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CHAMBER ACTION

The Committee on Judiciary 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 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.; amending s. 83.43, F.S.; defining "servicemember," "active duty," and "state active duty" for purposes of the Florida Residential Landlord and Tenant Act; amending s. 83.64, F.S.; prohibiting retaliatory action by a landlord for termination of a rental agreement by a servicemember; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a servicemember in offering a dwelling unit for rent or in any of the terms of a rental agreement; providing for applicability of remedies to servicemembers who are



29 prospective tenants and the subject of such
30 discrimination; amending s. 83.682, F.S.; providing
31 conditions under which a servicemember may terminate his
32 or her rental agreement; revising terminology; revising
33 liability of a servicemember in the event of early
34 termination of a tenancy; amending s. 115.02, F.S.;
35 revising provisions with respect to the granting of a
36 leave of absence to an officer; amending s. 115.08, F.S.;
37 revising the definition of "active military service" and
38 "period of active military service" and providing a
39 definition of "servicemember"; amending s. 115.09, F.S.;
40 requiring the granting of leave of absence for state,
41 county, and municipal officials who are servicemembers;
42 repealing s. 115.10, F.S., relating to granting and denial
43 of leave of absence for public officials by the Governor;
44 amending s. 115.12, F.S.; revising provisions relating to
45 rights during leave to provide that the employing
46 authority must adhere to the provisions of the federal
47 Uniformed Services Employment and Reemployment Rights Act;
48 amending s. 115.13, F.S.; revising provisions relating to
49 resumption of official duties; amending s. 115.14, F.S.;
50 requiring the granting of leave of absence for state,
51 county, and municipal employees; revising provisions with
52 respect to supplemental pay for reservist officials and
53 employees called to active military service; requiring an
54 employing authority to continue to provide all health
55 insurance and other existing benefits; amending s. 115.15,
56 F.S.; providing for applicability of the federal Uniformed



57 Services Employment and Reemployment Rights Act; amending
58 s. 250.01, F.S.; providing definitions; amending s.
59 320.07, F.S.; exempting servicemembers from penalties for
60 expiration of mobile home and motor vehicle registrations
61 when such registrations expire while the servicemember is
62 serving on active duty or state active duty; creating s.
63 364.195, F.S.; providing requirements and procedure with
64 respect to termination of a telecommunications service
65 contract by a servicemember; creating s. 520.14, F.S.;
66 providing requirements and procedure with respect to the
67 termination of a retail installment contract for leasing a
68 motor vehicle by a servicemember; amending s. 627.7283,
69 F.S.; requiring motor vehicle insurance companies to
70 refund the entire unearned portion of a premium upon
71 cancellation of motor vehicle insurance by a servicemember
72 when the servicemember is required to move pursuant to
73 specified orders; creating s. 689.27, F.S.; providing
74 definitions; providing requirements and procedure with
75 respect to the termination of an agreement to purchase
76 real property by a servicemember; amending s. 1009.531,
77 F.S.; extending the eligibility period for the Florida
78 Bright Futures Scholarship Program for students who enlist
79 in the armed forces or reserves immediately after
80 completion of high school; amending s. 1009.532, F.S.;
81 providing eligibility for continuation of Florida Bright
82 Futures Scholarships for students attending postsecondary
83 institutions who are also Florida National Guard or United



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84 States Reserves servicemembers and are called to active
85 duty or active state duty; providing an effective date.

86
87 WHEREAS, the United States is once again experiencing the
88 mobilization and deployment of U.S. military troops, and

89 WHEREAS, while our military personnel are devoting their
90 entire energy to the needs of our nation, we must ensure that
91 the men and women of the United States military and their
92 families are protected at home, and

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

96
97 Be It Enacted by the Legislature of the State of Florida:

98
99 Section 1. Part IV of chapter 250, Florida Statutes,
100 consisting of sections 250.80, 250.81, 250.82, 250.83, and
101 250.84, is created to read:

102 PART IV

103 FLORIDA UNIFORMED SERVICEMEMBERS PROTECTION ACT

104 250.80 Popular name.--Sections 250.80-250.84 may be known
105 by the popular name the "Florida Uniformed Servicemembers
106 Protection Act."

