



CHAMBER ACTION

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The Committee on Local Government & Veterans' Affairs recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to military affairs; creating pt. IV of ch. 250, F.S., the "Florida Uniformed Servicemembers Protection Act"; providing a popular name; providing legislative intent; providing definitions; providing for applicability of specified federal laws to servicemembers when serving on active duty or state active duty; providing for jurisdiction of the courts; providing for construction of pt. IV of ch. 250, F.S.; providing for incorporation by reference of various provisions of Florida Statutes within the Florida Uniformed Servicemembers Protection Act; providing civil relief for servicemembers on active duty or state active duty; providing civil remedies and procedures with respect to the staying, postponement, or suspension of the enforcement of obligations or liabilities, the prosecution of suits or proceedings, the entry or enforcement of



29 orders, writs, judgments, or decrees, or the performance
30 of other acts; providing civil remedy and procedure with
31 respect to a servicemember on active duty or state active
32 duty who is the principal of a criminal bail bond;
33 providing for relief and benefits of persons who serve
34 with the forces of any nation allied with the United
35 States in the prosecution of any war in which the United
36 States is engaged; providing for extension of relief and
37 benefits for any person who has been ordered to report for
38 induction under the Military Selective Service Act;
39 providing construction; providing civil remedy and
40 procedure with respect to a stay, postponement, or
41 suspension in the payment of any tax, fine, penalty,
42 insurance premium, or other civil obligation or liability
43 of a servicemember on active duty or state active duty;
44 providing civil remedy and procedure in any court action
45 or proceeding when there is a default of any appearance by
46 the defendant; providing a penalty for making or using a
47 false affidavit, statement, declaration, verification, or
48 certificate; authorizing the court to appoint an attorney
49 to represent a servicemember on active duty or state
50 active duty under certain circumstances; providing civil
51 remedy and procedure with respect to specified judgments;
52 providing for stay of certain actions and proceedings;
53 providing that no fine shall accrue with respect to an
54 action for compliance with terms of specified contracts;
55 authorizing the court to grant relief against the
56 enforcement of such fine or penalty; authorizing the court



57 | to stay the execution of any judgment or order and vacate
58 | or stay any attachment or garnishment of property, money,
59 | or debts with respect to actions or proceedings commenced
60 | in any court against a servicemember on active duty or
61 | state active duty; providing for period of stay; providing
62 | a limit on interest on specified obligations or interests
63 | of a servicemember on active duty or state active duty;
64 | prohibiting eviction or distress for rent during the
65 | period of a servicemember's active duty or state active
66 | duty under specified circumstances; providing for stay of
67 | proceedings and relief with respect thereto; providing a
68 | penalty for knowingly taking part in such eviction or
69 | distress; prohibiting a person who has received specified
70 | deposits or installments from a servicemember who has
71 | entered active duty or state active duty from exercising
72 | any right or option to rescind or terminate a contract or
73 | resume possession of property for nonpayment of any
74 | installment due or for a breach of terms; providing a
75 | penalty for knowingly resuming possession of such
76 | property; authorizing the court to order repayment of
77 | prior installments or deposits; authorizing the court to
78 | order a stay of proceedings; providing applicability;
79 | providing for invalidity of certain sale, foreclosure, or
80 | seizure of property; providing a penalty for knowingly
81 | making or causing to be made any sale, foreclosure, or
82 | seizure of property deemed invalid; providing procedure
83 | subsequent to a stay of a proceeding to foreclose a
84 | mortgage upon personal property, resume possession of



85 | personal property, or rescind or terminate a contract for
86 | the purchase thereof; providing applicability with respect
87 | to specified leases; providing for termination of lease by
88 | notice; providing a penalty for knowingly seizing,
89 | holding, or detaining the personal effects, clothing,
90 | furniture, or other property of a servicemember who has
91 | lawfully terminated a lease or interfering with the
92 | removal of such property from the premises covered by the
93 | lease for the purpose of subjecting or attempting to
94 | subject such property to a claim for rent accruing
95 | subsequent to the date of termination of lease; providing
96 | civil remedy and procedure with respect to assignment of a
97 | life insurance policy on the life of a servicemember on
98 | active duty or state active duty; prohibiting the exercise
99 | of any right to foreclose or enforcement of any lien for
100 | storage of household goods, furniture, or personal effects
101 | of a servicemember during a servicemember's period of
102 | active duty or state active duty, except upon court order,
103 | and providing a penalty therefor; providing construction;
104 | providing that dependents of a servicemember on active
105 | duty or state active duty shall be entitled to the
106 | benefits accorded to servicemembers on active duty or
107 | state active duty upon application to the court; providing
108 | for civil remedies and procedures with respect to
109 | nonpayment of taxes or assessments; prohibiting the sale
110 | of property to enforce the collection of taxes or
111 | assessments, or the commencement of any proceeding or
112 | action for such purpose, except under certain



113 | circumstances; providing for the right of a servicemember
114 | to redeem or commence an action to redeem such property;
115 | providing a limit on interest for unpaid taxes or
116 | assessments and prohibiting additional interest or
117 | penalties; providing that a servicemember shall not be
118 | deemed to have lost a residence or domicile in the state
119 | or to have become a resident of another state solely by
120 | reason of being absent in compliance with active duty
121 | orders for purposes of taxation of his or her personal
122 | property; providing for relief with respect to obligations
123 | or liabilities incurred prior to a servicemember's period
124 | of active duty or with respect to taxes or assessments;
125 | providing requirements and procedures with respect to
126 | power of attorney executed by a servicemember on active
127 | duty or state active duty who is in a missing status;
128 | providing civil remedy and procedure with respect to a
129 | servicemember engaged in the furnishing of health care
130 | services or other services determined to be professional
131 | services having in effect a professional liability
132 | insurance policy that does not continue to cover claims
133 | filed during the period of the servicemember's active
134 | duty; providing that all servicemembers employed in the
135 | state who are also servicemembers, officers, or enlisted
136 | personnel in the National Guard or a reserve component of
137 | the Armed Forces of the United States shall be granted
138 | leave of absence from their respective offices and duties
139 | to perform active duty or state active duty; providing
140 | rights and conditions with respect thereto; amending s.



141 83.43, F.S.; defining "servicemember," "active duty," and
142 "state active duty" for purposes of the Florida
143 Residential Landlord and Tenant Act; amending s. 83.64,
144 F.S.; prohibiting retaliatory action by a landlord for
145 termination of a rental agreement by a servicemember;
146 amending s. 83.67, F.S.; prohibiting a landlord from
147 discriminating against a servicemember in offering a
148 dwelling unit for rent or in any of the terms of a rental
149 agreement; providing for applicability of remedies to
150 servicemembers who are prospective tenants and the subject
151 of such discrimination; amending s. 83.682, F.S.;
152 providing conditions under which a servicemember may
153 terminate his or her rental agreement; revising
154 terminology; revising liability of a servicemember in the
155 event of early termination of a tenancy; amending s.
156 115.02, F.S.; revising provisions with respect to the
157 granting of a leave of absence to an officer; amending s.
158 115.08, F.S.; revising the definition of "active military
159 service" and "period of active military service" and
160 providing a definition of "servicemember"; amending s.
161 115.09, F.S.; requiring the granting of leave of absence
162 for state, county, and municipal officials who are
163 servicemembers; repealing s. 115.10, F.S., relating to
164 granting and denial of leave of absence for public
165 officials by the Governor; amending s. 115.12, F.S.;
166 revising provisions relating to rights during leave to
167 provide that the employing authority must adhere to the
168 provisions of the federal Uniformed Services Employment



169 and Reemployment Rights Act; amending s. 115.13, F.S.;
170 revising provisions relating to resumption of official
171 duties; amending s. 115.14, F.S.; requiring the granting
172 of leave of absence for state, county, and municipal
173 employees; revising provisions with respect to
174 supplemental pay for reservist officials and employees
175 called to active military service; requiring an employing
176 authority to continue to provide all health insurance and
177 other existing benefits; amending s. 115.15, F.S.;
178 providing for applicability of the federal Uniformed
179 Services Employment and Reemployment Rights Act; amending
180 s. 320.07, F.S.; exempting servicemembers from penalties
181 for expiration of mobile home and motor vehicle
182 registrations when such registrations expire while the
183 servicemember is serving on active duty; creating s.
184 364.195, F.S.; providing requirements and procedure with
185 respect to termination of a telecommunications service
186 contract by a servicemember; creating s. 520.14, F.S.;
187 providing requirements and procedure with respect to the
188 termination of a retail installment contract for leasing a
189 motor vehicle by a servicemember; amending s. 627.7283,
190 F.S.; requiring motor vehicle insurance companies to
191 refund the entire unearned portion of a premium upon
192 cancellation of motor vehicle insurance by a servicemember
193 when the servicemember is required to move pursuant to
194 specified orders; creating s. 689.27, F.S.; providing
195 definitions; providing requirements and procedure with
196 respect to the termination of an agreement to purchase



197 real property by a servicemember; amending s. 1009.531,
 198 F.S.; extending the eligibility period for the Florida
 199 Bright Futures Scholarship Program for students who enlist
 200 in the armed forces or reserves immediately after
 201 completion of high school; amending s. 1009.532, F.S.;
 202 providing eligibility for continuation of Florida Bright
 203 Futures Scholarships for students attending postsecondary
 204 institutions who are also Florida National Guard or United
 205 States Reserves servicemembers and are called to active
 206 duty or active state duty; providing an effective date.
 207

208 Be It Enacted by the Legislature of the State of Florida:
 209

210 Section 1. Part IV of chapter 250, Florida Statutes,
 211 consisting of sections 250.80, 250.81, 250.82, 250.83, 250.84,
 212 250.85, 250.86, and 250.87, is created to read:

213 PART IV

214 FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

215 250.80 Popular name.--Sections 250.80-250.87 may be known
 216 by the popular name the "Florida Uniformed Servicemembers
 217 Protection Act."

