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



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31 115.08, F.S.; revising the definition of "active military
32 service" and "period of active military service" and
33 providing additional definitions; amending s. 115.09,
34 F.S.; requiring the granting of leave of absence for
35 state, county, and municipal officials who are members of
36 the National Guard or a reserve component of the Armed
37 Forces; repealing s. 115.10, F.S., relating to granting
38 and denial of leave of absence for public officials by the
39 Governor; amending s. 115.12, F.S.; revising provisions
40 relating to rights during leave to provide that the
41 employing authority must adhere to the provisions of the
42 federal Uniformed Service Employment and Reemployment
43 Rights Act; amending s. 115.13, F.S.; revising provisions
44 relating to resumption of official duties; amending s.
45 115.14, F.S.; requiring the granting of leave of absence
46 for state, county, and municipal employees; providing that
47 the first 30 days of such leave of absence shall be with
48 full pay; revising provisions with respect to supplemental
49 pay for reservist officials and employees called to active
50 military service; requiring an employing authority to
51 continue to provide all health insurance and other
52 existing benefits; amending s. 115.15, F.S.; providing for
53 applicability of the federal Uniformed Service Employment
54 and Reemployment Rights Act; creating s. 364.195, F.S.;
55 providing requirements and procedure with respect to
56 termination of a telecommunications service contract by a
57 member of the United States Armed Forces; creating s.
58 468.4339, F.S.; requiring the inclusion of information
59 relating to rights of servicemembers under the Florida
60 Uniformed Servicemembers Protection Act within continuing



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61 education requirements for community association managers;
 62 creating s. 475.1821, F.S.; requiring the inclusion of
 63 information relating to rights of servicemembers under the
 64 Florida Uniformed Servicemembers Protection Act within
 65 continuing education requirements for renewal of licensure
 66 as a real estate broker, broker-salesperson, or
 67 salesperson; creating s. 520.14, F.S.; providing
 68 requirements and procedure with respect to the termination
 69 of a retail installment contract for leasing a motor
 70 vehicle by a member of the United States Armed Forces;
 71 creating s. 689.27, F.S.; providing definitions; providing
 72 requirements and procedure with respect to the termination
 73 of an agreement to purchase real property by a member of
 74 the United States Armed Forces; providing an effective
 75 date.

76

77 Be It Enacted by the Legislature of the State of Florida:

78

79 Section 1. Part IV of chapter 250, Florida Statutes,
 80 consisting of sections 250.80, 250.81, 250.82, 250.83, 250.84,
 81 and 250.85, is created to read:

82

PART IV

83

FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

84

250.80 Popular name.--Sections 250.80-250.85 may be known
 85 by the popular name the "Florida Uniformed Servicemembers
 86 Protection Act."

87

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



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91 the Legislature that Florida residents and businesses understand
 92 the rights afforded to the men and women who volunteer their
 93 time and sacrifice their lives to protect the freedoms granted
 94 by the Constitutions of the United States and the State of
 95 Florida.

96 250.82 Definitions.--As used in this part:

97 (1) "Active military service" and "active duty" mean:

98 1. Full-time duty in the active military service of the
 99 United States, including federal duty, which includes attendance
 100 of full-time training and annual training while in active
 101 military service or attendance of a school designated as a
 102 service school by law or by the secretary of the applicable
 103 military branch.

104 2. Full-time duty in the active military service of the
 105 State of Florida when ordered by the Governor or Adjutant
 106 General in accordance with s. 250.06, s. 250.10, or s. 250.28,
 107 for purposes which include, but are not limited to, preserving
 108 the public peace; executing the laws of the state; suppressing
 109 insurrection; repelling invasion; enhancement of security and
 110 response to terrorist threat or attack; response to an emergency
 111 as defined in s. 252.34 or imminent threat of an emergency;
 112 enforcement of laws; conduct of counter-narcotics operations;
 113 the provision of training; the provision for the security of the
 114 rights or lives of the public and private property; conducting
 115 ceremonies, including the performance of duties of officers or
 116 enlisted personnel who are employed under the order of the
 117 Governor in recruiting; conducting tours of instruction; and
 118 inspection of troops, armories, storehouses, campsites, rifle
 119 ranges, or military properties.