107 250.81 Legislative intent.--It is the intent of the
108 Legislature that men and women who serve in the Florida National
109 Guard, the United States Armed Forces, and Armed Forces Reserves
110 understand their rights under applicable state and federal laws.
111 Further, it is the intent of the Legislature that Florida



112 residents and businesses understand the rights afforded to the
 113 men and women who volunteer their time and sacrifice their lives
 114 to protect the freedoms granted by the Constitutions of the
 115 United States and the State of Florida.

116 250.82 Applicability of federal law.--

117 (1) Florida law provides certain protections to members of
 118 the United States Armed Forces, the United States Reserve
 119 Forces, and the Florida National Guard in various legal
 120 proceedings and contractual relationships. In addition to these
 121 state provisions, federal law also contains protections, such as
 122 those provided in the Soldiers' and Sailors' Civil Relief Act
 123 (SSCRA), Title 50, Appendix United States Code, Section 501, et
 124 seq., and the Uniformed Services Employment and Reemployment
 125 Rights Act (USERRA), Title 38 United States Code, Chapter 43,
 126 that are applicable to members in every state even though such
 127 provisions are not specifically identified under state law.

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

132 250.83 Construction of part.--In the event that any other
 133 provision of law conflicts with SSCRA, USERRA, or the provisions
 134 of this chapter, the provisions of SSCRA, USERRA, or the
 135 provisions of this chapter, whichever is applicable, shall
 136 control. Nothing in this part shall construe rights or
 137 responsibilities not provided under the SSCRA, USERRA, or this
 138 chapter.



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139 250.84 Florida Uniformed Servicemembers Protection Act;
140 rights of servicemembers; incorporation by reference.--

141 (1)(a) It is the intent of the Legislature to ensure that
142 those individuals affected by the provisions of the Florida
143 Uniformed Servicemembers Protection Act be made aware of the
144 rights and responsibilities of servicemembers. The Department
145 of Military Affairs shall make available a document containing
146 the rights and responsibilities of servicemembers set forth in
147 Florida Statutes, either through printed or electronic means, to
148 appropriate state or local organizations composed of parties
149 affected by said rights, including, but not limited to, those
150 representing:

- 151 1. Motor vehicle dealers.
- 152 2. Financial institutions and mortgage brokers.
- 153 3. Telecommunications service companies.
- 154 4. Residential tenancies.
- 155 5. Real estate salespersons and brokers.
- 156 6. Members of the Florida Bar Association who serve on a
157 military affairs-related committee.

158 (b) The Department of Military Affairs shall also make
159 available a document containing the rights and responsibilities
160 of servicemembers set forth in Florida Statutes, either through
161 printed or electronic means, to servicemembers and their
162 families.

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



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

170 2. The rights and responsibilities provided by the
 171 Soldiers' and Sailors' Civil Relief Act.

172 3. The rights and responsibilities provided by the
 173 Uniformed Servicemembers Employment and Reemployment Rights Act.

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

176 83.43 Definitions.--As used in this part, the following
 177 words and terms shall have the following meanings unless some
 178 other meaning is plainly indicated:

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

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

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

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

187 83.64 Retaliatory conduct.--

188 (1) It is unlawful for a landlord to discriminatorily
 189 increase a tenant's rent or decrease services to a tenant, or to
 190 bring or threaten to bring an action for possession or other
 191 civil action, primarily because the landlord is retaliating
 192 against the tenant. In order for the tenant to raise the defense
 193 of retaliatory conduct, the tenant must have acted in good



194 faith. Examples of conduct for which the landlord may not
195 retaliate include, but are not limited to, situations where:

196 (a) The tenant has complained to a governmental agency
197 charged with responsibility for enforcement of a building,
198 housing, or health code of a suspected violation applicable to
199 the premises;