218 250.81 Legislative intent.--It is the intent of the
 219 Legislature that men and women who serve in the Florida National
 220 Guard and Armed Forces Reserves understand their rights under
 221 applicable state and federal laws. Further, it is the intent of
 222 the Legislature that Florida residents and businesses understand
 223 the rights afforded to the men and women who volunteer their
 224 time and sacrifice their lives to protect the freedoms granted



HB 1475

2003
CS

225 by the Constitutions of the United States and the State of
226 Florida.

227 250.82 Definitions.--As used in this part:

228 (1) "Active duty" means full-time duty in the active
229 military service of the United States, including federal duty,
230 which includes attendance of full-time training and annual
231 training while in active military service or attendance of a
232 school designated as a service school by law or by the secretary
233 of the applicable military branch.

234 (2) "State active duty" means full-time duty in the active
235 military service of the State of Florida when ordered by the
236 Governor or Adjutant General in accordance with s. 250.06, s.
237 250.10, or s. 250.28, for purposes which include, but are not
238 limited to, preserving the public peace; executing the laws of
239 the state; suppressing insurrection; repelling invasion;
240 enhancing security and responding to a terrorist threat or
241 attack; responding to an emergency as defined in s. 252.34 or
242 imminent threat of an emergency; enforcing laws; conducting
243 counter-narcotics operations; providing training; providing for
244 the security of the rights or lives of the public and private
245 property; conducting ceremonies, including the performance of
246 duties of officers or enlisted personnel who are employed under
247 the order of the Governor in recruiting; conducting tours of
248 instruction; inspecting troops, armories, storehouses,
249 campsites, rifle ranges, or military properties; sitting on
250 general or special courts-martial, boards of examination, courts
251 of inquiry, and boards of officers; and conducting or assisting
252 in physical examinations.



HB 1475

2003
CS

253
254 The terms shall also include the period during which a person in
255 active military service is absent from duty as a result of
256 illness, being wounded, being on leave, or other lawful cause.

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

259 (4) "Servicemember" means any person serving as a member
260 of the United States Armed Forces on active duty or state active
261 duty and all members of the Florida National Guard and United
262 States Reserve Forces.

263 (5) "USERRA" means the Uniformed Services Employment and
264 Reemployment Rights Act, chapter 43 of Title 38 U.S.C., as
265 amended.

266 250.83 Applicability of federal laws.--Florida law
267 provides certain protections to servicemembers in various legal
268 proceedings and contractual relationships. In addition to these
269 state provisions, federal law also contains protections, such as
270 those provided in the Soldiers' and Sailors' Civil Relief Act
271 (SSCRA), as amended, and the Uniformed Services Employment and
272 Reemployment Rights Act (USERRA), as amended, that are
273 applicable to servicemembers in the state even though such
274 provisions are not specifically identified under state law. It
275 is the intent of the Legislature that the rights accorded
276 servicemembers under these provisions of federal law should
277 apply to all servicemembers when they are serving on active duty
278 or state active duty. To the extent allowed by federal law, the
279 state courts shall have concurrent jurisdiction for enforcement
280 over all causes of action arising from the provisions of federal



HB 1475

2003
CS

281 law and may award a remedy as provided therein. The state courts
282 shall also have jurisdiction over all causes of action arising
283 under this act.

284 250.84 Construction of part.--In the event that any other
285 provision of law conflicts with SSCRA, USERRA, or the provisions
286 of this chapter, the provisions of SSCRA, USERRA, or the
287 provisions of this chapter, whichever is applicable, shall
288 control. Nothing in this part shall construe rights or
289 responsibilities not provided under the SSCRA, USERRA, or this
290 chapter.

291 250.85 Florida Uniformed Servicemembers Protection Act;
292 rights of servicemembers; incorporation by reference.--It is the
293 intent of the Legislature that the provisions of the Florida
294 Uniformed Servicemembers Protection Act be included as part of
295 the continuing education requirements for certain licensed
296 professionals as provided in this act. Further, it is the intent
297 of the Legislature to ensure that those individuals affected by
298 the provisions of the Florida Uniformed Servicemembers
299 Protection Act be made aware of the rights and responsibilities
300 of servicemembers.

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

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

307 (b) Sections 115.02, 115.08, 115.09, 115.12, 115.13,
308 115.14, and 115.15, which provide rights and responsibilities of



309 servicemembers with respect to leaves of absence for officials
310 and employees.

311 (c) Section 320.07, which exempts servicemembers from
312 penalties for expiration of mobile home and motor vehicle
313 registrations when such registrations expire while serving on
314 active duty or state active duty.

315 (d) Section 364.195, which provides requirements and
316 procedures with respect to termination of a telecommunications
317 service contract by a servicemember serving on active duty or
318 state active duty.

319 (e) Section 520.14, which provides requirements and
320 procedure with respect to termination of a retail installment
321 contract for leasing a motor vehicle by a servicemember serving
322 on active duty or state active duty.

323 (f) Section 627.7283, which requires motor vehicle
324 insurance companies to refund the entire unearned portion of a
325 premium upon cancellation of motor vehicle insurance by a
326 servicemember when the servicemember is required to move
327 pursuant to specified orders.

328 (g) Section 689.27, which provides requirements and
329 procedures with respect to the termination of an agreement to
330 purchase real property prior to closing by a servicemember who
331 enters active duty or state active duty after the agreement is
332 signed.

333 (h) Section 1009.531, which extends the eligibility period
334 for the Florida Bright Futures Scholarship Program for students
335 who enlist or are commissioned in the United States Armed Forces
336 immediately after completion of high school.



HB 1475

2003
CS

337 (i) Section 1009.532, which provides eligibility for
338 continuation of Florida Bright Futures Scholarships for students
339 attending postsecondary institutions who are also members of the
340 Florida National Guard or the United States Reserves and who
341 enter or are called to active duty or state active duty.

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

- 348 1. Motor vehicle dealers.
- 349 2. Financial institutions.
- 350 3. Telecommunications service companies.
- 351 4. Residential tenancies.
- 352 5. Real estate salespersons and brokers.
- 353 6. Community association managers.

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

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

- 362 1. The rights and responsibilities provided by the Florida
363 Uniformed Servicemembers Protection Act.



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

366 3. The rights and responsibilities provided by the
 367 Uniformed Servicemembers Employment and Reemployment Rights Act.

368 250.86 Civil relief for servicemembers.--Notwithstanding
 369 any provision of law to the contrary, the following shall apply
 370 to servicemembers on active duty or state active duty.

371 (1)(a) Whenever, pursuant to any of the provisions of this
 372 section, the enforcement of any obligation or liability, the
 373 prosecution of any suit or proceeding, the entry or enforcement
 374 of any order, writ, judgment, or decree, or the performance of
 375 any other act may be stayed, postponed, or suspended, such stay,
 376 postponement, or suspension may, in the discretion of the court,
 377 likewise be granted to sureties, guarantors, endorsers,
 378 accommodation makers, and others, whether primarily or
 379 secondarily subject to the obligation or liability, the
 380 performance or enforcement of which is stayed, postponed, or
 381 suspended.

382 (b) When a judgment or decree is vacated or set aside in
 383 whole or in part, as provided in this section, the same may, in
 384 the discretion of the court, likewise be set aside and vacated
 385 as to any surety, guarantor, endorser, accommodation maker, or
 386 other person, whether primarily or secondarily liable, upon the
 387 contract or liability for the enforcement of which the judgment
 388 or decree was entered.

389 (c) Nothing contained in this section shall prevent a
 390 waiver in writing of the benefits afforded by paragraphs (a) and
 391 (b) by any surety, guarantor, endorser, accommodation maker, or



HB 1475

2003
CS

392 other person, whether primarily or secondarily liable, upon the
393 obligation or liability, except that no such waiver shall be
394 valid unless it is executed as an instrument separate from the
395 obligation or liability in respect of which it applies, and no
396 such waiver shall be valid after the beginning of the period of
397 active duty or state active duty if executed by an individual
398 who subsequent to the execution of such waiver becomes a
399 servicemember on active duty or state active duty, or if
400 executed by a dependent of such individual, unless executed by
401 such individual or dependent during the period specified in
402 subsection (4).

403 (d) Whenever, by reason of the active duty or state active
404 duty of a principal who is a servicemember upon a criminal bail
405 bond, the sureties upon such bond are prevented from enforcing
406 the attendance of their principal and performing their
407 obligation, the court shall not enforce the provisions of such
408 bond during the active duty or state active duty of the
409 principal thereon and may in accordance with principles of
410 equity and justice either during or after such service discharge
411 such sureties and exonerate the bail.

412 (2) Persons who serve with the forces of any nation with
413 which the United States may be allied in the prosecution of any
414 war in which the United States engages while this section
415 remains in force and who immediately prior to such service were
416 citizens of Florida shall be entitled to the relief and benefits
417 afforded by this section if such service is similar to active
418 duty or state active duty as defined in this section, unless



HB 1475

2003
CS

419 they are dishonorably discharged therefrom or it appears that
420 they do not intend to resume state citizenship.

421 (3) The Department of Military Affairs shall make every
422 reasonable effort to give notice of the benefits accorded by
423 this section to persons serving on or entering active duty or
424 state active duty.

425 (4) Any person who has been ordered to report for
426 induction under the Military Selective Service Act, 50 U.S.C.,
427 shall be entitled to an extension of the relief and benefits
428 accorded persons on active duty or state active duty under this
429 section during the period beginning on the date of receipt of
430 such order and ending on the date upon which such person reports
431 for induction. Any servicemember who is ordered to report for
432 active duty or state active duty shall be entitled to an
433 extension of such relief and benefits during the period
434 beginning on the date of receipt of such order and ending on the
435 date upon which such member reports for active duty or state
436 active duty or the date on which the order is revoked, whichever
437 is earlier.