120 3. Sitting on general or special courts-martial, boards of



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121 examination, courts of inquiry, and boards of officers, and
122 conducting or assisting in physical examinations.

123
124 The term shall also include the period during which a person in
125 active military service is absent from duty as a result of
126 illness, being wounded, being on leave, or other lawful cause.

127 (2) "SSCRA" means the Soldiers' and Sailors' Civil Relief
128 Act, Title 50, Appendix United States Code Section 501 et seq.,
129 as amended.

130 (3) "Servicemember" means any person serving as a member
131 of the Armed Forces on active duty and all members of the
132 Florida National Guard and United States Reserve Forces.

133 (4) "USERRA" means the Uniformed Services Employment and
134 Reemployment Rights Act, Title 38, United States Code, Chapter
135 43, as amended.

136 250.83 Applicability of federal laws; jurisdiction of the
137 courts.--The Soldiers' and Sailors' Civil Relief Act (SSCRA), as
138 amended, and the Uniformed Services Employment and Reemployment
139 Rights Act (USERRA), as amended, apply to members of the Florida
140 National Guard and Reserves when they are serving on active
141 duty, and said acts are incorporated by reference within the
142 Florida Uniformed Servicemembers Protection Act for the purposes
143 of conferring concurrent jurisdiction for enforcement in the
144 courts of the state over all causes of action arising under
145 these acts. The courts of the state shall have concurrent
146 jurisdiction over all causes of action arising under this act.

147 250.84 Construction of part.--In the event that any other
148 provision of law conflicts with SSCRA, USERRA, or the provisions
149 of this chapter, the provisions of SSCRA, USERRA or the
150 provisions of this chapter, whichever is applicable, shall



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151 control. Nothing in this part shall construe rights or
152 obligations not provided under SSCRA, USERRA, or this chapter.

153 250.85 Florida Uniformed Servicemembers Protection Act;
154 rights of servicemembers; incorporation by reference.--It is the
155 intent of the Legislature that the provisions of the Florida
156 Uniformed Servicemembers Protection Act be included as part of
157 the continuing education requirements for certain licensed
158 professionals as provided in this act. Further, it is the intent
159 of the Legislature to ensure that those individuals affected by
160 the provisions of the Florida Uniformed Servicemembers
161 Protection Act be made aware of the rights and obligations of
162 servicemembers.

163 (1) The provisions of ss. 83.43, 83.64, 83.67, and 83.682,
164 which provide rights and responsibilities of servicemembers
165 under the Florida Residential Landlord and Tenant Act; ss.
166 115.02, 115.08, 115.09, 115.12, 115.13, 115.14, and 115.15,
167 which provide rights and responsibilities of servicemembers with
168 respect to leaves of absence for officials and employees; s.
169 364.195, which provides requirements and procedure with respect
170 to termination of a telecommunications service contract by a
171 member of the United States Armed Forces; s. 520.14, which
172 provides requirements and procedure with respect to the
173 termination of a retail installment contract for leasing a motor
174 vehicle by a member of the United States Armed Forces; s.
175 468.4339, which requires the inclusion of information relating
176 to rights of servicemembers under the Florida Uniformed
177 Servicemembers Protection Act within continuing education
178 requirements for community association managers; s. 475.1821,
179 which requires the inclusion of information relating to rights
180 of servicemembers under the Florida Uniformed Servicemembers



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181 Protection Act within continuing education requirements for
182 renewal of licensure as a real estate broker, broker-
183 salesperson, or salesperson; and s. 689.27, which provides
184 requirements and procedure with respect to the termination of an
185 agreement to purchase real property by a member of the United
186 States Armed Forces, as amended or created by this act, are
187 incorporated by reference within the Florida Uniformed
188 Servicemembers Protection Act.