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

202 (c) The tenant has complained to the landlord pursuant to
203 s. 83.56(1); or-

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

206 Section 4. Section 83.67, Florida Statutes, is amended to
207 read:

208 83.67 Prohibited practices.--

209 (1) No landlord of any dwelling unit governed by this part
210 shall cause, directly or indirectly, the termination or
211 interruption of any utility service furnished the tenant,
212 including, but not limited to, water, heat, light, electricity,
213 gas, elevator, garbage collection, or refrigeration, whether or
214 not the utility service is under the control of, or payment is
215 made by, the landlord.

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

220 (3) No landlord of any dwelling unit governed by this part
221 shall discriminate against a servicemember in offering a



222 dwelling unit for rent or in any of the terms of the rental
 223 agreement.

224 (4)~~(3)~~ No landlord of any dwelling unit governed by this
 225 part shall remove the outside doors, locks, roof, walls, or
 226 windows of the unit except for purposes of maintenance, repair,
 227 or replacement; nor shall the landlord remove the tenant's
 228 personal property from the dwelling unit unless said action is
 229 taken after surrender, abandonment, or a lawful eviction. If
 230 provided in the rental agreement or a written agreement separate
 231 from the rental agreement, upon surrender or abandonment by the
 232 tenant, the landlord is not required to comply with s. 715.104
 233 and is not liable or responsible for storage or disposition of
 234 the tenant's personal property; if provided in the rental
 235 agreement there must be printed or clearly stamped on such
 236 rental agreement a legend in substantially the following form:

237
 238 BY SIGNING THIS RENTAL AGREEMENT THE TENANT AGREES THAT UPON
 239 SURRENDER OR ABANDONMENT, AS DEFINED BY CHAPTER 83, FLORIDA
 240 STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR
 241 STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

242
 243 For the purposes of this section, abandonment shall be as set
 244 forth in s. 83.59(3)(c).

245 (5)~~(4)~~ A landlord who violates the provisions of this
 246 section shall be liable to the tenant for actual and
 247 consequential damages or 3 months' rent, whichever is greater,
 248 and costs, including attorney's fees. Subsequent or repeated



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249 violations which are not contemporaneous with the initial
250 violation shall be subject to separate awards of damages.

251 (6)~~(5)~~ A violation of this section shall constitute
252 irreparable harm for the purposes of injunctive relief.

253 (7)~~(6)~~ The remedies provided by this section are not
254 exclusive and shall not preclude the tenant from pursuing any
255 other remedy at law or equity which the tenant may have. The
256 remedies provided by this section shall also apply to a
257 servicemember who is a prospective tenant who has been
258 discriminated against under subsection (3).

259 Section 5. Section 83.682, Florida Statutes, is amended to
260 read:

261 83.682 Termination of rental agreement by a servicemember
262 ~~member of the United States Armed Forces.--~~

263 (1)~~(a)~~ Any servicemember ~~member of the United States Armed~~
264 ~~Forces who is required to move pursuant to permanent change of~~
265 ~~station orders to depart 35 miles or more from the location of a~~
266 ~~rental premises or who is prematurely or involuntarily~~
267 ~~discharged or released from active duty with the United States~~
268 ~~Armed Forces~~ may terminate his or her rental agreement by
269 providing the landlord with a written notice of termination to
270 be effective on the date stated in the notice that is at least
271 30 days after the landlord's receipt of the notice if any of the
272 following criteria are met:-

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



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

278 (c) The servicemember is released from active duty or
279 state active duty after having leased the rental premises while
280 on active duty or state active duty status and the rental
281 premises is 35 miles or more from the servicemember's home of
282 record prior to entering active duty or state active duty;

283 (d) After entering into a rental agreement, the
284 servicemember receives military orders requiring him or her to
285 move into government quarters or the servicemember becomes
286 eligible to live in and opts to move into government quarters;

287 (e) The servicemember receives temporary duty orders,
288 temporary change of station orders, or state active duty orders
289 to an area 35 miles or more from the location of the rental
290 premises, provided such orders are for a period exceeding 60
291 days; or

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

296 (2) The notice to the landlord must be accompanied by
297 either a copy of the official military orders or a written
298 verification signed by the servicemember's ~~member's~~ commanding
299 officer.