438 (5) Nothing contained in this section shall prevent the
439 modification, termination, or cancellation of any contract,
440 lease, or bailment or any obligation secured by mortgage, trust
441 deed, lien, or other security in the nature of a mortgage, or
442 the repossession, retention, foreclosure, sale, forfeiture, or
443 taking possession of property which is security for any
444 obligation or which has been purchased or received under a
445 contract, lease, or bailment, pursuant to a written agreement of
446 the parties thereto, including the servicemember on active duty



HB 1475

2003
CS

447 or state active duty concerned, or the person to whom subsection
448 (4) is applicable, whether or not such person is a party to the
449 obligation, or their assignees, which is executed during or
450 after the period of active duty or state active duty of the
451 person concerned or during the period specified in subsection
452 (4).

453 (6) Application by a servicemember on active duty or state
454 active duty for, or receipt by a servicemember on active duty or
455 state active duty of, a stay, postponement, or suspension
456 pursuant to the provisions of this section in the payment of any
457 tax, fine, penalty, insurance premium, or other civil obligation
458 or liability of that servicemember shall not itself, without
459 regard to other objective considerations, provide the basis for
460 any of the following:

461 (a) A determination by any lender or other person that
462 such servicemember on active duty or state active duty is unable
463 to pay such civil obligation or liability in accordance with its
464 terms.

465 (b) With respect to a credit transaction between a
466 creditor and such servicemember on active duty or state active
467 duty:

468 1. A denial or revocation of credit by the creditor;

469 2. A change by the creditor in the terms of an existing
470 credit arrangement; or

471 3. A refusal by the creditor to grant credit to such
472 servicemember in substantially the amount or on substantially
473 the terms requested.



HB 1475

2003
CS

474 (c) An adverse report relating to the creditworthiness of
475 such servicemember on active duty or state active duty by or to
476 any person or entity engaged in the practice of assembling or
477 evaluating consumer credit information.

478 (d) A refusal by an insurer to insure such servicemember
479 on active duty or state active duty.

480 (7)(a) In any action or proceeding commenced in any court,
481 if there is a default of any appearance by the defendant, the
482 plaintiff, before entering judgment, shall file in the court an
483 affidavit setting forth facts showing that the defendant is not
484 a servicemember on active duty or state active duty. If unable
485 to file such affidavit, the plaintiff shall in lieu thereof file
486 an affidavit setting forth either that the defendant is a
487 servicemember on active duty or state active duty or that the
488 plaintiff is not able to determine whether or not the defendant
489 is a servicemember on such duty. If an affidavit is not filed
490 showing that the defendant is not a servicemember on active duty
491 or state active duty, no judgment shall be entered without first
492 securing an order of court directing such entry, and no such
493 order shall be made if the defendant is a servicemember on such
494 duty until after the court has appointed, upon application, an
495 attorney to represent the defendant and protect his or her
496 interest. Unless it appears that the defendant is not a
497 servicemember on such duty, the court may require, as a
498 condition before judgment is entered, that the plaintiff file a
499 bond approved by the court conditioned to indemnify the
500 defendant, if on active duty or state active duty, against any
501 loss or damage that he or she may suffer by reason of any



HB 1475

2003
CS

502 judgment, should the judgment be thereafter set aside in whole
503 or in part, and the court may make such other and further order
504 or enter such judgment as in its opinion may be necessary to
505 protect the rights of the defendant under this section.

506 Whenever, under the laws applicable with respect to any court,
507 facts may be evidenced, established, or proved by an unsworn
508 statement, declaration, verification, or certificate, in
509 writing, subscribed and certified or declared to be true under
510 penalty of perjury, the filing of such an unsworn statement,
511 declaration, verification, or certificate shall satisfy the
512 requirement of this subsection that facts be established by
513 affidavit.

514 (b) Any person who makes or uses an affidavit required
515 under this section, or a statement, declaration, verification,
516 or certificate certified or declared to be true under penalty of
517 perjury permitted under paragraph (a), knowing it to be false,
518 commits a misdemeanor of the first degree, punishable by
519 imprisonment not to exceed 1 year or by a fine not to exceed
520 \$1,000, or both.

521 (c) In any action or proceeding in which a servicemember
522 on active duty or state active duty is a party, if such party
523 does not personally appear therein or is not represented by an
524 authorized attorney, the court may appoint an attorney to
525 represent him or her, and in such case a like bond may be
526 required and an order made to protect the rights of such party.
527 However, no attorney appointed under this section to protect a
528 servicemember on active duty or state active duty shall have
529 power by his or her acts to waive any right of the servicemember



HB 1475

2003
CS

530 for whom he or she is appointed or bind such servicemember by
531 his or her acts.

532 (d) If any judgment shall be rendered in any action or
533 proceeding governed by this section against any servicemember on
534 active duty or state active duty during the period of such
535 service or within 30 days thereafter, and it appears that such
536 servicemember was prejudiced by reason of his or her active duty
537 or state active duty in making his or her defense thereto, such
538 judgment may, upon application made by such servicemember, or
539 his or her legal representative, not later than 90 days after
540 the termination of such service, be opened by the court
541 rendering the same and such defendant who is a servicemember, or
542 his or her legal representative, let in to defend; provided,
543 that it is made to appear that the defendant has a meritorious
544 or legal defense to the action or some part thereof. Vacating,
545 setting aside, or reversing any judgment because of any of the
546 provisions of this section shall not impair any right or title
547 acquired by any bona fide purchaser for value under such
548 judgment.

549 (8) At any stage thereof, any action or proceeding in any
550 court in which a servicemember on active duty or state active
551 duty is involved, either as plaintiff or defendant, during the
552 period of such service or within 60 days thereafter may, in the
553 discretion of the court in which the action or proceeding is
554 pending, on its own motion, and shall, on application to it by
555 such servicemember or some person on his or her behalf, be
556 stayed as provided in this section unless, in the opinion of the
557 court, the ability of the plaintiff to prosecute the action or



HB 1475

2003
CS

558 the defendant to conduct his or her defense is not materially
559 affected by reason of the servicemember's active duty or state
560 active duty.

561 (9) When an action for compliance with the terms of any
562 contract is stayed pursuant to this section, no fine or penalty
563 shall accrue by reason of failure to comply with the terms of
564 such contract during the period of such stay, and in any case
565 where a servicemember fails to perform any obligation and a fine
566 or penalty for such nonperformance is incurred, a court may, on
567 such terms as may be just, relieve against the enforcement of
568 such fine or penalty if it shall appear that the servicemember
569 who would suffer by such fine or penalty was on active duty or
570 state active duty when the penalty was incurred and that by
571 reason of such service the ability of such servicemember to pay
572 or perform was thereby materially impaired.

573 (10) In any action or proceeding commenced in any court
574 against a servicemember on active duty or state active duty,
575 before or during the period of such service, or within 60 days
576 thereafter, the court may, in its discretion, on its own motion,
577 and shall, on application to the court by such servicemember or
578 some person on his or her behalf, stay the execution of any
579 judgment or order entered against such person, as provided in
580 this section, and vacate or stay any attachment or garnishment
581 of property, money, or debts in the hands of another, whether
582 before or after judgment as provided in this section, unless in
583 the opinion of the court the ability of the defendant to comply
584 with the judgment or order entered or sought is not materially



HB 1475

2003
CS

585 affected by reason of his or her service on active duty or state
586 active duty.

587 (11) Any stay of any action, proceeding, attachment, or
588 execution ordered by any court under the provisions of this
589 section may, except as otherwise provided, be ordered for the
590 period of active duty or state active duty and 3 months
591 thereafter, or any part of such period, and shall be subject to
592 such terms as may be just, whether as to payment in installments
593 of such amounts and at such times as the court may fix or
594 otherwise. Where the servicemember on active duty or state
595 active duty is a codefendant with others, the plaintiff may
596 nevertheless by leave of court proceed against the others.

597 (12) The period of a servicemember's active duty or state
598 active duty shall not be included in computing any period now or
599 hereafter to be limited by any law, regulation, or order for the
600 bringing of any action or proceeding in any court, board,
601 bureau, commission, department, or other agency of government by
602 or against any servicemember on active duty or state active duty
603 or by or against his or her heirs, executors, administrators, or
604 assigns, whether such cause of action or the right or privilege
605 to institute such action or proceeding shall have accrued prior
606 to or during the period of such service, and any part of such
607 period which occurs after the effective date of this act shall
608 not be included in computing any period now or hereafter
609 provided by any law for the redemption of real property sold or
610 forfeited to enforce any obligation, tax, or assessment.

611 (13) No obligation or liability bearing interest at a rate
612 in excess of 6 percent per year incurred by a servicemember on



HB 1475

2003
CS

613 active duty or state active duty before that person's entry into
614 that service shall, during any part of the period of active duty
615 or state active duty, bear interest at a rate in excess of 6
616 percent per year unless, in the opinion of the court, upon
617 application thereto by the obligee, the ability of such
618 servicemember on active duty or state active duty to pay
619 interest upon such obligation or liability at a rate in excess
620 of 6 percent per year is not materially affected by reason of
621 such service, in which case the court may make such order as in
622 its opinion may be just. As used in this section, the term
623 "interest" includes service charges, renewal charges, fees, or
624 any other charges, except bona fide insurance, in respect of
625 such obligation or liability.

626 (14)(a) No eviction or distress shall be made during the
627 period of a servicemember's active duty or state active duty in
628 respect of any premises for which the agreed rent does not
629 exceed \$1,200 per month, occupied chiefly for dwelling purposes
630 by the wife, children, or other dependents of a servicemember on
631 active duty or state active duty, except upon leave of court
632 granted upon application therefor or granted in an action or
633 proceeding affecting the right of possession.

634 (b) On any such application or in any such action the
635 court may, in its discretion, on its own motion, and shall, on
636 application, unless in the opinion of the court the ability of
637 the tenant to pay the agreed rent is not materially affected by
638 reason of such servicemember's active duty or state active duty,
639 stay the proceedings for not longer than 3 months, as provided
640 in this section, or it may make such other order as may be just.



HB 1475

2003
CS

641 Where such stay is granted or other order is made by the court,
642 the owner of the premises shall be entitled, upon application
643 therefor, to relief in respect of such premises similar to that
644 granted persons on active duty or state active duty to such
645 extent and for such period as may appear to the court to be
646 just.