189 (2) The Department of Military Affairs shall distribute a
190 document containing the applicable rights of servicemembers,
191 either through printed or electronic means, to appropriate state
192 or local organizations composed of or representing:

- 193 (a) Motor vehicles dealers.
194 (b) Financial institutions.
195 (c) Telecommunications service companies.
196 (d) Rental tenancies.
197 (e) Real estate salespersons and brokers.
198 (f) Community association managers.

199 Section 2. Subsections (14) and (15) are added to section
200 83.43, Florida Statutes, to read:

201 83.43 Definitions.--As used in this part, the following
202 words and terms shall have the following meanings unless some
203 other meaning is plainly indicated:

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

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

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

210 83.64 Retaliatory conduct.--



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

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

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

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

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

229 Section 4. Section 83.67, Florida Statutes, is amended to
 230 read:

231 83.67 Prohibited practices.--

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

239 (2) No landlord of any dwelling unit governed by this part
 240 shall prevent the tenant from gaining reasonable access to the



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241 dwelling unit by any means, including, but not limited to,
242 changing the locks or using any bootlock or similar device.

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

247 (4)~~(3)~~ No landlord of any dwelling unit governed by this
248 part shall remove the outside doors, locks, roof, walls, or
249 windows of the unit except for purposes of maintenance, repair,
250 or replacement; nor shall the landlord remove the tenant's
251 personal property from the dwelling unit unless said action is
252 taken after surrender, abandonment, or a lawful eviction. If
253 provided in the rental agreement or a written agreement separate
254 from the rental agreement, upon surrender or abandonment by the
255 tenant, the landlord is not required to comply with s. 715.104
256 and is not liable or responsible for storage or disposition of
257 the tenant's personal property; if provided in the rental
258 agreement there must be printed or clearly stamped on such
259 rental agreement a legend in substantially the following form:

260
261 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
262 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
263 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
264 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

265
266 For the purposes of this section, abandonment shall be as set
267 forth in s. 83.59(3)(c).

268 (5)~~(4)~~ A landlord who violates the provisions of this
269 section shall be liable to the tenant for actual and
270 consequential damages or 3 months' rent, whichever is greater,



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271 and costs, including attorney's fees. Subsequent or repeated
 272 violations which are not contemporaneous with the initial
 273 violation shall be subject to separate awards of damages.

274 (6)~~(5)~~ A violation of this section shall constitute
 275 irreparable harm for the purposes of injunctive relief.

276 (7)~~(6)~~ The remedies provided by this section are not
 277 exclusive and shall not preclude the tenant from pursuing any
 278 other remedy at law or equity which the tenant may have. The
 279 remedies provided by this section shall also apply to a
 280 servicemember who is a prospective tenant who has been
 281 discriminated against under subsection (3).

282 Section 5. Section 83.682, Florida Statutes, is amended to
 283 read:

284 83.682 Termination of rental agreement by a servicemember
 285 ~~member of the United States Armed Forces.--~~

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

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

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



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

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

310 (e) The servicemember receives temporary duty orders,
311 temporary change of station orders, or state active duty orders
312 to an area more than 35 miles from the location of the rental
313 premises, provided such orders are for a period exceeding 60
314 days; or

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

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

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



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331 member's Commanding Officer and a copy of the servicemember's
332 death certificate.