300 (3)(b) In the event a servicemember ~~member of the United~~
301 ~~States Armed Forces~~ dies during active duty, an adult member of
302 his or her immediate family may terminate the servicemember's
303 ~~member's~~ rental agreement by providing the landlord with a



304 written notice of termination to be effective on the date stated
 305 in the notice that is at least 30 days after the landlord's
 306 receipt of the notice. The notice to the landlord must be
 307 accompanied by either a copy of the official military orders
 308 showing the servicemember was on active duty or a written
 309 verification signed by the servicemember's ~~member's~~ Commanding
 310 Officer and a copy of the servicemember's death certificate.

311 ~~(4)(2)~~ Upon termination of a rental agreement under this
 312 section, the tenant is liable for the rent due under the rental
 313 agreement prorated to the effective date of the termination
 314 payable at such time as would have otherwise been required by
 315 the terms of the rental agreement. The tenant is not liable for
 316 any other rent or damages due to the early termination of the
 317 tenancy as provided for in this section ~~except the liquidated~~
 318 ~~damages provided in this section.~~ Notwithstanding any provision
 319 of this section to the contrary, if a tenant terminates the
 320 rental agreement pursuant to this section 14 or more days prior
 321 to occupancy, no damages or penalties of any kind will be
 322 assessable ~~are due.~~

323 ~~(3) In consideration of early termination of the rental~~
 324 ~~agreement, the tenant is liable to the landlord for liquidated~~
 325 ~~damages provided the tenant has completed less than 9 months of~~
 326 ~~the tenancy and the landlord has suffered actual damages due to~~
 327 ~~loss of the tenancy. The liquidated damages must be no greater~~
 328 ~~than 1 month's rent if the tenant has completed less than 6~~
 329 ~~months of the tenancy as of the effective date of termination,~~
 330 ~~or one half of 1 month's rent if the tenant has completed at~~



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331 | ~~least 6 but not less than 9 months of the tenancy as of the~~
332 | ~~effective date of termination.~~

333 | (5)~~(4)~~ The provisions of this section may not be waived or
334 | modified by the agreement of the parties under any
335 | circumstances.

336 | Section 6. Section 115.02, Florida Statutes, is amended to
337 | read:

338 | 115.02 Governor to grant application; proviso.--When any
339 | such officer shall be granted a leave of absence pursuant to
340 | this chapter ~~volunteer or be called into the service of the~~
341 | ~~United States during war~~, the Governor shall, upon application
342 | being made by such officer, grant such officer leave of absence
343 | during the time he or she shall be retained in such military
344 | service; provided, such service shall not extend beyond the term
345 | of office of such officer, in which event the office shall be
346 | filled by election at the expiration thereof.

347 | Section 7. Section 115.08, Florida Statutes, is amended to
348 | read:

349 | 115.08 Definitions.--

350 | (1) The term "active military service" as used in this
351 | chapter ~~law~~ shall signify active duty in the Florida defense
352 | force or federal service in training or on active duty with any
353 | branch of the Armed Forces or Reservists of the Armed Forces,
354 | the Florida National Guard ~~Army of the United States, the United~~
355 | ~~States Navy, the Marine Corps of the United States, the Coast~~
356 | Guard of the United States, and service of all officers of the
357 | United States Public Health Service detailed by proper authority
358 | for duty with the Armed Forces ~~either with the army or the navy,~~



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359 and shall include the period during which a person in military
360 service is absent from duty on account of sickness, wounds,
361 leave, or other lawful cause.

362 (2) The term "period of active military service" as used
363 in this chapter law shall begin with the date of entering upon
364 active military service, and shall terminate with death or a
365 date 30 days immediately next succeeding the date of release or
366 discharge from active military service, or upon return from
367 active military service, whichever shall occur first.