647 (c) Any person who knowingly takes part in any eviction or
648 distress, or attempts to take part in any eviction or distress,
649 other than as provided in paragraph (a) commits a misdemeanor of
650 the first degree, punishable as provided in s. 775.082 or s.
651 775.083.

652 (15)(a) No person who has received, or whose assignor has
653 received, under a contract for the purchase of real or personal
654 property, or of lease or bailment with a view to the purchase of
655 such property, a deposit or installment of the purchase price,
656 or a deposit or installment under the contract, lease, or
657 bailment, from a servicemember or from the assignor of a
658 servicemember who, after the date of payment of such deposit or
659 installment, has entered active duty or state active duty as a
660 servicemember shall exercise any right or option under such
661 contract to rescind or terminate the contract or resume
662 possession of the property for nonpayment of any installment
663 thereunder due or for any other breach of the terms thereof
664 occurring prior to or during the period of such servicemember's
665 active duty or state active duty, except by action in a court of
666 competent jurisdiction.

667 (b) Any person who knowingly resumes or attempts to resume
668 possession of property which is the subject of this section



HB 1475

2003
CS

669 other than as provided in paragraph (a) or subsection (5)
670 commits a misdemeanor of the first degree, punishable as
671 provided in s. 775.082 or s. 775.083.

672 (c) Upon the hearing of such action the court may order
673 the repayment of prior installments or deposits or any part
674 thereof as a condition of terminating the contract and resuming
675 possession of the property, or may, in its discretion, on its
676 own motion, and shall, on application to the court by such
677 servicemember on active duty or state active duty or some person
678 on his or her behalf, order a stay of proceedings as provided in
679 this section unless, in the opinion of the court, the ability of
680 the defendant servicemember to comply with the terms of the
681 contract is not materially affected by reason of such service,
682 or the court may make such other disposition of the case as may
683 be equitable to conserve the interests of all parties.

684 (16)(a) The provisions of this section shall apply only to
685 obligations secured by mortgage, trust deed, or other security
686 in the nature of a mortgage upon real or personal property owned
687 by a servicemember on active duty or state active duty at the
688 commencement of the period of the active duty or state active
689 duty and still so owned by him or her, which obligations
690 originated prior to such servicemember's period of active duty
691 or state active duty.

692 (b) In any proceeding commenced in any court during the
693 period of a servicemember's active duty or state active duty to
694 enforce such obligation arising out of nonpayment of any sum
695 thereunder due or out of any other breach of the terms thereof
696 occurring prior to or during the period of such service, the



HB 1475

2003
CS

697 court may, after hearing, in its discretion, on its own motion,
698 and shall, on application to the court by such servicemember on
699 active duty or state active duty or some person on his or her
700 behalf, stay the proceedings as provided in this section or make
701 such other disposition of the case as may be equitable to
702 conserve the interests of all parties unless, in the opinion of
703 the court, the ability of the defendant servicemember to comply
704 with the terms of the obligation is not materially affected by
705 reason of his or her active duty or state active duty.

706 (c) No sale, foreclosure, or seizure of property for
707 nonpayment of any sum due under any such obligation, or for any
708 other breach of the terms thereof, whether under a power of
709 sale, under a judgment entered upon warrant of attorney to
710 confess judgment contained therein, or otherwise, shall be valid
711 if made during the period of active duty or state active duty or
712 within 3 months thereafter, except pursuant to an agreement as
713 provided in subsection (5), unless upon an order previously
714 granted by the court and a return thereto made and approved by
715 the court.

716 (d) Any person who knowingly makes or causes to be made,
717 or attempts to make or cause to be made, any sale, foreclosure,
718 or seizure of property, defined as invalid under paragraph (c),
719 or attempts to do so, commits a misdemeanor of the first degree,
720 punishable as provided in s. 775.082 or s. 775.083.

721 (17) Where a proceeding to foreclose a mortgage upon or to
722 resume possession of personal property, or to rescind or
723 terminate a contract for the purchase thereof, has been stayed
724 as provided in this section, the court may, unless in its



725 opinion an undue hardship would result to the dependents of the
 726 servicemember on active duty or state active duty, appoint three
 727 disinterested parties to appraise the property and, based upon
 728 the report of the appraisers, order such sum, if any, as may be
 729 just, paid to the servicemember on active duty or state active
 730 duty or his or her dependents, as the case may be, as a
 731 condition of foreclosing the mortgage, resuming possession of
 732 the property, or rescinding or terminating the contract.

733 (18)(a) The provisions of this section shall apply to any
 734 lease covering premises occupied for dwelling, professional,
 735 business, agricultural, or similar purposes in any case in which
 736 such lease was executed by or on the behalf of a servicemember
 737 who, after the execution of such lease, entered active duty or
 738 state active duty as a servicemember, and the premises so leased
 739 have been occupied for such purposes, or for a combination of
 740 such purposes, by such servicemember or by the servicemember and
 741 his or her dependents.

742 (b) Any such lease may be terminated by notice in writing
 743 delivered to the lessor or to the lessor's agent by the lessee
 744 at any time following the date of the beginning of his or her
 745 period of active duty or state active duty. Delivery of such
 746 notice may be accomplished by placing it in an envelope properly
 747 stamped and duly addressed to the lessor or to the lessor's
 748 agent and depositing the notice in the United States mail.
 749 Termination of any such lease providing for monthly payment of
 750 rent shall be pursuant to s. 83.682.

751 (c) Any person who knowingly seizes, holds, or detains, or
 752 attempts to seize, hold, or detain, the personal effects,



HB 1475

2003
CS

753 clothing, furniture, or other property of any servicemember who
754 has lawfully terminated a lease covered by this section, or in
755 any manner interfere with the removal of such property from the
756 premises covered by such lease, for the purpose of subjecting or
757 attempting to subject any of such property to a claim for rent
758 accruing subsequent to the date of termination of such lease
759 commits a misdemeanor of the first degree, punishable as
760 provided in s. 775.082 or s. 775.083.

761 (19)(a) Where any life insurance policy on the life of a
762 servicemember on active duty or state active duty has been
763 assigned prior to such servicemember's period of active duty or
764 state active duty to secure the payment of any obligation of
765 such servicemember, no assignee of such policy, except the
766 insurer in connection with a policy loan, shall, during the
767 period of active duty or state active duty of the insured or
768 within 1 year thereafter, except upon the consent in writing of
769 the insured made during such period or when the premiums thereon
770 are due and unpaid or upon the death of the insured, exercise
771 any right or option by virtue of such assignment unless upon
772 leave of court granted upon an application made therefor by such
773 assignee. The court may thereupon refuse to grant such leave
774 unless in the opinion of the court the ability of the
775 servicemember obligor to comply with the terms of the obligation
776 is not materially affected by reason of his or her active duty
777 or state active duty.

778 (b) No person shall exercise any right to foreclose or
779 enforce any lien for storage of household goods, furniture, or
780 personal effects of a servicemember during such servicemember's



HB 1475

2003
CS

781 period of active duty or state active duty and for 3 months
782 thereafter except upon an order previously granted by a court
783 upon application therefor and a return thereto made and approved
784 by the court. In such proceeding the court may, after hearing,
785 in its discretion, on its own motion, and shall, on application
786 to the court by such servicemember on active duty or state
787 active duty or some person on his or her behalf, stay the
788 proceedings as provided in this section or make such other
789 disposition of the case as may be equitable to conserve the
790 interest of all parties unless in the opinion of the court the
791 ability of the servicemember defendant to pay the storage
792 charges due is not materially affected by reason of his or her
793 active duty or state active duty.

794 (c) Any person who knowingly takes or attempts to take any
795 action contrary to the provisions of this subsection shall be
796 fined as provided in Title 18 U.S.C. or serve a term of
797 imprisonment not to exceed 1 year, or both.

798 (d) This subsection shall not be construed in any way as
799 affecting or limiting the scope of subsection (17).

800 (20) Dependents of a servicemember on active duty or state
801 active duty shall be entitled to the benefits accorded to
802 servicemembers on active duty or state active duty under the
803 provisions of this section upon application to a court therefor,
804 unless in the opinion of the court the ability of such
805 dependents to comply with the terms of the obligation, contract,
806 lease, or bailment has not been materially impaired by reason of
807 the active duty or state active duty of the servicemember upon
808 whom the applicants are dependent.



HB 1475

2003
CS

809 (21)(a) The provisions of this section shall apply when
810 any taxes or assessments, whether general or special, whether
811 falling due prior to or during the period of active duty or
812 state active duty, in respect of personal property, money,
813 credits, or real property owned and occupied for dwelling,
814 professional, business, or agricultural purposes by a
815 servicemember on active duty or state active duty or his or her
816 dependents at the commencement of his or her period of active
817 duty or state active duty and still so occupied by his or her
818 dependents or employees are not paid.

819 (b) No sale of such property shall be made to enforce the
820 collection of such taxes or assessments, or any proceeding or
821 action for such purpose commenced, except upon leave of the
822 court granted upon application made therefor by the collector of
823 taxes or other officer whose duty it is to enforce the
824 collection of taxes or assessments. The court thereupon, unless
825 in its opinion the ability of the servicemember on active duty
826 or state active duty to pay such taxes or assessments is not
827 materially affected by reason of such service, may stay such
828 proceedings or such sale, as provided in this section, for a
829 period extending not more than 6 months after the termination of
830 the period of active duty or state active duty of such person.

831 (c) When by law such property may be sold or forfeited to
832 enforce the collection of such taxes or assessments, such
833 servicemember on active duty or state active duty shall have the
834 right to redeem or commence an action to redeem such property at
835 any time not later than 6 months after the later of the
836 termination of his or her active duty or state active duty or



HB 1475

2003
CS

837 the effective date of this section. This paragraph shall not be
838 construed to shorten any period now or hereafter provided by
839 law.

