, and insert:

738 A bill to be entitled
739 An act relating to military affairs; creating pt. IV of
740 ch. 250, F.S., the "Florida Uniformed Servicemembers
741 Protection Act"; providing a popular name; providing
742 legislative intent; providing definitions; providing for
743 applicability of specified federal laws to servicemembers
744 when serving on active duty or state active duty;
745 providing for jurisdiction of the courts; providing for
746 construction of pt. IV of ch. 250, F.S.; providing for

Amendment No. (for drafter's use only)

747 incorporation by reference of various provisions of
748 Florida Statutes within the Florida Uniformed
749 Servicemembers Protection Act; amending s. 83.43, F.S.;
750 defining "servicemember," "active duty," and "state active
751 duty" for purposes of the Florida Residential Landlord and
752 Tenant Act; creating s. 83.575, F.S.; providing that a
753 rental agreement having a specific duration may require
754 the tenant to give notice before vacating the premises;
755 limiting the maximum amount of required notice; providing
756 for liquidated damages in specified circumstances;
757 providing tenant liability for paying additional rent in
758 specified circumstances; amending s. 83.64, F.S.;
759 prohibiting retaliatory action by a landlord for
760 termination of a rental agreement by a servicemember;
761 amending s. 83.67, F.S.; prohibiting a landlord from
762 discriminating against a servicemember in offering a
763 dwelling unit for rent or in any of the terms of a rental
764 agreement; providing for applicability of remedies to
765 servicemembers who are prospective tenants and the subject
766 of such discrimination; amending s. 83.682, F.S.;
767 providing conditions under which a servicemember may
768 terminate his or her rental agreement; revising
769 terminology; revising liability of a servicemember in the
770 event of early termination of a tenancy; amending s.
771 115.02, F.S.; revising provisions with respect to the
772 granting of a leave of absence to an officer; amending s.
773 115.08, F.S.; revising the definition of "active military
774 service" and "period of active military service" and
775 providing a definition of "servicemember"; amending s.

877553

Amendment No. (for drafter's use only)

776 115.09, F.S.; requiring the granting of leave of absence
777 for state, county, and municipal officials who are
778 servicemembers; repealing s. 115.10, F.S., relating to
779 granting and denial of leave of absence for public
780 officials by the Governor; amending s. 115.12, F.S.;
781 revising provisions relating to rights during leave to
782 provide that the employing authority must adhere to the
783 provisions of the federal Uniformed Services Employment
784 and Reemployment Rights Act; amending s. 115.13, F.S.;
785 revising provisions relating to resumption of official
786 duties; amending s. 115.14, F.S.; requiring the granting
787 of leave of absence for state, county, and municipal
788 employees; revising provisions with respect to
789 supplemental pay for reservist officials and employees
790 called to active military service; requiring an employing
791 authority to continue to provide all health insurance and
792 other existing benefits; amending s. 115.15, F.S.;
793 providing for applicability of the federal Uniformed
794 Services Employment and Reemployment Rights Act; amending
795 s. 320.07, F.S.; exempting servicemembers from penalties
796 for expiration of mobile home and motor vehicle
797 registrations when such registrations expire while the
798 servicemember is serving on active duty; creating s.
799 364.195, F.S.; providing requirements and procedure with
800 respect to termination of a telecommunications service
801 contract by a servicemember; creating s. 468.4339, F.S.;
802 requiring the inclusion of information relating to rights
803 of servicemembers under the Florida Uniformed
804 Servicemembers Protection Act within continuing education

877553

Amendment No. (for drafter's use only)

805 requirements for community association managers; creating
806 s. 475.1821, F.S.; requiring the inclusion of information
807 relating to rights of servicemembers under the Florida
808 Uniformed Servicemembers Protection Act within continuing
809 education requirements for renewal of licensure as a real
810 estate broker, broker-salesperson, or salesperson;
811 creating s. 520.14, F.S.; providing requirements and
812 procedure with respect to the termination of a retail
813 installment contract for leasing a motor vehicle by a
814 servicemember; amending s. 627.7283, F.S.; requiring motor
815 vehicle insurance companies to refund the entire unearned
816 portion of a premium upon cancellation of motor vehicle
817 insurance by a servicemember when the servicemember is
818 required to move pursuant to specified orders; creating
819 s. 689.27, F.S.; providing definitions; providing
820 requirements and procedure with respect to the termination
821 of an agreement to purchase real property by a
822 servicemember; amending s. 1009.531, F.S.; extending the
823 eligibility period for the Florida Bright Futures
824 Scholarship Program for students who enlist in the armed
825 forces or reserves immediately after completion of high
826 school; amending s. 1009.532, F.S.; providing eligibility
827 for continuation of Florida Bright Futures Scholarships
828 for students attending postsecondary institutions who are
829 also servicemembers and are called to active duty or
830 active state duty; providing an effective date.