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

370 Section 8. Section 115.09, Florida Statutes, is amended to
371 read:

372 115.09 Leave to public officials for military
373 service.--All officials of the state, the several counties of
374 the state, and the municipalities or political subdivisions of
375 the state, including district school and community college
376 officers, which officials are also servicemembers ~~officers or~~
377 ~~enlisted personnel~~ in the National Guard or a reserve component
378 of the Armed Forces of the United States, shall ~~may, subject to~~
379 ~~the provisions and conditions hereafter set forth,~~ be granted
380 leave of absence from their respective offices and duties to
381 perform active military service, the first 30 days of any such
382 leave of absence to be with full pay.

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

384 Section 10. Section 115.12, Florida Statutes, is amended
385 to read:

386 115.12 Rights during leave.--



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387 (1) During such leave of absence such official shall be
388 entitled to preserve all seniority rights, efficiency ratings,
389 promotional status and retirement privileges. The period of
390 active military service shall, for purposes of computation to
391 determine whether such person may be entitled to retirement
392 under the laws of the state, be deemed continuous service in the
393 office of said official. While absent on such leave without pay,
394 said official shall not be required to make any contribution to
395 any retirement fund.

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

399 Section 11. Section 115.13, Florida Statutes, is amended
400 to read:

401 115.13 Resumption of official duties.--Upon said officer
402 terminating his or her active military service, he or she shall
403 ~~immediately~~ enter upon the duties of office for the unexpired
404 portion of the term for which he or she was elected or
405 appointed, in accordance with the limits provided under the
406 Uniformed Services Employment and Reemployment Rights Act,
407 chapter 43 of Title 38 U.S.C.

408 Section 12. Section 115.14, Florida Statutes, is amended
409 to read:

410 115.14 Employees.--All employees of the state, the several
411 counties of the state, and the municipalities or political
412 subdivisions of the state shall ~~may, in the discretion of the~~
413 ~~employing authority of such employee,~~ be granted leave of
414 absence under the terms of this law; upon such leave of absence



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415 being granted said employee shall enjoy the same rights and
416 privileges as are hereby granted to officials under this law,
417 insofar as may be, including, without limitation, receiving full
418 pay for the first 30 days. Notwithstanding the provisions of s.
419 115.09, the employing authority may supplement the military pay
420 of its officials and employees who are reservists called to
421 active military service after the first 30 days ~~for the first 30~~
422 ~~days with full pay and, thereafter,~~ in an amount necessary to
423 bring their total salary, inclusive of their base military pay,
424 to the level earned at the time they were called to active
425 military duty. The employing authority shall ~~may also, in its~~
426 ~~discretion,~~ continue to provide all ~~any~~ health insurance and
427 other existing benefits to such officials and employees as
428 required by the Uniformed Services Employment and Reemployment
429 Rights Act, chapter 43 of Title 38 U.S.C.

430 Section 13. Section 115.15, Florida Statutes, is amended
431 to read:

432 115.15 Adoption of federal law for employees.--The
433 provisions of the Uniformed Services Employment and Reemployment
434 Rights Act, chapter 43 of Title 38 U.S.C., ~~section 8 of chapter~~
435 ~~720 Acts of Congress of the United States, approved September~~
436 ~~16, 1940 (Title 50 App. Section 308, U.S.C.A.), insofar as it~~
437 ~~relates to the reemployment of public employees granted a leave~~
438 ~~of absence on active military duty under this law,~~ shall be
439 applicable in this state and the refusal of any state, county,
440 or municipal official to comply therewith shall subject him or
441 her to removal from office.



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442 Section 14. Section 250.01, Florida Statutes, is amended
443 to read:

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

446 250.01 Definitions.--As used in this chapter, the term:

447 (1) "Active duty" means full-time duty in active military
448 service of the United States. The term includes federal duty
449 such as full-time training, annual training, and attendance
450 while a person is in active military service or in a school
451 designated as a service school by law or by the secretary of the
452 applicable military department. The term does not mean full-time
453 duty in the National Guard.