840 (d) Whenever any tax or assessment is not paid when due,
841 such tax or assessment due and unpaid shall bear interest until
842 paid at the rate of 6 percent per annum, and no other penalty or
843 interest shall be incurred by reason of such nonpayment. Any
844 lien for such unpaid taxes or assessments shall also include
845 such interest thereon.

846 (22)(a) For the purposes of taxation in respect of any
847 servicemember, or of his or her personal property, by the state
848 or any political subdivision of the state, such servicemember
849 shall not be deemed to have lost a residence or domicile in the
850 state solely by reason of being absent in compliance with active
851 duty orders, or to have acquired a residence or domicile in, or
852 to have become a resident in or a resident of, any other state
853 while, and solely by reason of being, so absent.

854 (23) Where in any proceeding to enforce a civil right in
855 any court it is made to appear to the satisfaction of the court
856 that any interest, property, or contract has, after the
857 effective date of this act, been transferred or acquired with
858 intent to delay the just enforcement of such right by taking
859 advantage of this section, the court shall enter such judgment
860 or make such order as might lawfully be entered or made, the
861 provisions of this section to the contrary notwithstanding.

862 (24) If any provision of this section, or the application
863 thereof to any person or circumstances, is held invalid, the
864 remainder of this section, and the application of such provision



HB 1475

2003
CS

865 to other persons or circumstances, shall not be affected
866 thereby.

867 (25)(a) A servicemember may, at any time during his or her
868 period of active duty or state active duty or within 6 months
869 thereafter, apply to a court for relief in respect of any
870 obligation or liability incurred by such servicemember prior to
871 his or her period of active duty or state active duty or in
872 respect of any tax or assessment whether falling due prior to or
873 during his or her period of active duty or state active duty.
874 The court, after appropriate notice and hearing, unless in its
875 opinion the ability of the applicant to comply with the terms of
876 such obligation or liability or to pay such tax or assessment
877 has not been materially affected by reason of his or her active
878 duty or state active duty, may grant the following relief:

879 1. In the case of an obligation payable under its terms in
880 installments under a contract for the purchase of real estate,
881 or secured by a mortgage or other instrument in the nature of a
882 mortgage upon real estate, a stay of the enforcement of such
883 obligation during the applicant's period of active duty or state
884 active duty and, from the date of termination of such period of
885 active duty or state active duty or from the date of application
886 if made after such service, for a period equal to the period of
887 the remaining life of the installment contract or other
888 instrument plus a period of time equal to the period of active
889 duty or state active duty of the applicant or any part of such
890 combined period, subject to payment of the balance of principal
891 and accumulated interest due and unpaid at the date of
892 termination of the period of active duty or state active duty or



HB 1475

2003
CS

893 from the date of application, as the case may be, in equal
894 installments during such combined period at such rate of
895 interest on the unpaid balance as is prescribed in such
896 contract, or other instrument evidencing the obligation, for
897 installments paid when due, and subject to such other terms as
898 may be just.

899 2. In the case of any other obligation, liability, tax, or
900 assessment, a stay of the enforcement thereof during the
901 applicant's period of active duty or state active duty and, from
902 the date of termination of such period of active duty or state
903 active duty or from the date of application if made after such
904 service, for a period of time equal to the period of active duty
905 or state active duty of the applicant or any part of such
906 period, subject to payment of the balance of principal and
907 accumulated interest due and unpaid at the date of termination
908 of such period of active duty or state active duty or the date
909 of application, as the case may be, in equal periodic
910 installments during such extended period at such rate of
911 interest as may be prescribed for such obligation, liability,
912 tax, or assessment, if paid when due, and subject to such other
913 terms as may be just.

914 (b) When any court has granted a stay as provided in this
915 section, no fine or penalty shall accrue during the period the
916 terms and conditions of such stay are complied with by reason of
917 failure to comply with the terms or conditions of the
918 obligation, liability, tax, or assessment in respect of which
919 such stay was granted.



HB 1475

2003
CS

920 (26)(a) Notwithstanding any other provision of law, a
921 power of attorney which was duly executed by a servicemember on
922 active duty or state active duty who is in a missing status as
923 defined in Title 37 U.S.C. s. 551(2) that designates that
924 servicemember's spouse, parent, or other named relative as his
925 or her attorney in fact for certain specified, or all, purposes
926 and expires by its terms after that servicemember entered a
927 missing status, before or after the effective date of this
928 section, shall be automatically extended for the period that the
929 servicemember is in a missing status.

930 (b) No power of attorney executed after the effective date
931 of this section by a servicemember on active duty or state
932 active duty may be extended under paragraph (a) if the document
933 by its terms clearly indicates that the power granted expires on
934 the date specified even though that person, after the date of
935 execution of the document, enters a missing status.

936 (c) This section applies to the powers of attorney
937 executed by a servicemember on active duty or state active duty
938 or under a call or order to report for active duty or state
939 active duty.

940 (27)(a) This subsection applies to a servicemember who,
941 after the effective date of this act, is ordered to active duty
942 or state active duty, other than for training, and immediately
943 before receiving the order to active duty or state active duty
944 was engaged in the furnishing of health care services or other
945 services determined to be professional services, and had in
946 effect a professional liability insurance policy that does not
947 continue to cover claims filed with respect to such



HB 1475

2003
CS

948 servicemember during the period of the servicemember's active
949 duty or state active duty, unless the premiums are paid for such
950 coverage for such period.

951 (b) Coverage of a servicemember referred to in paragraph
952 (a) by a professional liability insurance policy shall be
953 suspended in accordance with this subsection upon receipt of the
954 written request of such servicemember by the insurance carrier.

955 (c) A professional liability insurance carrier may not
956 require that premiums be paid by or on behalf of a servicemember
957 for any professional liability insurance coverage suspended
958 pursuant to paragraph (a) and shall refund any amount paid for
959 coverage for the period of such suspension or, upon the election
960 of such person, shall apply such amount for the payment of any
961 premium becoming due upon the reinstatement of such coverage.

962 (d) A professional liability insurance carrier shall not
963 be liable with respect to any claim that is based on
964 professional conduct, including any failure to take any action
965 in a professional capacity, of a servicemember that occurs
966 during a period of suspension of that servicemember's
967 professional liability insurance under this subsection. For the
968 purposes of this paragraph, a claim based upon the failure of a
969 professional to make adequate provision for patients to be cared
970 for during the period of the professional's active duty or state
971 active duty shall be considered to be based on an action or
972 failure to take action before the beginning of the period of
973 suspension of professional liability insurance under this
974 subsection, except in a case in which professional services were
975 provided after the date of the beginning of such period.



HB 1475

2003
CS

976 (e) Professional liability insurance coverage suspended in
977 the case of any servicemember pursuant to paragraph (b) shall be
978 reinstated by the insurance carrier on the date on which that
979 servicemember transmits to the insurance carrier a written
980 request for reinstatement. The request of a servicemember for
981 reinstatement shall be effective only if the servicemember
982 transmits the request to the insurance carrier within 30 days
983 after the date on which the servicemember is released from
984 active duty or state active duty. The insurance carrier shall
985 notify the servicemember of the due date for payment of the
986 premium of such insurance. Such premium shall be paid by the
987 servicemember within 30 days after the receipt of the notice.
988 The period for which professional liability insurance coverage
989 shall be reinstated for a servicemember under this subsection
990 may not be less than the balance of the period for which
991 coverage would have continued under the insurance policy if the
992 coverage had not been suspended.

993 (f) An insurance carrier may not increase the amount of
994 the premium charged for professional liability insurance
995 coverage of any servicemember for the minimum period of the
996 reinstatement of such coverage required under paragraph (e) to
997 an amount greater than the amount chargeable for such coverage
998 for such period before the suspension, except to the extent of
999 any general increase in the premium amounts charged by that
1000 carrier for the same professional liability insurance coverage
1001 for persons similarly covered by such insurance during the
1002 period of the suspension.



HB 1475

2003
CS

1003 (g) This subsection does not require a suspension of
1004 professional liability insurance coverage for any servicemember
1005 who is not a servicemember referred to in paragraph (a) and who
1006 is covered by the same professional liability insurance as a
1007 servicemember referred to in this subsection or relieve any
1008 servicemember of the obligation to pay premiums for the coverage
1009 not required to be suspended.

1010 (h) A civil or administrative action for damages on the
1011 basis of the alleged professional negligence or other
1012 professional liability of a servicemember whose professional
1013 liability insurance coverage has been suspended under paragraph
1014 (b) shall be stayed until the end of the period of the
1015 suspension if the action was commenced during that period, the
1016 action is based on an act or omission that occurred before the
1017 date on which the suspension became effective, and the suspended
1018 professional liability insurance would, except for the
1019 suspension, on its face, cover the alleged professional
1020 negligence or other professional liability negligence or other
1021 professional liability of the person.

1022 (i) Whenever a civil or administrative action for damages
1023 is stayed under paragraph (a) in the case of any person, the
1024 action shall be deemed to have been filed on the date on which
1025 the professional liability insurance coverage of such
1026 servicemember is reinstated under paragraph (e).

1027 (j) In the case of a civil or administrative action for
1028 which a stay could have been granted under paragraph (f) by
1029 reason of the suspension of professional liability insurance
1030 coverage of the servicemember under this subsection, the period



HB 1475

2003
CS

1031 of the suspension of the professional liability insurance
1032 coverage shall be excluded from the computation of any statutory
1033 period of limitation on the commencement of such action.

1034 (k) If a servicemember whose professional liability
1035 insurance coverage is suspended under paragraph (b) dies during
1036 the period of the suspension, the requirement for the grant or
1037 continuance of a stay in any civil or administrative action
1038 against such servicemember under subsection (h) shall terminate
1039 on the date of the death of such servicemember and the carrier
1040 of the professional liability insurance so suspended shall be
1041 liable for any claim for damages for professional negligence or
1042 other professional liability of the deceased servicemember in
1043 the same manner and to the same extent as such carrier would be
1044 liable if the servicemember had died while covered by such
1045 insurance but before the claim was filed.