333 ~~(4)(2)~~ Upon termination of a rental agreement under this
334 section, the tenant is liable for the rent due under the rental
335 agreement prorated to the effective date of the termination
336 payable at such time as would have otherwise been required by
337 the terms of the rental agreement. The tenant is not liable for
338 any other rent or damages due to the early termination of the
339 tenancy as provided for in this section ~~except the liquidated~~
340 ~~damages provided in this section.~~ Notwithstanding any provision
341 of this section to the contrary, if a tenant terminates the
342 rental agreement pursuant to this section 14 or more days prior
343 to occupancy, no damages or penalties of any kind will be
344 assessable ~~are due.~~

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

355 ~~(5)(4)~~ The provisions of this section may not be waived or
356 modified by the agreement of the parties under any
357 circumstances.

358 Section 6. Section 115.02, Florida Statutes, is amended to
359 read:



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360 115.02 Governor to grant application; proviso.--When any
361 such officer shall be granted a leave of absence pursuant to
362 this chapter ~~volunteer or be called into the service of the~~
363 ~~United States during war~~, the Governor shall, upon application
364 being made by such officer, grant such officer leave of absence
365 during the time he or she shall be retained in such military
366 service; provided, such service shall not extend beyond the term
367 of office of such officer, in which event the office shall be
368 filled by election at the expiration thereof.

369 Section 7. Section 115.08, Florida Statutes, is amended to
370 read:

371 115.08 Definitions.--

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

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



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

392 Section 8. Section 115.09, Florida Statutes, is amended to
 393 read:

394 115.09 Leave to public officials for military
 395 service.--All officials of the state, the several counties of
 396 the state, and the municipalities or political subdivisions of
 397 the state, including district school and community college
 398 officers, which officials are also members of ~~officers or~~
 399 ~~enlisted personnel in~~ the National Guard or a reserve component
 400 of the Armed Forces of the United States, shall ~~may, subject to~~
 401 ~~the provisions and conditions hereafter set forth,~~ be granted
 402 leave of absence from their respective offices and duties to
 403 perform active military service, the first 30 days of any such
 404 leave of absence to be with full pay.

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

406 Section 10. Section 115.12, Florida Statutes, is amended
 407 to read:

408 115.12 Rights during leave.--

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

418 (2) The employing authority shall adhere to all the
 419 provisions contained in the Uniformed Service Employment and



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420 Reemployment Rights Act, Title 38, United States Code, Chapter
 421 43, as amended.

422 Section 11. Section 115.13, Florida Statutes, is amended
 423 to read:

424 115.13 Resumption of official duties.--Upon said officer
 425 terminating his or her active military service, he or she shall
 426 ~~immediately~~ enter upon the duties of office for the unexpired
 427 portion of the term for which he or she was elected or
 428 appointed, in accordance with the limits provided under the
 429 Uniformed Service Employment and Reemployment Rights Act, Title
 430 38, United States Code, Chapter 43, as amended.

431 Section 12. Section 115.14, Florida Statutes, is amended
 432 to read:

433 115.14 Employees.--All employees of the state, the several
 434 counties of the state, and the municipalities or political
 435 subdivisions of the state shall ~~may, in the discretion of the~~
 436 ~~employing authority of such employee,~~ be granted leave of
 437 absence under the terms of this law; upon such leave of absence
 438 being granted said employee shall enjoy the same rights and
 439 privileges as are hereby granted to officials under this law,
 440 insofar as may be, including without limitation receiving full
 441 pay for the first 30 days. Notwithstanding the provisions of s.
 442 115.09, the employing authority may supplement the military pay
 443 of its officials and employees who are reservists called to
 444 active military service after the first 30 days ~~for the first 30~~
 445 ~~days with full pay and, thereafter,~~ in an amount necessary to
 446 bring their total salary, inclusive of their base military pay,
 447 to the level earned at the time they were called to active
 448 military duty. The employing authority shall ~~may also, in its~~
 449 ~~discretion,~~ continue to provide all ~~any~~ health insurance and



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450 other existing benefits to such officials and employees as
451 required by the Uniformed Service Employment and Reemployment
452 Rights Act, Title 38, United States Code, Chapter 43, as
453 amended.