454 (2) "State active duty" means full-time duty in active
455 military service of the State of Florida when ordered by the
456 Governor or Adjutant General in accordance with s. 250.06, s.
457 250.10, or s. 250.28 to preserve the public peace, execute the
458 laws of the state, suppress insurrection, repel invasion,
459 enhance security and respond to terrorist threats or attacks,
460 respond to an emergency as defined in s. 252.34 or to imminent
461 danger of an emergency, enforce the law, carry out counter-drug
462 operations, provide training, provide for the security of the
463 rights or lives of the public, protect property, or conduct
464 ceremonies. The term includes the duties of officers or enlisted
465 personnel who are employed under the order of the Governor in
466 recruiting; making tours of instruction; inspecting troops,
467 armories, storehouses, campsites, rifle ranges, or military
468 property; sitting on general or special courts-martial, boards



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469 of examination, courts of inquiry, or boards of officers; or
470 making or assisting in physical examinations.

471
472 The terms shall also include the period during which a person in
473 active military service is absent from duty as a result of
474 illness, being wounded, being on leave, or other lawful cause.

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

477 (4) "Servicemember" means any person serving as a member
478 of the United States Armed Forces on active duty or state active
479 duty and all members of the Florida National Guard and United
480 States Reserve Forces.

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

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

487 320.07 Expiration of registration; annual renewal
488 required; penalties.--

489 (3) The operation of any motor vehicle without having
490 attached thereto a registration license plate and validation
491 stickers, or the use of any mobile home without having attached
492 thereto a mobile home sticker, for the current registration
493 period shall subject the owner thereof, if he or she is present,
494 or, if the owner is not present, the operator thereof to the
495 following penalty provisions:



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496 (e) Any servicemember, as defined in s. 250.01, whose
497 mobile home registration has expired while serving on active
498 duty or state active duty shall not be charged with a violation
499 of this subsection if, at the time of the offense, the
500 servicemember was serving on active duty or state active duty 35
501 miles or more from the mobile home. The servicemember must
502 present to the department either a copy of the official military
503 orders or a written verification signed by the servicemember's
504 commanding officer to waive charges.

505 (5) Any servicemember, as defined in s. 250.01, whose
506 motor vehicle or mobile home registration has expired while
507 serving on active duty or state active duty, shall be able to
508 renew his or her registration upon return from active duty or
509 state active duty without penalty, if the servicemember served
510 on active duty or state active duty 35 miles or more from the
511 servicemember's home of record prior to entering active duty or
512 state active duty. The servicemember must provide to the
513 department either a copy of the official military orders or a
514 written verification signed by the servicemember's commanding
515 officer to waive delinquent fees.

516 (6)(5) Delinquent fees imposed under this section shall
517 not be apportionable under the International Registration Plan.

518 Section 16. Section 364.195, Florida Statutes, is created
519 to read:

520 364.195 Termination of telecommunications service contract
521 by a servicemember.--

522 (1) Any servicemember, as defined in s. 250.01, may
523 terminate his or her telecommunications service contract by



524 providing the telecommunications company with a written notice
525 of termination, effective on the date specified in the notice,
526 which date shall be at least 30 days after receipt of the notice
527 by the telecommunications company, if any of the following
528 criteria are met:

529 (a) The servicemember is required, pursuant to a permanent
530 change of station orders, to move outside the area served by the
531 telecommunications company or to an area where the type of
532 telecommunications service being provided to the servicemember
533 is not available from the telecommunications company;

534 (b) The servicemember is discharged or released from
535 active duty or state active duty and will return from such duty
536 to an area not served by the telecommunications company or where
537 the type of telecommunications service contracted for is not
538 available from the telecommunications company;

539 (c) The servicemember is released from active duty or
540 state active duty after having entered into a contract for
541 telecommunications service while on active duty or state active
542 duty status and the telecommunications company does not provide
543 telecommunications service or the same type of
544 telecommunications service contracted for in the region of the
545 servicemember's home of record prior to entering active duty or
546 state active duty;

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

549 (e) The servicemember receives temporary duty orders,
550 temporary change of station orders, or active duty or state
551 active duty orders to an area not served by the



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552 telecommunications company or where the type of
553 telecommunications service contracted for is not available from
554 the telecommunications company, provided such orders are for a
555 period exceeding 60 days.