1046 (1) As used in this subsection, the term:

1047 1. "Profession" includes occupation.

1048 2. "Professional" includes occupational.

1049 (28)(a) A servicemember who, by reason of active duty or
1050 state active duty, is entitled to the rights and benefits of
1051 this section shall also be entitled upon release from such
1052 active duty or state active duty to reinstatement of any health
1053 insurance which was in effect on the day before such service
1054 commenced and was terminated effective on a date during the
1055 period of such service.

1056 (b) An exclusion or a waiting period may not be imposed in
1057 connection with reinstatement of health insurance coverage of a
1058 health or physical condition of a servicemember under paragraph



HB 1475

2003
CS

1059 (a), or a health or physical condition of any other
1060 servicemember who is covered by the insurance by reason of the
1061 coverage of such servicemember, if the condition arose before or
1062 during that servicemember's period of active duty or state
1063 active duty, an exclusion or waiting period would not have been
1064 imposed for the condition during a period of coverage resulting
1065 from participation by such servicemember in the insurance, and
1066 the condition of such servicemember has not been determined by
1067 the United States Department of Veterans' Affairs or the
1068 Department of Military Affairs to be a disability incurred or
1069 aggravated in the line of duty.

1070 (c) Paragraph (a) does not apply in the case of insurance
1071 benefits offered by an employer in which a servicemember
1072 referred to in this subsection is entitled to participate
1073 pursuant to the provisions of the Uniformed Services Employment
1074 and Reemployment Rights Act, chapter 43 of Title 38 U.S.C., as
1075 amended.

1076 250.87 Employment and reemployment rights of
1077 servicemembers.--All servicemembers employed in the state who
1078 are also servicemembers, officers, or enlisted personnel in the
1079 National Guard or a reserve component of the Armed Forces of the
1080 United States shall, subject to the provisions and conditions
1081 set forth in subsections (1), (2), and (3), be granted leave of
1082 absence from their respective offices and duties to perform
1083 active duty or state active duty.

1084 (1) Any servicemember whose absence from a position of
1085 employment is necessitated by reason of active duty or state
1086 active duty shall be entitled to the reemployment rights and



HB 1475

2003
CS

1087 benefits and other employment benefits as provided in the
 1088 Uniformed Services Employment and Reemployment Rights Act,
 1089 chapter 43 of Title 38 U.S.C., as amended.

1090 (2) Both the servicemember and employer shall adhere to
 1091 all the provisions contained in the Uniformed Services
 1092 Employment and Reemployment Rights Act, chapter 43 of Title 38
 1093 U.S.C., as amended.

1094 (3) In addition to the enforcement and remedy provisions
 1095 available under the Uniformed Services Employment and
 1096 Reemployment Rights Act, chapter 43 of Title 38 U.S.C., as
 1097 amended, in federal court, a servicemember shall also have a
 1098 right to enforce his or her employment and reemployment rights
 1099 recognized under this section in a civil cause of action in
 1100 state court or through binding arbitration, at the election of
 1101 the servicemember.

1102 Section 2. Subsections (14), (15), and (16) are added to
 1103 section 83.43, Florida Statutes, to read:

1104 83.43 Definitions.--As used in this part, the following
 1105 words and terms shall have the following meanings unless some
 1106 other meaning is plainly indicated:

1107 (14) "Servicemember" shall have the same meaning as
 1108 provided in s. 250.82.

1109 (15) "Active duty" shall have the same meaning as provided
 1110 in s. 250.82.

1111 (16) "State active duty" shall have the same meaning as
 1112 provided in s. 250.82.

1113 Section 3. Subsection (1) of section 83.64, Florida
 1114 Statutes, is amended to read:



HB 1475

2003
CS

1115 83.64 Retaliatory conduct.--

1116 (1) It is unlawful for a landlord to discriminatorily
1117 increase a tenant's rent or decrease services to a tenant, or to
1118 bring or threaten to bring an action for possession or other
1119 civil action, primarily because the landlord is retaliating
1120 against the tenant. In order for the tenant to raise the defense
1121 of retaliatory conduct, the tenant must have acted in good
1122 faith. Examples of conduct for which the landlord may not
1123 retaliate include, but are not limited to, situations where:

1124 (a) The tenant has complained to a governmental agency
1125 charged with responsibility for enforcement of a building,
1126 housing, or health code of a suspected violation applicable to
1127 the premises;

1128 (b) The tenant has organized, encouraged, or participated
1129 in a tenants' organization; ~~or~~

1130 (c) The tenant has complained to the landlord pursuant to
1131 s. 83.56(1); or

1132 (d) The tenant is a servicemember who has terminated a
1133 rental agreement pursuant to s. 83.682.

1134 Section 4. Section 83.67, Florida Statutes, is amended to
1135 read:

1136 83.67 Prohibited practices.--

1137 (1) No landlord of any dwelling unit governed by this part
1138 shall cause, directly or indirectly, the termination or
1139 interruption of any utility service furnished the tenant,
1140 including, but not limited to, water, heat, light, electricity,
1141 gas, elevator, garbage collection, or refrigeration, whether or



HB 1475

2003
CS

1142 not the utility service is under the control of, or payment is
1143 made by, the landlord.

1144 (2) No landlord of any dwelling unit governed by this part
1145 shall prevent the tenant from gaining reasonable access to the
1146 dwelling unit by any means, including, but not limited to,
1147 changing the locks or using any bootlock or similar device.

1148 (3) No landlord of any dwelling unit governed by this part
1149 shall discriminate against a servicemember in offering a
1150 dwelling unit for rent or in any of the terms of the rental
1151 agreement.

1152 (4)~~(3)~~ No landlord of any dwelling unit governed by this
1153 part shall remove the outside doors, locks, roof, walls, or
1154 windows of the unit except for purposes of maintenance, repair,
1155 or replacement; nor shall the landlord remove the tenant's
1156 personal property from the dwelling unit unless said action is
1157 taken after surrender, abandonment, or a lawful eviction. If
1158 provided in the rental agreement or a written agreement separate
1159 from the rental agreement, upon surrender or abandonment by the
1160 tenant, the landlord is not required to comply with s. 715.104
1161 and is not liable or responsible for storage or disposition of
1162 the tenant's personal property; if provided in the rental
1163 agreement there must be printed or clearly stamped on such
1164 rental agreement a legend in substantially the following form:

1165

1166 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
1167 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
1168 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
1169 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.



1170
1171 For the purposes of this section, abandonment shall be as set
1172 forth in s. 83.59(3)(c).

1173 ~~(5)(4)~~ A landlord who violates the provisions of this
1174 section shall be liable to the tenant for actual and
1175 consequential damages or 3 months' rent, whichever is greater,
1176 and costs, including attorney's fees. Subsequent or repeated
1177 violations which are not contemporaneous with the initial
1178 violation shall be subject to separate awards of damages.

1179 ~~(6)(5)~~ A violation of this section shall constitute
1180 irreparable harm for the purposes of injunctive relief.

1181 ~~(7)(6)~~ The remedies provided by this section are not
1182 exclusive and shall not preclude the tenant from pursuing any
1183 other remedy at law or equity which the tenant may have. The
1184 remedies provided by this section shall also apply to a
1185 servicemember who is a prospective tenant who has been
1186 discriminated against under subsection (3).

1187 Section 5. Section 83.682, Florida Statutes, is amended to
1188 read:

1189 83.682 Termination of rental agreement by a servicemember
1190 ~~member of the United States Armed Forces.--~~

1191 ~~(1)(a) Any servicemember member of the United States Armed~~
1192 ~~Forces who is required to move pursuant to permanent change of~~
1193 ~~station orders to depart 35 miles or more from the location of a~~
1194 ~~rental premises or who is prematurely or involuntarily~~
1195 ~~discharged or released from active duty with the United States~~
1196 ~~Armed Forces~~ may terminate his or her rental agreement by
1197 providing the landlord with a written notice of termination to



HB 1475

2003
CS

1198 be effective on the date stated in the notice that is at least
1199 30 days after the landlord's receipt of the notice if any of the
1200 following criteria are met:-

1201 (a) The servicemember is required, pursuant to a permanent
1202 change of station orders, to move 35 miles or more from the
1203 location of the rental premises;

1204 (b) The servicemember is prematurely or involuntarily
1205 discharged or released from active duty or state active duty;

1206 (c) The servicemember is released from active duty or
1207 state active duty after having leased the rental premises while
1208 on active duty or state active duty status and the rental
1209 premises is 35 miles or more from the servicemember's home of
1210 record prior to entering active duty or state active duty;

1211 (d) The servicemember receives military orders requiring
1212 him or her to move into government quarters or, after entering
1213 into a rental agreement, the servicemember becomes eligible to
1214 live in government quarters;

1215 (e) The servicemember receives temporary duty orders,
1216 temporary change of station orders, or state active duty orders
1217 to an area 35 miles or more from the location of the rental
1218 premises, provided such orders are for a period exceeding 60
1219 days; or

1220 (f) The servicemember has leased the property, but prior
1221 to taking possession of the rental premises, receives a change
1222 of orders to an area that is 35 miles or more from the location
1223 of the rental premises.

1224 (2) The notice to the landlord must be accompanied by
1225 either a copy of the official military orders or a written



HB 1475

2003
CS

1226 verification signed by the servicemember's ~~member's~~ commanding
1227 officer.

1228 (3)(b) In the event a servicemember ~~member of the United~~
1229 ~~States Armed Forces~~ dies during active duty, an adult member of
1230 his or her immediate family may terminate the servicemember's
1231 ~~member's~~ rental agreement by providing the landlord with a
1232 written notice of termination to be effective on the date stated
1233 in the notice that is at least 30 days after the landlord's
1234 receipt of the notice. The notice to the landlord must be
1235 accompanied by either a copy of the official military orders
1236 showing the servicemember was on active duty or a written
1237 verification signed by the servicemember's ~~member's~~ Commanding
1238 Officer and a copy of the servicemember's death certificate.