454 Section 13. Section 115.15, Florida Statutes, is amended
455 to read:

456 115.15 Adoption of federal law for employees.--The
457 provisions of the Uniformed Service Employment and Reemployment
458 Rights Act, Title 38, United States Code, Chapter 43, as amended
459 ~~section 8 of chapter 720 Acts of Congress of the United States,~~
460 ~~approved September 16, 1940 (Title 50 App. Section 308,~~
461 ~~U.S.C.A.), insofar as it relates to the reemployment of public~~
462 ~~employees granted a leave of absence on active military duty~~
463 ~~under this law,~~ shall be applicable in this state and the
464 refusal of any state, county, or municipal official to comply
465 therewith shall subject him or her to removal from office.

466 Section 14. Section 364.195, Florida Statutes, is created
467 to read:

468 364.195 Termination of telecommunications service contract
469 by a member of the United States Armed Forces.--

470 (1) Any servicemember of the United States Armed Forces,
471 as defined in s. 250.82, may terminate his or her
472 telecommunications service contract by providing the
473 telecommunications company with a written notice of termination,
474 effective on the date specified in the notice, which date shall
475 be at least 30 days after receipt of the notice by the
476 telecommunications company, if any of the following criteria are
477 met:

478 (a) The servicemember is required, pursuant to a permanent
479 change of station orders, to move outside the area served by the



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480 telecommunications company or to an area where the type of
481 telecommunications service being provided to the servicemember
482 is not available from the telecommunications company;

483 (b) The servicemember is discharged or released from
484 federal or state active duty and will return from such duty to
485 an area not served by the telecommunications company or where
486 the type of telecommunications service contracted for is not
487 available from the telecommunications company;

488 (c) The servicemember is released from federal or state
489 active duty after having entered into a contact for
490 telecommunications service while on federal or state active duty
491 status and the telecommunications company does not provide
492 telecommunications service or the same type of
493 telecommunications service contracted for in the region of the
494 servicemember's home of record prior to entering active duty;

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

497 (e) The servicemember receives temporary duty orders,
498 temporary change of station orders, or state active duty orders
499 to an area not served by the telecommunications company or where
500 the type of telecommunications service contracted for is not
501 available from the telecommunications company, provided such
502 orders are for a period exceeding 60 days; or

503 (f) The servicemember has entered into the contract to
504 receive services from a telecommunications company, but prior to
505 activation of the telecommunications service, receives a change
506 of orders to an area not served by the telecommunications
507 company or where the type of telecommunications service
508 contracted for is not available from the telecommunications
509 company.



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510 (2) The written notice to the telecommunications company
511 must be accompanied by either a copy of the official military
512 orders or a written verification signed by the servicemember's
513 commanding officer.

514 (3) In the event a servicemember dies during active duty,
515 an adult member of his or her immediate family may terminate the
516 member's telecommunications service contract by providing the
517 company with a written notice of termination, effective on the
518 date specified in the notice, which date shall be at least 30
519 days after receipt of the notice by the telecommunications
520 company. The notice to the telecommunications company must be
521 accompanied by either a copy of official military confirmation
522 of death of the servicemember or a written verification signed
523 by the servicemember's commanding officer and a copy of the
524 servicemember's death certificate.

525 (4) Upon termination of a contract under this section, the
526 customer is liable for the amount due under the contract
527 prorated to the effective date of the termination payable at
528 such time as would have otherwise been required by the terms of
529 the contract. The customer is not liable for any other fees due
530 to the early termination of the contract as provided for in this
531 section.

532 (5) The provisions of this section may not be waived or
533 modified by the agreement of the parties under any
534 circumstances.

535 Section 15. Section 468.4339, Florida Statutes, is created
536 to read:

537 468.4339 Provisions of continuing education.--The council
538 shall require a portion of the classroom hours in ss. 468.4337
539 and 468.4338 to include information on the rights of



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540 servicemembers, as provided in the Florida Uniformed
541 Servicemembers Protection Act.