556 (2) The written notice to the telecommunications company
557 must be accompanied by either a copy of the official military
558 orders or a written verification signed by the servicemember's
559 commanding officer.

560 (3) Upon termination of a contract under this section, the
561 servicemember is liable for the amount due under the contract
562 prorated to the effective date of the termination payable at
563 such time as would have otherwise been required by the terms of
564 the contract. The servicemember is not liable for any other fees
565 due to the early termination of the contract as provided for in
566 this section.

567 (4) The provisions of this section may not be waived or
568 modified by the agreement of the parties under any
569 circumstances.

570 Section 17. Section 520.14, Florida Statutes, is created
571 to read:

572 520.14 Termination of retail installment contract for
573 leasing a motor vehicle by a servicemember.--

574 (1) Any servicemember, as defined in s. 250.01, may
575 terminate his or her retail installment contract for leasing a
576 motor vehicle by providing the sales finance company with a
577 written notice of termination, effective on the date specified
578 in the notice, which date shall be at least 30 days after the



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579 receipt of the notice by the sales finance company, if any of
580 the following criteria are met:

581 (a) The servicemember is required, pursuant to a permanent
582 change of station, to move outside the continental United
583 States; or

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

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

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

599 (4) The provisions of this section may not be waived or
600 modified by the agreement of the parties under any
601 circumstances.

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

604 627.7283 Cancellation; return of premium.—

605 (5) The insurer must refund 100 percent of the unearned
606 premium if the insured is a servicemember, as defined in s.



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607 250.01, who cancels because he or she is called to active duty
608 or transferred by the United States Armed Forces to a location
609 where the insurance is not required. The insurer may require a
610 servicemember to submit either a copy of the official military
611 orders or a written verification signed by the servicemember's
612 commanding officer to support the refund authorized under this
613 subsection. If the insurer cancels, the insurer must refund 100
614 percent of the unearned premium. Cancellation is without
615 prejudice to any claim originating prior to the effective date
616 of the cancellation. For purposes of this section, unearned
617 premiums must be computed on a pro rata basis.

618 Section 19. Section 689.27, Florida Statutes, is created
619 to read:

620 689.27 Termination of agreement to purchase real property
621 by a servicemember.--

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

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

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

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

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



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

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

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

649 (c) Prior to closing, the servicemember receives military
650 orders requiring him or her to move into government quarters or
651 the servicemember becomes eligible to live in and opts to move
652 into government quarters; or

653 (d) Prior to closing, the servicemember receives temporary
654 duty orders, temporary change of station orders, or active duty
655 or state active duty orders to an area 35 miles or more from
656 the location of the property, provided such orders are for a
657 period exceeding 90 days.

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



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

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

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

672 1009.531 Florida Bright Futures Scholarship Program;
673 student eligibility requirements for initial awards.—

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



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

691 1009.532 Florida Bright Futures Scholarship Program;
692 student eligibility requirements for renewal awards.--

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

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

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

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

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



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

723 3. If a student is receiving a Florida Bright Futures
724 Scholarship, is a servicemember of the Florida National Guard or
725 United States Reserves while attending a postsecondary
726 institution, is called to active duty or state active duty, as
727 defined in s. 250.01, prior to completing his or her degree, and
728 meets all other requirements for the scholarship, the student
729 shall be eligible to continue the scholarship for 2 years after
730 completing active duty or state active duty.

731 Section 22. This act shall take effect upon becoming a
732 law.