1239 (4)(2) Upon termination of a rental agreement under this
1240 section, the tenant is liable for the rent due under the rental
1241 agreement prorated to the effective date of the termination
1242 payable at such time as would have otherwise been required by
1243 the terms of the rental agreement. The tenant is not liable for
1244 any other rent or damages due to the early termination of the
1245 tenancy as provided for in this section ~~except the liquidated~~
1246 ~~damages provided in this section.~~ Notwithstanding any provision
1247 of this section to the contrary, if a tenant terminates the
1248 rental agreement pursuant to this section 14 or more days prior
1249 to occupancy, no damages or penalties of any kind will be
1250 assessable ~~are due.~~

1251 ~~(3) In consideration of early termination of the rental~~
1252 ~~agreement, the tenant is liable to the landlord for liquidated~~
1253 ~~damages provided the tenant has completed less than 9 months of~~



HB 1475

2003
CS

1254 ~~the tenancy and the landlord has suffered actual damages due to~~
 1255 ~~loss of the tenancy. The liquidated damages must be no greater~~
 1256 ~~than 1 month's rent if the tenant has completed less than 6~~
 1257 ~~months of the tenancy as of the effective date of termination,~~
 1258 ~~or one-half of 1 month's rent if the tenant has completed at~~
 1259 ~~least 6 but not less than 9 months of the tenancy as of the~~
 1260 ~~effective date of termination.~~

1261 (5)~~(4)~~ The provisions of this section may not be waived or
 1262 modified by the agreement of the parties under any
 1263 circumstances.

1264 Section 6. Section 115.02, Florida Statutes, is amended to
 1265 read:

1266 115.02 Governor to grant application; proviso.--When any
 1267 such officer shall be granted a leave of absence pursuant to
 1268 this chapter ~~volunteer or be called into the service of the~~
 1269 ~~United States during war~~, the Governor shall, upon application
 1270 being made by such officer, grant such officer leave of absence
 1271 during the time he or she shall be retained in such military
 1272 service; provided, such service shall not extend beyond the term
 1273 of office of such officer, in which event the office shall be
 1274 filled by election at the expiration thereof.

1275 Section 7. Section 115.08, Florida Statutes, is amended to
 1276 read:

1277 115.08 Definitions.--

1278 (1) The term "active military service" as used in this
 1279 chapter ~~law~~ shall signify active duty in the Florida defense
 1280 force or federal service in training or on active duty with any
 1281 branch of the Armed Forces or Reservists of the Armed Forces,



HB 1475

2003
CS

1282 the Florida National Guard ~~Army of the United States, the United~~
 1283 ~~States Navy, the Marine Corps of the United States,~~ the Coast
 1284 Guard of the United States, and service of all officers of the
 1285 United States Public Health Service detailed by proper authority
 1286 for duty with the Armed Forces ~~either with the army or the navy,~~
 1287 and shall include the period during which a person in military
 1288 service is absent from duty on account of sickness, wounds,
 1289 leave, or other lawful cause.

1290 (2) The term "period of active military service" as used
 1291 in this chapter ~~law~~ shall begin with the date of entering upon
 1292 active military service, and shall terminate with death or a
 1293 date 30 days immediately next succeeding the date of release or
 1294 discharge from active military service, or upon return from
 1295 active military service, whichever shall occur first.

1296 (3) The term "servicemember" as used in this chapter shall
 1297 have the same meaning as provided in s. 250.82.

1298 Section 8. Section 115.09, Florida Statutes, is amended to
 1299 read:

1300 115.09 Leave to public officials for military
 1301 service.--All officials of the state, the several counties of
 1302 the state, and the municipalities or political subdivisions of
 1303 the state, including district school and community college
 1304 officers, which officials are also servicemembers ~~officers or~~
 1305 ~~enlisted personnel~~ in the National Guard or a reserve component
 1306 of the Armed Forces of the United States, shall ~~may, subject to~~
 1307 ~~the provisions and conditions hereafter set forth,~~ be granted
 1308 leave of absence from their respective offices and duties to



HB 1475

2003
CS

1309 perform active military service, the first 30 days of any such
1310 leave of absence to be with full pay.

1311 Section 9. Section 115.10, Florida Statutes, is repealed.

1312 Section 10. Section 115.12, Florida Statutes, is amended
1313 to read:

1314 115.12 Rights during leave.--

1315 (1) During such leave of absence such official shall be
1316 entitled to preserve all seniority rights, efficiency ratings,
1317 promotional status and retirement privileges. The period of
1318 active military service shall, for purposes of computation to
1319 determine whether such person may be entitled to retirement
1320 under the laws of the state, be deemed continuous service in the
1321 office of said official. While absent on such leave without pay,
1322 said official shall not be required to make any contribution to
1323 any retirement fund.

1324 (2) The employing authority shall adhere to all the
1325 provisions contained in the Uniformed Services Employment and
1326 Reemployment Rights Act, chapter 43 of Title 38 U.S.C., as
1327 amended.

1328 Section 11. Section 115.13, Florida Statutes, is amended
1329 to read:

1330 115.13 Resumption of official duties.--Upon said officer
1331 terminating his or her active military service, he or she shall
1332 ~~immediately~~ enter upon the duties of office for the unexpired
1333 portion of the term for which he or she was elected or
1334 appointed, in accordance with the limits provided under the
1335 Uniformed Services Employment and Reemployment Rights Act,
1336 chapter 43 of Title 38 U.S.C., as amended.



HB 1475

2003
CS

1337 Section 12. Section 115.14, Florida Statutes, is amended
1338 to read:

1339 115.14 Employees.--All employees of the state, the several
1340 counties of the state, and the municipalities or political
1341 subdivisions of the state shall ~~may, in the discretion of the~~
1342 ~~employing authority of such employee,~~ be granted leave of
1343 absence under the terms of this law; upon such leave of absence
1344 being granted said employee shall enjoy the same rights and
1345 privileges as are hereby granted to officials under this law,
1346 insofar as may be, including, without limitation, receiving full
1347 pay for the first 30 days. Notwithstanding the provisions of s.
1348 115.09, the employing authority may supplement the military pay
1349 of its officials and employees who are reservists called to
1350 active military service after the first 30 days ~~for the first 30~~
1351 ~~days with full pay and, thereafter,~~ in an amount necessary to
1352 bring their total salary, inclusive of their base military pay,
1353 to the level earned at the time they were called to active
1354 military duty. The employing authority shall ~~may also, in its~~
1355 ~~discretion,~~ continue to provide all ~~any~~ health insurance and
1356 other existing benefits to such officials and employees as
1357 required by the Uniformed Services Employment and Reemployment
1358 Rights Act, chapter 43 of Title 38 U.S.C., as amended.

1359 Section 13. Section 115.15, Florida Statutes, is amended
1360 to read:

1361 115.15 Adoption of federal law for employees.--The
1362 provisions of the Uniformed Services Employment and Reemployment
1363 Rights Act, chapter 43 of Title 38 U.S.C., as amended ~~section 8~~
1364 ~~of chapter 720 Acts of Congress of the United States, approved~~



HB 1475

2003
CS

1365 ~~September 16, 1940 (Title 50 App. Section 308, U.S.C.A.),~~
1366 ~~insofar as it relates to the reemployment of public employees~~
1367 ~~granted a leave of absence on active military duty under this~~
1368 ~~law, shall be applicable in this state and the refusal of any~~
1369 ~~state, county, or municipal official to comply therewith shall~~
1370 ~~subject him or her to removal from office.~~

1371 Section 14. Paragraph (e) is added to subsection (3) of
1372 section 320.07, Florida Statutes, present subsection (5) is
1373 renumbered as subsection (6) and amended, and a new subsection
1374 (5) is added to said section, to read:

1375 320.07 Expiration of registration; annual renewal
1376 required; penalties.--

1377 (3) The operation of any motor vehicle without having
1378 attached thereto a registration license plate and validation
1379 stickers, or the use of any mobile home without having attached
1380 thereto a mobile home sticker, for the current registration
1381 period shall subject the owner thereof, if he or she is present,
1382 or, if the owner is not present, the operator thereof to the
1383 following penalty provisions:

1384 (e) Any servicemember, as defined in s. 250.82, whose
1385 mobile home registration has expired while serving on active
1386 duty or state active duty shall not be charged with a violation
1387 of this subsection if, at the time of the offense, the
1388 servicemember was serving on active duty or state active duty
1389 35 miles or more from the mobile home. The servicemember must
1390 present to the department either a copy of the official military
1391 orders or a written verification signed by the servicemember's
1392 commanding officer to waive charges.



1393 (5) Any servicemember, as defined in s. 250.82, whose
 1394 motor vehicle or mobile home registration has expired while
 1395 serving on active duty or state active duty, shall be able to
 1396 renew his or her registration upon return from active duty or
 1397 state active duty without penalty, if the servicemember served
 1398 on active duty or state active duty 35 miles or more from the
 1399 servicemember's home of record prior to entering active duty or
 1400 state active duty. The servicemember must provide to the
 1401 department either a copy of the official military orders or a
 1402 written verification signed by the servicemember's commanding
 1403 officer to waive delinquent fees.

1404 ~~(6)~~~~(5)~~ Delinquent fees imposed under this section shall
 1405 not be apportionable under the International Registration Plan.