542 Section 16. Section 475.1821, Florida Statutes, is created
543 to read:

544 475.1821 Provisions of continuing education.--The
545 commission shall require a portion of the classroom hours in s.
546 475.182 to include information on the rights of servicemembers
547 as provided in the Florida Uniformed Servicemembers Protection
548 Act.

549 Section 17. Section 520.14, Florida Statutes, is created
550 to read:

551 520.14 Termination of retail installment contract for
552 leasing a motor vehicle by a member of the United States Armed
553 Forces.--

554 (1) Any servicemember of the United States Armed Forces,
555 as defined in s. 250.82, may terminate his or her retail
556 installment contract for leasing a motor vehicle by providing
557 the sales finance company with a written notice of termination,
558 effective on the date specified in the notice, which date shall
559 be at least 30 days after the receipt of the notice by the sales
560 finance company, if any of the following criteria are met:

561 (a) The servicemember is required, pursuant to a permanent
562 change of station, to move outside the continental United
563 States;

564 (b) The servicemember receives temporary duty orders,
565 temporary change of station orders, or state active duty orders
566 outside the continental United States, provided such orders are
567 for a period exceeding 60 days; or

568 (c) The servicemember has entered into the motor vehicle
569 lease, but prior to commencement of the lease, receives a change



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570 of orders to an area not served by the sales finance company or
571 to an area where the same type of motor vehicle lease agreement
572 is not available from the sales finance company.

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

577 (3) In the event a servicemember dies during active duty,
578 an adult member of his or her immediate family may terminate the
579 servicemember's retail installment contract by providing the
580 sales finance company with a written notice of termination,
581 effective on the date specified in the notice, which date shall
582 be at least 30 days after receipt of the notice by the sales
583 finance company. The notice to the company must be accompanied
584 by either a copy of the official military confirmation of death
585 of the servicemember or a written verification signed by the
586 servicemember's commanding officer and a copy of the
587 servicemember's death certificate.

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

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

598 Section 18. Section 689.27, Florida Statutes, is created
599 to read:



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600 689.27 Termination of agreement to purchase real property
601 by a member of the United States Armed Forces.--

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

604 (a) "Contract" means an instrument purporting to contain
605 an agreement to purchase real property.

606 (b) "Property" means a house, condominium, or mobile home
607 that a servicemember intends to purchase to serve as his or her
608 primary residence.

609 (c) "Servicemember" shall have the same meaning as
610 provided in s. 250.82.

611 (2) Any servicemember may terminate a contract to purchase
612 property, prior to his or her occupancy of such property, by
613 providing the seller or mortgagor of the property with a written
614 notice of termination to be effective immediately, if any of the
615 following criteria are met:

616 (a) The servicemember is required, pursuant to a permanent
617 change of station orders received after entering into a contract
618 for the property, to move 35 miles or more from the location of
619 the property;

620 (b) The servicemember is released from federal or state
621 active duty after having agreed to purchase the property while
622 serving on federal or state active duty status, and the property
623 is more than 35 miles away from the servicemember's home of
624 record prior to entering active duty;

625 (c) The servicemember receives military orders requiring
626 him or her to move into government quarters or, after
627 contracting to purchase property but prior to closing, the
628 servicemember becomes eligible to live in government quarters;

629 (d) The servicemember receives temporary duty orders,



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630 temporary change of station orders, or state active duty orders
631 to an area more than 35 miles from where the property is
632 located, provided such orders are for a period exceeding 90
633 days; or

634 (e) The servicemember has entered into an agreement to
635 purchase the property, but prior to taking possession of the
636 property, receives a change of orders to an area located more
637 than 35 miles from the location of the property.

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

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

647 (5) The provisions of this section may not be waived or
648 modified by the agreement of the parties under any
649 circumstances.

650 Section 19. This act shall take effect upon becoming a
651 law.