1406 Section 15. Section 364.195, Florida Statutes, is created
 1407 to read:

1408 364.195 Termination of telecommunications service contract
 1409 by a servicemember.--

1410 (1) Any servicemember, as defined in s. 250.82, may
 1411 terminate his or her telecommunications service contract by
 1412 providing the telecommunications company with a written notice
 1413 of termination, effective on the date specified in the notice,
 1414 which date shall be at least 30 days after receipt of the notice
 1415 by the telecommunications company, if any of the following
 1416 criteria are met:

1417 (a) The servicemember is required, pursuant to a permanent
 1418 change of station orders, to move outside the area served by the
 1419 telecommunications company or to an area where the type of



HB 1475

2003
CS

1420 telecommunications service being provided to the servicemember
1421 is not available from the telecommunications company;

1422 (b) The servicemember is discharged or released from
1423 active duty or state active duty and will return from such duty
1424 to an area not served by the telecommunications company or where
1425 the type of telecommunications service contracted for is not
1426 available from the telecommunications company;

1427 (c) The servicemember is released from active duty or
1428 state active duty after having entered into a contract for
1429 telecommunications service while on active duty or state active
1430 duty status and the telecommunications company does not provide
1431 telecommunications service or the same type of
1432 telecommunications service contracted for in the region of the
1433 servicemember's home of record prior to entering active duty or
1434 state active duty;

1435 (d) The servicemember receives military orders requiring
1436 him or her to move outside the continental United States; or

1437 (e) The servicemember receives temporary duty orders,
1438 temporary change of station orders, or active duty or state
1439 active duty orders to an area not served by the
1440 telecommunications company or where the type of
1441 telecommunications service contracted for is not available from
1442 the telecommunications company, provided such orders are for a
1443 period exceeding 60 days.

1444 (2) The written notice to the telecommunications company
1445 must be accompanied by either a copy of the official military
1446 orders or a written verification signed by the servicemember's
1447 commanding officer.



HB 1475

2003
CS

1448 (3) Upon termination of a contract under this section, the
1449 servicemember is liable for the amount due under the contract
1450 prorated to the effective date of the termination payable at
1451 such time as would have otherwise been required by the terms of
1452 the contract. The servicemember is not liable for any other fees
1453 due to the early termination of the contract as provided for in
1454 this section.

1455 (4) The provisions of this section may not be waived or
1456 modified by the agreement of the parties under any
1457 circumstances.

1458 Section 16. Section 520.14, Florida Statutes, is created
1459 to read:

1460 520.14 Termination of retail installment contract for
1461 leasing a motor vehicle by a servicemember.--

1462 (1) Any servicemember, as defined in s. 250.82, may
1463 terminate his or her retail installment contract for leasing a
1464 motor vehicle by providing the sales finance company with a
1465 written notice of termination, effective on the date specified
1466 in the notice, which date shall be at least 30 days after the
1467 receipt of the notice by the sales finance company, if any of
1468 the following criteria are met:

1469 (a) The servicemember is required, pursuant to a permanent
1470 change of station, to move outside the continental United
1471 States; or

1472 (b) The servicemember receives temporary duty orders,
1473 temporary change of station orders, or active duty orders
1474 outside the continental United States, provided such orders are
1475 for a period exceeding 60 days.



HB 1475

2003
CS

1476 (2) The written notice to the sales finance company under
1477 subsection (1) must be accompanied by either a copy of the
1478 official military orders or a written verification signed by the
1479 servicemember's commanding officer.

1480 (3) Upon termination of a contract under this section, the
1481 lessee is liable for the amount due under the contract, prorated
1482 to the effective date of the termination, payable at such time
1483 as would have otherwise been required by the terms of the
1484 contract. The lessee is not liable for any other fees due to the
1485 early termination of the contract as provided for in this
1486 section.

1487 (4) The provisions of this section may not be waived or
1488 modified by the agreement of the parties under any
1489 circumstances.

1490 Section 17. Subsection (5) is added to section 627.7283,
1491 Florida Statutes, to read:

1492 627.7283 Cancellation; return of premium.—

1493 (5) The insurer must refund 100 percent of the unearned
1494 premium if the insured is a servicemember, as defined in s.
1495 250.82, who cancels because he or she is required to move,
1496 pursuant to a permanent change of station, temporary duty orders
1497 exceeding 60 days, temporary change of station orders exceeding
1498 60 days, or active duty orders, to a location where the
1499 insurance is not required. The insurer may require a
1500 servicemember to submit either a copy of the official military
1501 orders or a written verification signed by the servicemember's
1502 commanding officer to support the refund authorized under this
1503 subsection. If the insurer cancels, the insurer must refund 100



HB 1475

2003
CS

1504 percent of the unearned premium. Cancellation is without
1505 prejudice to any claim originating prior to the effective date
1506 of the cancellation. For purposes of this section, unearned
1507 premiums must be computed on a pro rata basis.

1508 Section 18. Section 689.27, Florida Statutes, is created
1509 to read:

1510 689.27 Termination of agreement to purchase real property
1511 by a servicemember.--

1512 (1) Notwithstanding any other provisions of law and for
1513 the purposes of this section:

1514 (a) "Closing" means the finalizing of the sale of
1515 property, upon which title to the property is transferred from
1516 the seller to the buyer.

1517 (b) "Contract" means an instrument purporting to contain
1518 an agreement to purchase real property.

1519 (c) "Property" means a house, condominium, or mobile home
1520 that a servicemember intends to purchase to serve as his or her
1521 primary residence.

1522 (d) "Servicemember" shall have the same meaning as
1523 provided in s. 250.82.

1524 (2) Any servicemember may terminate a contract to purchase
1525 property, prior to closing on such property, by providing the
1526 seller or mortgagor of the property with a written notice of
1527 termination to be effective immediately, if any of the following
1528 criteria are met:

1529 (a) The servicemember is required, pursuant to permanent
1530 change of station orders received after entering into a contract



HB 1475

2003
CS

1531 for the property and prior to closing, to move 35 miles or more
1532 from the location of the property;

1533 (b) The servicemember is released from active duty or
1534 state active duty after having agreed to purchase the property
1535 and prior to closing while serving on active duty or state
1536 active duty status, and the property is 35 miles or more from
1537 the servicemember's home of record prior to entering active duty
1538 or state active duty;

1539 (c) The servicemember receives military orders requiring
1540 him or her to move into government quarters or, after
1541 contracting to purchase property, but prior to closing, the
1542 servicemember becomes eligible to live in government quarters;

1543 (d) Prior to closing, the servicemember receives temporary
1544 duty orders, temporary change of station orders, or active duty
1545 or state active duty orders to an area 35 miles or more from
1546 the location of the property, provided such orders are for a
1547 period exceeding 90 days; or

1548 (e) The servicemember has entered into an agreement to
1549 purchase the property but, prior to closing on the property,
1550 receives a change of orders to an area 35 miles or more from the
1551 location of the property.

1552 (3) The notice to the seller or mortgagor canceling the
1553 contract must be accompanied by either a copy of the official
1554 military orders or a written verification signed by the
1555 servicemember's commanding officer.

1556 (4) Upon termination of a contract under this section, the
1557 seller or mortgagor or his or her agent shall refund any funds
1558 provided by the servicemember under the contract within 7 days.



HB 1475

2003
CS

1559 The servicemember is not liable for any other fees due to the
1560 termination of the contract as provided for in this section.

1561 (5) The provisions of this section may not be waived or
1562 modified by the agreement of the parties under any
1563 circumstances.

1564 Section 19. Subsection (2) of section 1009.531, Florida
1565 Statutes, is amended to read:

1566 1009.531 Florida Bright Futures Scholarship Program;
1567 student eligibility requirements for initial awards.--

1568 (2) A student is eligible to accept an initial award for 3
1569 years following high school graduation and to accept a renewal
1570 award for 7 years following high school graduation. A student
1571 who applies for an award by high school graduation and who meets
1572 all other eligibility requirements, but who does not accept his
1573 or her award, may reapply during subsequent application periods
1574 up to 3 years after high school graduation. For a student who
1575 enlists in the United States Armed Forces immediately after
1576 completion of high school, the 3-year eligibility period for his
1577 or her initial award shall begin on the date of separation from
1578 active duty or state active duty. For a student who is receiving
1579 a Florida Bright Futures Scholarship and discontinues his or her
1580 education to enlist in the United States Armed Forces, the
1581 remainder of his or her 7-year renewal period shall commence on
1582 the date of separation from active duty.

1583 Section 20. Subsection (1) of section 1009.532, Florida
1584 Statutes, is amended to read:

1585 1009.532 Florida Bright Futures Scholarship Program;
1586 student eligibility requirements for renewal awards.--



HB 1475

2003
CS

1587 (1) To be eligible to renew a scholarship from any of the
1588 three types of scholarships under the Florida Bright Futures
1589 Scholarship Program, a student must:

1590 (a) Complete at least 12 semester credit hours or the
1591 equivalent in the last academic year in which the student earned
1592 a scholarship.

1593 (b) Maintain the cumulative grade point average required
1594 by the scholarship program, except that:

1595 1. If a recipient's grades fall beneath the average
1596 required to renew a Florida Academic Scholarship, but are
1597 sufficient to renew a Florida Medallion Scholarship or a Florida
1598 Gold Seal Vocational Scholarship, the Department of Education
1599 may grant a renewal from one of those other scholarship
1600 programs, if the student meets the renewal eligibility
1601 requirements; ~~or~~

1602 2. If, at any time during the eligibility period, a
1603 student's grades are insufficient to renew the scholarship, the
1604 student may restore eligibility by improving the grade point
1605 average to the required level. A student is eligible for such a
1606 reinstatement only once. The Legislature encourages education
1607 institutions to assist students to calculate whether or not it
1608 is possible to raise the grade point average during the summer
1609 term. If the institution determines that it is possible, the
1610 education institution may so inform the department, which may
1611 reserve the student's award if funds are available. The renewal,
1612 however, must not be granted until the student achieves the
1613 required cumulative grade point average. If the summer term is
1614 not sufficient to raise the grade point average to the required



HB 1475

2003
CS

1615 renewal level, the student's next opportunity for renewal is the
1616 fall semester of the following academic year; ~~or-~~

1617 3. If a student is receiving a Florida Bright Futures
1618 Scholarship, is a servicemember of the Florida National Guard or
1619 United States Reserves while attending a postsecondary
1620 institution, is called to active duty or state active duty, as
1621 defined in s. 250.82, prior to completing his or her degree, and
1622 meets all other requirements for the scholarship, the student
1623 shall be eligible to continue the scholarship for 2 years after
1624 completing active duty or state active duty.

1625 Section 21. This act shall take effect upon becoming a
1626 law.